

29 Department of the Secretary of State

29-250 Department of the Secretary of State, Bureau of Corporations, Elections, and Commissions

2024-235: Chapter 525, Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots

Statutory Authority: 21-A MRS §783

Type: Routine Technical

Emergency?: No

Fiscal Impact: None anticipated.

Principal purpose: *This rule is being amended to facilitate timely and accurate central processing and counting of absentee ballots cast by voters covered by the Uniformed and Overseas Citizen Absentee Voting Act. The amendment corrects errors included in the current version of the rule. It also expands the amount of time that absentee ballots may be processed (removing ballots from the absentee envelopes and depositing them in a locked ballot box) from the day before election day to the 7th day immediately prior to election day in order to facilitate tabulation of the ballots on Election Day. The rule clarifies procedures for UOCAVA voters who opt to return an absentee ballot electronically. The amendment also clarifies when appointments of wardens, deputy wardens, and election clerks will occur; and provides law enforcement personnel are to take physical control of all ballots and related materials that are involved in a recount, if requested by the Secretary of State.*

Basis Statement: *To comply with the federal Military and Overseas Empowerment Act (“MOVE” Act), state legislation was enacted in 2010 that authorized the Secretary of State to centrally issue, receive and count absentee ballots for uniformed service and overseas voters (“UOCAVA” voters). These rules govern processes to provide for the examination, counting and storage of ballots in the same manner as regular absentee ballot that are issued by municipal election officials. Since the rule’s initial adoption in 2010, the Secretary has revised and improved its procedures regarding UOCAVA ballots. The amendment removes the requirement to provide a ballot privacy sheet with a ballot issued by electronic means because the ballot affidavit that must be signed by the voter in fact acts as both an affidavit and privacy sheet to conceal the voter’s ballot selections when it is printed before inserting it into an absentee ballot envelope. The amendment also extends the time period in which the Secretary of State is authorized to process absentee ballots prior to election day. By statute, municipal officials are authorized to process civilian absentee ballots beginning on the 7th day before election day. 21-A M.R.S. §760-B. The Secretary of State expects the number of ballots returned by UOCAVA voters for the November 5, 2024 presidential election to be exceptionally heavy as more voters tend to vote in presidential elections. The current rule allows processing to begin no earlier than the day before election day and the Department has determined that will not allow sufficient time for processing give the concurrent election-related duties that must be performed by a limited number of staff. This amendment will allow the Department to begin processing UOCAVA ballots as early as municipal officials begin processing the other Maine citizens’ absentee ballots. The amendment makes other technical changes to bring it into compliance with current Department practices. The rule amendment was advertised in the Secretary of State’s consolidated*

rulemaking notice in the daily newspapers and online on September 5, 2024. A public hearing was held on September 30, 2024 and the comment deadline ended on October 10, 2024. No one attended the public hearing, nor did anyone submit comments on the rule. Following the public comment period, we are making a finding that the clarity of the rule would be improved with a grammatical change to section 5, subsection 1 of the rule, to change the wording “starting on the day 7th prior to election day” to “starting on the 7th day prior to election day”.

29-250, Department of the Secretary of State, Bureau of Motor Vehicles

2024-271: Chapter 6, Rules For the Suspension of Commercial Drivers' Licenses

Statutory Authority:	29-A M.R.S.A. §1253, Sub 2
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	None
Principal purpose:	<p><i>These rules, first published in 1990, are updated to implement 29-A M.R.S.A. §1253 (2) (F) to allow reinstatement after a lifetime disqualification in accordance with 49 CFR 381.51 (a)(b). The rule changes being proposed update the existing rule, adding measures to implement a rehabilitation and reinstatement program.</i></p> <p><i>There is no fiscal impact of the rule.</i></p>
Basis Statement:	<p><i>These rules, first published in 1990 and last repealed and replaced in 2005, implement those provisions of the federal Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, Title XII), Motor Carrier Safety Improvement Act of 1999 (Public Law 106-59), 113 Stat. 1748 and rules adopted thereto and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001 (Public Law 107-56) and rules adopted thereto relating to the disqualification of persons from operating commercial motor vehicles upon conviction, adjudication, or administrative determination for specific traffic and other designated offenses. These adopted rule changes provide requirements for how a commercial driver, who has been indefinitely suspended in accordance with federal regulations, may appeal for license restoration after serving 10 years of the lifetime suspension.</i></p>