

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after the title and before the emergency preamble the following:

‘ **Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.’

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

‘**Sec. 1. 21-A MRSA §503, sub-§1,** as repealed and replaced by PL 1995, c. 459, §33, is amended to read:

**1. Qualifications; appointment; compensation.** Election clerks must be at least 18 years of age, registered to vote and ~~a resident~~residents of the municipality, except that, if the municipal officers, after providing timely notice to state and local chairs of political parties of the lack of available election clerks, are unable to appoint a sufficient number of election clerks who are residents of the municipality, the municipal clerk may appoint election clerks who are not residents of the municipality but who are residents of the county and are otherwise qualified to fill the vacancies. The municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. A list of the election clerks appointed ~~by the municipal officers~~under this subsection must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.

**Sec. 2. 21-A MRSA §503, sub-§2,** as amended by PL 2003, c. 584, §4, is further amended to read:

**2. Representation of parties.** The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal, county or state committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may perform all the functions of an election clerk as prescribed by this Title.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other registered voter, as long as the balance between major political parties is maintained. The municipal clerk shall complete a form provided by the Secretary of State when a registered voter changes party enrollment status in order to be available to serve as an election clerk and to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. The form must be included with all ballots separated into lots in accordance with section 695, subsection 2 when an election clerk who has changed party enrollment status as described in this subsection made the count for that lot of ballots and with tabulation results submitted to the Secretary of State. By January 15th after a general election, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs the number of forms required by this subsection that were submitted with tabulation results and whether any election that resulted in a recount included ballots that were counted by an election clerk who changed party enrollment status as described in this subsection.

## **SUMMARY**

This amendment, which is the minority report of the committee, requires a municipal clerk to notify the chairs of the local and state party committees of the lack of available election clerks necessary to provide a balance among the major political parties. After providing this notice the clerk may appoint election clerks from within the county. This amendment also requires municipal officers to consider persons nominated from the county and state party committees when appointing election clerks. Finally, this amendment requires the municipal clerk to provide a written statement when a registered voter changes party enrollment status in order to be available to serve as an election clerk to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. That form must be filed with tabulation results sent to the Secretary of State and attached to the sorted group of ballots counted by an election clerk who conducted the count on those ballots. This amendment also requires the Secretary of State to report how many forms regarding election clerks who changed party enrollment status were submitted.

## **FISCAL NOTE REQUIRED**

**(See attached)**