1   L.D. 514

2   Date: (Filing No. H-   )

3   VETERANS AND LEGAL AFFAIRS

4   Reproduced and distributed under the direction of the Clerk of the House.

5   STATE OF MAINE

6   HOUSE OF REPRESENTATIVES

7   129TH LEGISLATURE

8   FIRST REGULAR SESSION

9   COMMITTEE AMENDMENT "   " to H.P. 371, L.D. 514, Bill, "An Act To
10   Amend the Laws Governing the Political Party Representation of Election Clerks"

11   Amend the bill by striking out everything after the enacting clause and before the
12   summary and inserting the following:

13   '**Sec. 1. 21-A MRSA §503,** as amended by PL 2013, c. 131, §14, is repealed.

14   **Sec. 2. 21-A MRSA §503-A** is enacted to read:

15   **§503-A. Election clerks**

16   Election clerks are governed by the following provisions.

17   **1. Qualifications; compensation.** Election clerks must be at least 18 years of age,
18   must be registered to vote and must be residents of the municipality or the county in
19   which they serve, except that residents of a municipality or county who are 17 years of
20   age and who are conditionally registered to vote pursuant to section 155 also qualify to
21   serve as election clerks. Election clerks are entitled to reasonable compensation as
22   determined by the municipal officers.

23   **2. Nomination.** All nominations for election clerks must be submitted to the
24   municipal officers by April 1st of each general election year. Nominations may be
25   submitted by the municipal, county or state committees of the parties, by the municipal
26   clerk or by any registered voter in the municipality or county.

27   **3. Appointment.** The municipal officers shall appoint election clerks by May 1st of
28   each general election year to serve at each voting place during the time the polls are open
29   and as counters after the polls close. In making the appointments, the municipal officers
30   shall consider all nominations received by April 1st but may appoint any qualified voters.
31   The municipal officers shall appoint a sufficient number of election clerks to meet the
32   requirements of subsections 4 and 5. A list of the election clerks appointed under this
33   subsection must be posted at each voting place for each election during the 2-year term
34   following appointment. For each election, the municipal clerk shall select the election
35   clerks from the list of appointees and assign their duties.

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1 **4. Minimum number of election clerks.** There must be at least 2 election clerks,
2 one from each of the major parties, selected from the list of appointees to serve at each
3 voting place during the entire time the polls are open and as counters after the polls close.
4 The municipal clerk may select additional election clerks for each voting place as needed
5 in accordance with subsection 5.

6 **5. Selection of additional clerks; representation of parties.** If a municipality
7 requires more election clerks than the minimum number prescribed in subsection 4, the
8 municipal clerk must select additional election clerks from the list of appointees to work
9 at each election as follows.

10 A. The number of election clerks selected from one major party may not exceed the
11 number of election clerks from another major party by more than one.

12 B. The number of election clerks selected from the major parties must comprise at
13 least half of the total number of election clerks selected. The remaining number of
14 election clerks may be enrolled in a minor party or may be unenrolled.

15 C. If the municipal officers did not appoint a sufficient number of election clerks
16 representing the major parties or there is an insufficient number of appointees from
17 the major parties who are available to serve at an election, the municipal clerk may
18 select as many election clerks from minor parties or who are unenrolled as needed to
19 serve at that election.

20 **6. Vacancies.** Notwithstanding subsection 5, if a sufficient number of appointed
21 election clerks are not available to serve on election day, the municipal clerk may appoint
22 the necessary number of election clerks, without regard to party affiliation, to fill the
23 vacancies at that election.

24 **7. Oath of office.** Before assuming the duties of office, election clerks are sworn by
25 the municipal clerk or the warden, and the oath is recorded.

26 **8. Term of office.** An election clerk holds office for 2 years from the date of
27 appointment and until a successor is appointed and qualified.

28 **9. Duties.** Election clerks shall attend the voting places for which they are appointed
29 at each election during the time the polls are open or during the counting of the ballots
30 after the polls close, as required by the terms of their appointment. They are under the
31 direction of the warden and shall assist the warden as requested.

32 **Sec. 3. 21-A MRSA §631, sub-§3,** as enacted by PL 1985, c. 161, §6, is amended
33 to read:

34 **3. Appointment of wardens and ward clerks.** At least 10 days before the election,
35 the municipal officers shall appoint a warden, a ward clerk in a city and at least 2 election
36 clerks for each voting place created by the division. Election clerks must be nominated as
37 provided in section 503 503-A.

38 **Sec. 4. 30-A MRSA §2528, sub-§8,** as enacted by PL 1987, c. 737, Pt. A, §2 and
39 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
40 further amended to read:

41 **8. Ballot clerks.** Before the polls are opened, the selectmen municipal officers shall
42 appoint the necessary number of ballot clerks as provided in Title 21-A, section 503

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1 503-A. When there are vacancies after the polls are opened, the moderator shall appoint
2 replacement clerks. The ballot clerks ~~shall~~ must be sworn before assuming their duties.

3 A. On election day, before the polls are opened, the clerk shall deliver the ballots to
4 the ballot clerks and shall post an instruction card at each voting compartment and at
5 least 3 instruction cards and 5 specimen ballots in the voting room outside the
6 guardrail enclosure.

7 B. The ballot clerks shall give a receipt to the clerk for the ballots received by them.
8 The clerk shall keep the receipt in the clerk's office for 6 months.

9 C. Ballots may not be delivered to the voters until the moderator has been elected.
10 The moderator may appoint a qualified person to act as temporary moderator during a
11 temporary absence from the polling place.

12 D. The ~~selectmen~~ municipal officers shall prepare a duplicate incoming voting list
13 for the use of the ballot clerks. The law pertaining to incoming voting lists applies
14 equally to duplicate incoming voting lists.'

15 **SUMMARY**

16 This amendment, which is the majority report of the committee, strikes and replaces
17 the bill, which requires election clerks in a municipality to be selected so that 33% of
18 clerks are from one major party, 33% are from another major party and 34% are selected
19 without regard to party enrollment. This amendment amends the process for selection of
20 election clerks and clarifies other provisions regarding election clerks.

21 Specifically, the amendment retains the provision in current law allowing parties to
22 nominate election clerks but also allows the municipal clerk or any registered voter to
23 make nominations. Like current law, the amendment directs timely consideration of
24 nominations but does not require municipal officers to appoint the election clerks from
25 among nominees and instead allows them to appoint any qualified voter. Under the
26 amendment, the minimum requirement is 2 election clerks at each voting place, one each
27 from the 2 major parties. The amendment requires that at least 1/2 of the election clerks
28 working at any election are affiliated with the major parties, and the rest of the election
29 clerks may be affiliated with a minor party or be unenrolled.

30 The amendment also provides that if the municipal officers do not appoint a sufficient
31 number of election clerks representing the major parties or an insufficient number of
32 appointees are available to serve from the list provided by municipal officers, the
33 municipal clerk may appoint additional election clerks without regard to party enrollment
34 status.

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