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Legislative Document

No. 203

H.P. 180

House of Representatives, January 27, 2011

An Act To Assist Municipal Clerks by Providing Adequate Time To Register Voters

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

HEATHER J.R. PRIEST
Clerk

Presented by Representative KNIGHT of Livermore Falls.
Cosponsored by Representative DAVIS of Sangerville, Senator THOMAS of Somerset, Senator COURTNEY of York and Representatives: BICKFORD of Auburn, BURNS of Whiting, COTTA of China, Senators: FARNHAM of Penobscot, TRAHAN of Lincoln.

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

2 **Sec. 1. 21-A MRSA §121, sub-§1-A,** as amended by PL 2005, c. 453, §12, is
3 further amended to read:

4 **1-A. Identification and proof.** Registration applications taken by outside agencies
5 must be transferred to the Secretary of State within 5 days of receipt. An applicant who
6 attempts to register within 30 days of an election must be advised that the registrar might
7 not receive the application before that election, but that the applicant may register in
8 person on or before or on election day the Tuesday preceding the election for which the
9 person is registering to vote.

10 Registration applications received by the Secretary of State from outside agencies 30 days
11 or more before an election must be transferred to the appropriate registrar's office within
12 7 business days of receipt. Registration applications received by the Secretary of State
13 from outside agencies less than 30 days before an election must be transferred to the
14 appropriate registrar's office within 5 business days of receipt. Registration applications
15 by mail or by a 3rd person must be received in the registrar's office by the close of
16 business on the 21st day before election day in order for persons' names to appear on the
17 incoming voting list for that election. The 20-day period before the election is the closed
18 period for outside registrations. The registrar shall send the notice required by section
19 122 to all voters whose applications were received by mail or a 3rd person by the 21st
20 day before election day no later than the 18th day before election day.

21 A person who registers during the 20 days before election day or on election day shall
22 register in person and show proof of identity and residency. If satisfactory proof of
23 identity and residency can not be provided to the registrar or deputy, the person's name is
24 entered into the central voter registration system and placed on the incoming voting list
25 and the person casts a challenged ballot.

26 **Sec. 2. 21-A MRSA §122, sub-§4,** as amended by PL 2005, c. 453, §16, is
27 repealed.

28 **Sec. 3. 21-A MRSA §122, sub-§5,** as amended by PL 2007, c. 515, §3, is further
29 amended to read:

30 **5. Alternative registration schedule for absentee voters.** If the clerk receives a
31 properly completed absentee ballot application that is signed by a person who is not a
32 registered voter in the municipality, a presumption of the person's qualification as a voter
33 is established. The clerk shall send an absentee ballot to the voter at the address
34 indicated, along with a voter registration application under section 152. The completed
35 registration application must be returned to the clerk by the close of the polls on election
36 day or before the Tuesday preceding the election for which the person is registering to
37 vote in order for the ballot to be counted and may not be sealed with the voted absentee
38 ballot. If the application is received during the closed period and the registrar is not
39 satisfied as to the person's qualification as a voter, the registrar shall follow the
40 requirements of section 121, subsection 1-A to place the person's name on the incoming
41 voting list and challenge the absentee ballot. An application by telephone under section
42 753-A, subsection 4 or an application by e-mail under section 753-A, subsection 6 does

1 not establish a presumption of qualification under this section and the requestor must
2 submit a properly completed voter registration application before the clerk may issue an
3 absentee ballot.

4 **Sec. 4. 21-A MRSA §122, sub-§6,** as amended by PL 2005, c. 453, §18, is
5 further amended to read:

6 **6. Schedule for acceptance of registrations.** Except as provided in paragraph A,
7 the registrar shall accept registrations on any business day or other day that the clerk's
8 office is open. The names and other information from the voter registration applications
9 of any persons registering on or before the Tuesday preceding the election for which the
10 person is registering to vote must be entered into the central voter registration system and
11 must be placed on the incoming voting list.

12 A. The registrar may accept only the registrations of applicants who appear in person
13 as follows:

14 (1) In a municipality with a population of 2,500 or fewer, on the last business
15 day that the clerk's office is open on or before the Tuesday preceding election day
16 during the hours that the clerk's office is open;

17 (2) In a municipality with a population of more than 2,500, on the last 5 business
18 days that the clerk's office is open on or before the Tuesday preceding election
19 day during the hours that the clerk's office is open and for 2 hours in the evening
20 between 5 p.m. and 9 p.m. on at least one of these days; and

21 (3) The names of voters registering during these periods must be recorded as
22 provided under subsection 7.

23 **Sec. 5. 21-A MRSA §122, sub-§9,** as amended by PL 2003, c. 395, §1, is further
24 amended to read:

25 **9. Regulation of registration monitors.** Anyone who wishes to monitor the names
26 and addresses of persons who are registering at the registrar's office or the clerk's office
27 shall inform the registrar or clerk of that intent. Anyone who wishes to monitor the
28 names and addresses of persons who are registering at the polling place shall inform the
29 registrar or clerk of that intent by submitting a written, signed statement containing the
30 proposed monitor's name, address and intent. The registrar or clerk may designate a place
31 where a person monitoring registrations may stand. The registrar or clerk shall then
32 announce the name and address of individuals registering to vote in a loud and clear
33 voice. A person monitoring registrations shall direct any questions the person has to the
34 registrar or clerk. These questions must be limited to information pertinent to the
35 qualifications of an individual to register. A person monitoring registrations may not ask
36 questions of individuals waiting to register concerning their eligibility to vote. A polling
37 place registration monitor may not handle or inspect registration cards, files or other
38 materials used by the registrar or clerk except as provided in section 22. A monitor may
39 not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to
40 be inhibited, the warden registrar or clerk may request a reduction in the number of
41 monitors present in the polling place. A registrar or clerk may require a person

1   monitoring registrations who violates the provisions of this subsection to leave the
2   building.

3   **Sec. 6. 21-A MRSA §156, sub-§1,** as amended by PL 2005, c. 568, §7, is further
4   amended to read:

5   **1. Registration and enrollment.** A township resident who lives in a township for
6   which the county commissioners have not established a voting place as provided in
7   section 632 may register and enroll in any municipality within the applicant's
8   representative district or, if the applicant lives in a portion of a township not easily
9   accessible to a municipality within the representative district, the township resident may
10   register and enroll in a more convenient municipality within or outside the county. The
11   township resident may register and enroll on ~~election day~~ or before the Tuesday
12   preceding the election for which the person is registering to vote. The registrar shall
13   designate the applicant as a township voter with the letter "T" in the central voter
14   registration system and on the incoming voting list.

15   **SUMMARY**

16   Current law authorizes citizens of the State to register to vote on election day. This
17   bill repeals that provision and instead requires that citizens of the State register to vote no
18   later than the Tuesday preceding the election in order to vote in that election.