

CHAPTER 3
VOTER REGISTRATION
SUBCHAPTER 1
REGISTRAR OF VOTERS

§101. Registrar

1. Qualifications. The registrar must be a citizen of the United States, a resident of the State and at least 18 years of age. The registrar may not be an employee of a party or candidate or be an officer of a municipal, county or state party committee. In the electoral division in which the registrar is appointed, the registrar may not:

A. Hold or be a candidate for any federal, state or county office; [PL 2015, c. 447, §1 (AMD).]

B. Be a treasurer for a candidate; or [PL 2009, c. 538, §4 (NEW).]

C. Be a municipal officer as defined by Title 30-A, section 2001. [PL 2009, c. 538, §4 (NEW).]
[PL 2015, c. 447, §1 (AMD).]

2. Appointment. The municipal officers of each municipality shall appoint in writing a qualified registrar of voters by January 1st of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar. If the clerk is not appointed to serve as registrar, the clerk must be appointed by the registrar to serve as a deputy registrar and has the same authority as the registrar to make determinations of voter eligibility and to perform the duties of voter registration as provided in this Title.

[PL 2005, c. 568, §3 (AMD).]

3. Oath required. Before assuming the duties of office, the registrar must be sworn and the oath recorded as provided in Title 30-A, section 2526, subsection 9.

[PL 1997, c. 436, §16 (AMD).]

4. Secretary of State notified. The clerk shall notify the Secretary of State of the name of the registrar within 10 days after the registrar is appointed and sworn by revising the election official's information listing within the central voter registration system.

[PL 2005, c. 453, §8 (AMD).]

5. Compensation. The municipal officers shall determine the compensation of the registrar.

[PL 1985, c. 161, §6 (NEW).]

6. Office hours. The municipal officers shall establish reasonable office hours for the registrar consistent with the requirements of the municipality.

[PL 1985, c. 161, §6 (NEW).]

7. Office space, expenses and clerical help. Each municipality shall provide a suitable place in which the registrar may perform the registrar's duties, and shall pay reasonable expenses for necessary office supplies purchased and clerical help engaged by the registrar.

[RR 2019, c. 2, Pt. B, §33 (COR).]

8. Vacancy. When there is a vacancy in the office of registrar, the municipal officers shall appoint a qualified person to fill the vacancy for the remainder of the term of office. If the municipal officers fail to appoint a registrar to fill the vacancy within 15 days after the municipal officers receive

notification of the vacancy, the municipal clerk shall appoint a qualified person to fill the vacancy for the remainder of the term of office.

[PL 1997, c. 436, §18 (AMD).]

9. Training. The registrar shall attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of voter registration. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State.

[PL 2021, c. 568, §3 (AMD).]

10. Ineligible to serve. When a registrar or a member of the registrar's immediate family becomes a candidate for federal, state, local or county office in the electoral division in which the registrar is appointed, the registrar may not serve as registrar during the period beginning when the candidate files a petition to be a candidate or is nominated to be a replacement candidate until the time of election. The registrar shall instead appoint a deputy who must be compensated by the municipality for the duration of the deputy's temporary employment in that capacity.

[PL 2015, c. 447, §2 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 737, §§C62,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1991, c. 466, §1 (AMD). PL 1997, c. 436, §§13-18 (AMD). PL 1999, c. 426, §§2,3 (AMD). PL 2001, c. 415, §1 (AMD). PL 2001, c. 415, §5 (AFF). PL 2005, c. 453, §8 (AMD). PL 2005, c. 568, §3 (AMD). PL 2009, c. 253, §8 (AMD). PL 2009, c. 538, §4 (AMD). PL 2015, c. 447, §§1, 2 (AMD). RR 2019, c. 2, Pt. B, §33 (COR). PL 2021, c. 568, §3 (AMD).

§102. Deputy registrar

The registrar may appoint one or more deputies, except that if the registrar does not also serve as the clerk, the registrar shall appoint the clerk to serve as a deputy registrar. [PL 2005, c. 568, §4 (AMD).]

1. Qualifications and compensation. Section 101, subsections 1, 3 and 5, apply to a deputy registrar.

[PL 1985, c. 161, §6 (NEW).]

2. Term of office. A deputy registrar serves at the will of the registrar, except that if the clerk is a deputy registrar and the registrar leaves office, the clerk becomes the registrar pro tem until a new registrar is appointed and sworn, at which point the clerk must be appointed as a deputy to the new registrar.

