

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 672 - L.D. 916

An Act To Protect Data Privacy and Security in Elections

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §196-A, sub-§1, ¶B, as amended by PL 2015, c. 447, §7, is further amended to read:

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign, or an individual who has been elected or appointed to and is currently serving in a municipal, county, state or federal office, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. ~~Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1. A person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not:~~

(1) Sell, transfer to another person or use the voter information or any part of the voter information for any purpose that is not directly related to activities of a

political party, "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign; or

(2) Cause the voter information or any part of the voter information that identifies, or that could be used with other information to identify, a specific voter, including but not limited to a voter's name, residence address or street address, to be made accessible by the general public on the Internet or through other means.

This paragraph does not prohibit a political party, party committee, candidate committee, political action committee or any other organization that purchased voter information from the central voter registration system from providing access to such information to its members, volunteers or employees for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1.

Sec. 2. 21-A MRSA §196-A, sub-§1, ¶J is enacted to read:

J. An individual or organization that is evaluating the State's compliance with its voter list maintenance obligations may, consistent with the National Voter Registration Act of 1993, 52 United States Code, Section 20507(i) (2021), purchase a list or report of the voter information described in paragraph B from the central voter registration system by making a request to the Secretary of State and paying the fee set forth in subsection 2. A person obtaining, either directly or indirectly, voter information from the central voter registration system under this paragraph may not:

(1) Sell, transfer to another person or use the voter information or any part of the information for any purpose that is not directly related to evaluating the State's compliance with its voter list maintenance obligations; or

(2) Cause the voter information or any part of the voter information that identifies, or that could be used with other information to identify, a specific voter, including but not limited to a voter's name, residence address or street address, to be made accessible by the general public on the Internet or through other means.

Sec. 3. 21-A MRSA §196-A, sub-§4 is enacted to read:

4. Discrimination prohibited. An individual or organization that accesses or obtains voter information from the central voter registration system may not use that information or any part of that information to engage in discrimination on the basis of physical or mental disability, race, color, age, sex, sexual orientation, religion, ancestry or national origin, including but not limited to discrimination prohibited by the Maine Human Rights Act and federal civil rights laws. For purposes of this paragraph, "federal civil rights laws" means the following federal laws and statutes, as amended, and the regulations promulgated under those laws and statutes, as amended, as of January 1, 2021:

A. Title II of the federal Americans with Disabilities Act of 1990, 42 United States Code, Sections 12131 to 12165;

B. Section 504 of the federal Rehabilitation Act of 1973, 29 United States Code, Section 794;

C. Title VI of the federal Civil Rights Act of 1964, 42 United States Code, Sections 2000d to 2000d-7;

D. The federal Older Americans Amendments of 1975, 42 United States Code, Sections 6101 to 6107; and

E. Title IX of the federal Education Amendments of 1972, 20 United States Code, Sections 1681 to 1688.

Sec. 4. 21-A MRSA §196-A, sub-§5 is enacted to read:

5. Penalty. A person who:

A. Violates subsection 1 or subsection 4 commits a civil violation for which a fine of not more than \$1,000 may be adjudged; and

B. Violates subsection 1 or subsection 4 after having previously violated either subsection 1 or subsection 4 commits a civil violation for which a fine of not more than \$5,000 may be adjudged.

For purposes of this subsection, each voter's information that a person causes to be made accessible to the general public in violation of subsection 1, paragraph B or J constitutes a separate offense.