An Act To Amend the Election Laws

Submitted by the Secretary of State pursuant to Joint Rule 203.
Received by the Secretary of the Senate on December 20, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

Presented by Senator LUCHINI of Hancock.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §112-A, sub-§1, as enacted by PL 2009, c. 253, §11, is amended to read:

1. Government-issued photograph identification document or credential. A government-issued photograph identification document or credential, including, but not limited to, a current and valid United States passport, military identification, driver's license or state identification or identification card issued by a federally recognized Indian tribe;

Sec. 2. 21-A MRSA §381, sub-§1, as amended by PL 1997, c. 436, §56, is further amended to read:

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees. The deadline may not be sooner than the 15th day after the date of the Governor's proclamation declaring a vacancy. The political committees shall follow the procedure outlined in section 363.

Sec. 3. 21-A MRSA §382, sub-§1, as amended by PL 2011, c. 409, §2, is further amended to read:

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees, which may not be less than 15 days following the Governor's proclamation declaring a vacancy. The political committees shall follow the procedure outlined in section 363.

Sec. 4. 21-A MRSA §753-B, sub-§5, as repealed and replaced by PL 2019, c. 371, §35, is repealed and the following enacted in its place:

5. Alternate method of balloting by residents of certain licensed facilities. Residents of certain nursing homes, residential care facilities and assisted living programs may cast absentee ballots under the provisions of this subsection. This subsection applies to a licensed nursing home subject to the provisions of Title 22, chapter 405; a licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664; and a licensed assisted living program with more than 6 beds subject to the provisions of Title 22, chapter 1664.

A. The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each facility to which this subsection applies in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each facility of the date and time when absentee voting will be conducted. The notice must state that the facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each facility must provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk. As used in this subsection, "level IV residential care facility"
means a residential care facility as defined by Title 22, section 7852, subsection 14 that
has a licensed capacity of more than 6 residents.

B. To protect public health, the Secretary of State may designate procedures for
conducting absentee balloting in a facility to which this subsection applies that differ
from the procedures described in paragraph A if:

(1) The Department of Health and Human Services declares a health emergency
under Title 22, section 802, subsection 2;

(2) The Governor declares an extreme public health emergency under Title 22,
section 802, subsection 2-A; or

(3) The Department of Health and Human Services determines that a public health
threat, as defined in Title 22, section 801, subsection 10, threatens the health,
welfare or safety of the residents of a facility described in paragraph A.

Procedures designated under this paragraph remain in effect for the duration of the
health emergency, extreme public health emergency or public health threat, as the case
may be.

Sec. 5. 21-A MRSA §901-A, sub-§2, as amended by PL 2009, c. 611, §1, is further
amended to read:

2. Required statements; placement of information. On each page of a petition that
contains space intended for voter signatures, the Secretary of State shall include a space at
the top right or left corner of each such page to be submitted to the voters, which must be
filled in with the name of the circulator collecting signatures on that petition and a unique
identifying number, and. On the first page of a petition only, the Secretary of State shall
include the fiscal impact of the initiative as described in Title 1, section 353 directly below
the following statement at the top of the petition in a type size of no less than 16 points:

"Freedom of Citizen Information: Before a registered voter signs any initiative petition,
signature gatherers must offer the voter the opportunity to read the proposed initiative
summary and fiscal impact statement prepared by the Secretary of State."

Sec. 6. 21-A MRSA §903, as enacted by PL 1985, c. 161, §6, is amended to read:

§903. Instructions to be printed on

The Secretary of State shall prepare complete instructions to inform the clerk and the
signer or circulator of a petition of the statutory and constitutional requirements. The
instructions must specify the conditions which have been held to invalidate either
individual signatures or complete petitions. The instructions must be printed in bold type
or capital letters on the petition.

Sec. 7. 21-A MRSA §905, sub-§2, as amended by PL 2009, c. 611, §6, is further
amended to read:

2. Superior Court. Any voter named in the application under section 901, or any
person who has validly signed the petitions, if these petitions are determined to be invalid,
or any other voter, if these petitions are determined to be valid, may appeal the decision of
the Secretary of State by commencing an action in the Superior Court. This action must be
conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as
modified by this section. In reviewing the decision of the Secretary of State, the court shall
determine whether the description of the subject matter is understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to that voter's wishes. This action must be commenced within 10 days of the date of the decision of the Secretary of State. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and stating the reasons for its decision within 40 days of before the 40th day after the date of the decision of the Secretary of State or the 90th day before the date of the election in which the initiative or referendum will appear on the ballot, whichever occurs first.

Sec. 8. 21-A MRSA §905-A, first ¶, as enacted by PL 2007, c. 234, §6, is amended to read:

No later than 10 business days after the Legislature adjourns sine die Secretary of State issues a written decision under section 905, subsection 1 finding a petition for a direct initiative to be valid, the Secretary of State shall give public notice of a proposed ballot question for any initiative that will be submitted to the voters at the next statewide election or special election by posting all proposed ballot questions on the Secretary of State's publicly accessible website. The Secretary of State may also publish notice for one day in newspapers having general circulation in the State. After giving public notice of the proposed ballot question in accordance with this section, the Secretary of State shall provide a 30-day public comment period for the purpose of receiving comments on the content and form of the proposed ballot questions to be placed on the ballot for any pending initiatives. No later than 10 days after receiving public comments in accordance with this section and after review of those comments, the Secretary of State shall write the ballot question for any pending initiative. An aggrieved voter may appeal the final decision of the Secretary of State under this section using the procedures for court review provided for in section 905, subsections 2 and 3.

SUMMARY

This bill makes the following changes to the laws governing elections.

1. It adds identification cards issued by federally recognized Indian tribes as acceptable proof of identity of an applicant who is registering to vote.

2. It requires a minimum of 15 days for a political committee to caucus and nominate a candidate for a vacancy in the office of State Senator or Representative to the Legislature.

3. It permits the Secretary of State to designate procedures that deviate from statutory requirements for absentee balloting in certain nursing homes, residential care facilities and assisted living programs as may be necessary to protect public health during a declared health emergency, a declared extreme public health emergency or a public health threat affecting residents in those facilities.

4. It clarifies that the fiscal impact statement for an initiative petition must be printed only on the first page of the petition.

5. It removes the requirement that the instructions on a petition be printed in bold type or capital letters.
6. It changes the timing of when the Secretary of State must draft a proposed ballot question for a direct initiative to 15 business days after the determination that an initiative petition is valid.

7. It requires aggrieved voters seeking to bring a legal challenge to the form or content of a ballot question to follow the procedures applicable to challenges to the Secretary of State's determination of the validity of direct initiative and people's veto petitions and adjusts those procedures to require the Superior Court to issue a written decision before 40 days after the Secretary of State's decision or 90 days before the election in which the initiative or referendum will appear on the ballot, whichever occurs first.