[PL 2005, c. 568, §5 (AMD).]

3. Duties. The deputy registrar may perform any of the duties of office prescribed by the registrar. [RR 2019, c. 2, Pt. B, §34 (COR).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §3 (AMD). PL 2005, c. 568, §§4,5 (AMD). RR 2019, c. 2, Pt. B, §34 (COR).

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision.

[PL 2019, c. 371, §4 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.
[PL 1997, c. 436, §19 (AMD).]

2. Population of 4,000 to 5,000.
[PL 1999, c. 426, §4 (RP).]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn.
[PL 1995, c. 459, §8 (AMD).]

4. Chair of the board. The member nominated by the clerk of the municipality is chair of the board.
[RR 2019, c. 2, Pt. B, §35 (COR).]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office.
[PL 1991, c. 466, §2 (AMD).]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.
[PL 2009, c. 253, §9 (AMD).]

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action.
[PL 1995, c. 459, §10 (RPR).]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term.

[PL 1995, c. 459, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §4 (AMD). PL 1991, c. 466, §§2,3 (AMD). PL 1991, c. 862, §§1,2 (AMD). PL 1995, c. 56, §§1,2 (AMD). PL 1995, c. 56, §3 (AFF). PL 1995, c. 459, §§4-11 (AMD). PL 1997, c. 436, §19 (AMD). PL 1999, c. 426, §§4,5 (AMD). PL 2005, c. 453, §9 (AMD). PL 2007, c. 455, §4 (AMD). PL 2009, c. 253, §9 (AMD). PL 2019, c. 371, §4 (AMD). RR 2019, c. 2, Pt. B, §35 (COR).

§104. Deputies for boards of registration

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §12 (RP).

SUBCHAPTER 2

VOTER ELIGIBILITY

§111. General qualifications

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

A person who meets the following requirements may vote in any election in a municipality, including a biennial municipal caucus held pursuant to section 311. [PL 2005, c. 387, §1 (AMD).]

1. Citizenship. The person must be a citizen of the United States.
[PL 2005, c. 387, §1 (AMD).]

2. Age. The person must be at least 18 years of age, except that, to vote in a political party's primary election or municipal caucus, the person must be at least 18 years of age as of the date of the next general election.
[PL 2005, c. 387, §1 (AMD).]

3. Residence. The person must have established and maintain a voting residence in that municipality.
[PL 2005, c. 387, §1 (AMD).]

4. Registration. The person must be registered to vote in that municipality.
[PL 2005, c. 387, §1 (AMD).]

5. (TEXT EFFECTIVE UNTIL 1/01/24) Enrollment. The person must be enrolled in a party in that municipality to vote at that party's caucus, convention or primary election, unless otherwise permitted by the party pursuant to section 340.
[PL 2005, c. 387, §1 (AMD).]

5. (TEXT EFFECTIVE 1/01/24) Enrollment. The person must be enrolled in a party in that municipality to vote at that party's caucus or convention.
[PL 2021, c. 750, §1 (AMD); PL 2021, c. 750, §14 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §1 (AMD). PL 1987, c. 423, §2 (AMD). PL 2005, c. 387, §1 (AMD). PL 2021, c. 750, §1 (AMD). PL 2021, c. 750, §14 (AFF).

§111-A. Voting age qualification for primary elections

A person who has not yet reached 18 years of age but will be 18 years of age at the time of a general election and meets all other qualifications in order to vote in a primary election may vote in the primary election for the selection of candidates to be on the ballot at that general election. [PL 2005, c. 387, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 577, §1 (NEW). PL 2005, c. 387, §2 (AMD).

§112. Residence for voting purposes

Voting residence is governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Residence. The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

A. The following factors may be offered by an applicant and considered by a registrar in determining a person's residence under this section. The registrar need not find all of these factors to be present in order to conclude that an applicant qualifies to register to vote in the municipality:

- (1) A direct statement of intention by the person pursuant to section 121, subsection 1;
- (2) The location of any dwelling currently occupied by the person;
- (6) The place where any motor vehicle owned by the person is registered;
- (8) The residence address, not a post office box, shown on a current income tax return;
- (9) The residence address, not a post office box, at which the person's mail is received;
- (10) The residence address, not a post office box, shown on any current resident hunting or fishing licenses held by the person;
- (12) The residence address, not a post office box, shown on any motor vehicle operator's license held by the person;
- (14) The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection; or
- (16) Any other objective facts tending to indicate a person's place of residence. [PL 2009, c. 253, §10 (AMD).]

