

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN

H.P. 917 - L.D. 1323

**An Act To Amend the Direct Initiative Signature Gathering Process**

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

**Sec. 1. 4 MRSA §955-C, sub-§1, ¶C**, as amended by PL 2005, c. 629, §2, is further amended to read:

C. The notary public is in violation of section 954-A or section 960; ~~or~~

**Sec. 2. 4 MRSA §955-C, sub-§1, ¶D**, as enacted by PL 1997, c. 712, §2, is amended to read:

D. The notary public has been convicted of a crime as defined by rules adopted by the Secretary of State. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A; ~~or~~

**Sec. 3. 4 MRSA §955-C, sub-§1, ¶E** is enacted to read:

E. The notary public has allowed another person to use that notary public's commission.

**Sec. 4. 21-A MRSA §902**, as amended by PL 2011, c. 342, §31, is further amended to read:

**§902. Verification and certification**

The verification and certification of the petition as required by the Constitution of Maine, Article IV, Part Third, Section 20, must be worded so that a single verification or certification may cover one or more pages fastened together as a single petition.

The petitions must be signed, ~~verified and certified~~ in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 ~~and subsection 7, paragraphs A and C~~. The circulator of a petition must sign the petition and verify ~~the~~

petition by oath or affirmation as described in section 354, subsection 7, paragraph A prior to submitting the petition to the registrar before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be and that each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter. After administering the oath to the circulator, the notary public or other authorized person must sign the notarial certificate on the petition while in the presence of the circulator. After the petition is signed and verified in this manner, the petition must be submitted to the registrar for certification in accordance with the Constitution of Maine, Article IV, Part Third, Section 20. If the petitions submitted to the registrar are not signed and verified in accordance with this paragraph, the registrar may not certify the petitions and is required only to return the petitions. The clerk or registrar shall keep a log of petitions submitted to the municipal office for verification. The log must contain the title of the petition, the name of the person submitting the petition, the date of submission, the number of petition forms submitted and the date and manner by which the petitions were returned. The notary public or other authorized person who administered the oath to the circulator must keep a log of petitions for which that person administered the circulator's oath, listing the title of the petition, the name of the circulator taking the oath, the date of the oath and the number of petition forms signed and verified by the circulator that day.

**Sec. 5. 21-A MRSA §903-D** is enacted to read:

**§903-D. Notaries public**

**1. Notaries public.** A notary public or other person authorized by law to administer oaths or affirmations is prohibited from notarizing or certifying a petition under section 902:

A. If employed or compensated by a petition organization for any purpose other than notarial acts;

B. If providing services or offering assistance to a ballot question committee established to influence the ballot measure for which the petitions are being circulated or employed by or receiving compensation from such a ballot question committee for any purpose other than notarial acts; or

C. If a treasurer, principal officer, primary fundraiser or primary decision maker to a ballot question committee established to influence the ballot measure for which petitions are being circulated.

**Sec. 6. 21-A MRSA §905, sub-§1**, as amended by PL 2009, c. 611, §5, is further amended to read:

**1. Secretary of State.** The Secretary of State shall review all petitions filed in the Department of the Secretary of State for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under the Constitution of Maine, Article IV, Part Third, Section 18.

The Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 days from the date of filing of a written petition in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

The Secretary of State may invalidate a petition if the Secretary of State is unable to verify the notarization of that petition.

**Sec. 7. Secretary of State to accept reports of suspected fraudulent signature gathering practices.** The Secretary of State shall establish a method to facilitate the acceptance of reports from members of the public regarding suspected fraudulent or illegal signature gathering practices for direct initiative and people's veto petitions.