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Public Law
124th Legislature
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Chapter 611
S.P. 662 - L.D. 1730

An Act To Strengthen the Ballot Initiative Process

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

Sec. 1. 21-A MRSA §901-A, sub-§2, as amended by PL 2009, c. 341, §5, is further amended to read:

2. Required statements; placement of information. The 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 petition 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 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. 2. 21-A MRSA §902, 2nd ¶, as enacted by PL 1997, c. 581, §5, is amended to read:

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. 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.

Sec. 3. 21-A MRSA §902-A is enacted to read:

§ 902-A. Copies of petitions required

If the registrar or clerk suspects that a petition was submitted in violation of any provision of this chapter, the registrar or clerk shall immediately notify the Secretary of State and provide a copy of the petition to the Secretary of State.

Sec. 4. 21-A MRSA §903-C is enacted to read:

§ 903-C. Direct initiative and people's veto petition organization required to be registered

A petition organization shall register with the Secretary of State in accordance with this section. For the purposes of this section, "petition organization" means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum.

1. Registration. Prior to organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum, a petition organization, in addition to meeting any other requirement to transact business in this State, shall register with the Secretary of State on a form prescribed by the Secretary of State. The registration form must include the following:

- A. The ballot question or title of each direct initiative of legislation or people's veto referendum for which the petition organization will receive compensation;
- B. Contact information for the petition organization, including the name of the petition organization, street address or post office box, telephone number and e-mail address; and
- C. The name and signature of a designated agent for the petition organization.

The information contained in the registration must be made available for public inspection and must be posted on the publicly accessible website of the Secretary of State.

Sec. 5. 21-A MRSA §905, sub-§1, as repealed and replaced by PL 1993, c. 352, §2, is 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 ~~after the final~~ from the date for of filing the petitions 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.

Sec. 6. 21-A MRSA §905, sub-§2, as amended by PL 1987, c. 119, §1, 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 ~~shall~~ 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 ~~his~~ that voter's wishes. This action must be commenced within 5 10 days of the date of the decision of the Secretary of State ~~and shall be tried, without~~

a jury, ~~within 15 days of the date of that decision.~~ 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 ~~30 days of the commencement of the trial or within 45~~ 40 days of the date of the decision of the Secretary of State, ~~if there is no trial.~~

Effective July 12, 2010