B. [PL 1993, c. 695, §2 (RP).]
[PL 2009, c. 253, §10 (AMD).]

2. Change. A change of residence is made only by the act of removal, joined with the intent to remain in another place. A person can have only one residence at any given time.
[PL 1985, c. 161, §6 (NEW).]

3. Residence retained. A person does not lose the person's residence if the person temporarily leaves home and goes to another country, state or place in this State with the intent of returning.
[PL 1993, c. 695, §3 (AMD).]

4. Separate residence. The place where a person's family resides is presumed to be the person's place of residence, but a person may acquire a separate residence if the person takes another abode with the intention of remaining there. This subsection does not apply to uniformed service voters, students and others covered by subsection 7.
[PL 2003, c. 407, §5 (AMD).]

5. Spouse may have separate residence. A married person may be considered to have a residence separate from that of the person's spouse for the purposes of voting or holding office. For those purposes, residence is determined as if the person were single.
[PL 1993, c. 695, §3 (AMD).]

6. Voting in another state. A person loses the person's voting residence in this State if the person registers to vote in another state or votes in another state's election, either in person or by absentee ballot. That person is not eligible to register or vote in this State until the person again qualifies under section 111.

[PL 2007, c. 455, §5 (AMD).]

7. Uniformed service voters, students, institutional patients, Indians. A person does not gain or lose a residence solely because of the person's presence or absence while employed in the uniformed service or the merchant marine of the United States, while a student in any institution of learning, while kept in any institution at public expense or while residing upon any Indian or military reservations. This subsection may not be construed to prevent a student at any institution of learning from qualifying as a voter in the municipality where the student resides while attending that institution.

[PL 2003, c. 407, §5 (AMD).]

8. Voting residence retained. A person who has gained a voting residence in a municipality retains it, if the person so desires, when the person becomes a patient at a federal institution or an employee of a federal agency where the person is required to reside on land ceded to the Federal Government by the State. This subsection applies to a member of the uniformed service, merchant marine or the National Guard who is required to be in a place other than that in which the person has gained a voting residence.

[PL 2003, c. 407, §5 (AMD).]

9. Federal property. A person residing on federal property, except as stated in subsection 5, is eligible to register and vote in the voting district in which the federal property is located.

[PL 1985, c. 161, §6 (NEW).]

10. Becoming 18 on federal property. A person who becomes 18 years of age while residing on federal property as a patient at a federal institution or an employee of a federal agency, or while in the uniformed service, is considered to have gained a voting residence in the municipality in which the person resided at the time the person became such a patient, employee or member of the uniformed service.

[PL 2003, c. 407, §6 (AMD).]

11. Spouse of member of uniformed service or merchant marine. A person may have the same voting residence as that person's spouse who is a member of the uniformed service or merchant marine. A member of the uniformed service or merchant marine on active duty, whose spouse has a place of residence in this State, may establish a residence in the place of residence of the spouse by filing an affidavit with the registrar declaring an intention to reside in that place upon severance from the uniformed service or merchant marine.

[PL 2003, c. 407, §6 (AMD).]

12. Spouse may have separate residence.

[PL 1985, c. 614, §5 (RP).]

13. Voting in another state.

[PL 1985, c. 614, §5 (RP).]

14. Persons incarcerated in correctional facilities. The residence of a person incarcerated in a correctional facility, as defined in Title 34-A, section 1001, or in a county jail does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration.

A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously established a fixed and principal home to which the person intends to return.

[PL 1997, c. 436, §21 (AMD).]

15. Nontraditional residence. A person may have a nontraditional residence, including, but not limited to a shelter, park or underpass. A person's residency is not subject to challenge on the sole basis that the person has a nontraditional residence.

[PL 1993, c. 473, §5 (NEW); PL 1993, c. 473, §46 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §5 (AMD). PL 1987, c. 93 (AMD). PL 1993, c. 473, §§3-5 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 695, §§2-4 (AMD). PL 1997, c. 436, §§20,21 (AMD). PL 2003, c. 407, §§5,6 (AMD). PL 2007, c. 455, §5 (AMD). PL 2009, c. 253, §10 (AMD).

§112-A. Proof of identity for voting purposes

Any of the following forms of documentation may be offered by an applicant and considered by a registrar in verifying the identity of an applicant who is registering to vote under this chapter and whose name does not already appear in the central voter registration system as a registered voter. The registrar need not request or consider all of these forms of documentation in order to verify an applicant's identity. [PL 2009, c. 253, §11 (NEW).]

1. Government-issued photograph identification document or credential. A government-issued photograph identification document or credential, including, but not limited to, a current and valid United States passport, military identification, driver's license, state identification or identification card issued by a federally recognized Indian tribe;

[PL 2021, c. 570, §1 (AMD).]

2. Other government-issued identification document. A government-issued identification document without a photograph, including, but not limited to, a certified birth certificate or a signed social security card;

[PL 2009, c. 253, §11 (NEW).]

3. Other official documents. An official document, including, but not limited to, a document confirming eligibility determinations for public benefits, a utility bill, a bank statement, a government check, a paycheck or other government document that shows the name and address of the voter;

[PL 2021, c. 246, §1 (AMD).]

3-A. Student photograph identification document. A student photograph identification document that is issued by a state-approved public or private school located in this State or that is issued by a duly authorized institution of higher learning that operates in this State; or

[PL 2021, c. 246, §2 (NEW).]

4. Verified unique identifier for new voters. A verified unique identifier for new voters, including the voter's Maine driver's license number, Maine identification number or the last 4 digits of the voter's social security number that are successfully verified through the central voter registration system verification.

[PL 2009, c. 253, §11 (NEW).]

SECTION HISTORY

PL 2009, c. 253, §11 (NEW). PL 2021, c. 246, §§1, 2 (AMD). PL 2021, c. 570, §1 (AMD).

§113. Right survives change of residence

A registered voter who moves to another state within 60 days before a presidential election may not be removed from the incoming voting list and the voter's registration may not be cancelled in the central voter registration system until after the election unless the registrar has received confirmation of the voter's registration in another state. The voter may vote at that presidential election in person or by absentee ballot. [PL 2009, c. 253, §12 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2005, c. 453, §10 (AMD). PL 2009, c. 253, §12 (AMD).

§114. Division of municipality, effect

When any territory is set off from one municipality and annexed to another, the act establishing the new boundaries must indicate where and for which offices the voters in the territory may vote. If this provision is omitted from the act, the voters may vote for all offices in the municipality to which the territory is annexed. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§115. Restrictions**1. Certain persons may not register or vote.**

[PL 2001, c. 516, §1 (RP).]

2. Voting restricted to district. In a municipality that has voting districts, a voter may vote using only the ballot or ballots for the district in which the voter resides on election day.

[PL 2003, c. 447, §5 (AMD).]

3. Correct name and address on incoming voting list. A person whose name, or residence address in a municipality that has voting districts, does not appear correctly on the incoming voting list on election day may not vote at any election until it is corrected as provided in section 661.

[PL 2005, c. 453, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §2 (AMD). PL 1995, c. 459, §13 (AMD). PL 2001, c. 516, §1 (AMD). PL 2003, c. 447, §5 (AMD). PL 2005, c. 453, §11 (AMD).

SUBCHAPTER 3

REGISTRATION AND ENROLLMENT

ARTICLE 1

REGISTRATION

§121. Exclusive power of registrar**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

The registrar has the exclusive power, subject to section 163, to determine whether a person who applies for registration as a voter meets the qualifications prescribed by this Title. [PL 1985, c. 161, §6 (NEW).]

1. Oath may be required. In making this determination, the registrar may require any person who testifies before the registrar concerning the person's qualifications or those of another to swear to the truth of the person's statements.

[RR 2019, c. 2, Pt. B, §36 (COR).]

1-A. (TEXT EFFECTIVE UNTIL 2/01/24) Identification and proof. Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before the deadline for online, mail or 3rd-person registration set forth in

section 121-A, but that the applicant may register in person no later than the deadline for in-person registration set forth in section 121-A.

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

A person who registers in person shall show proof of identity and residency. If satisfactory proof of identity and residency can not be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot. If the person shows satisfactory proof of identity and residency prior to voting on election day, the person's ballot is not challenged.

[PL 2021, c. 439, §2 (AMD); PL 2021, c. 439, §15 (AFF).]

1-A. (TEXT EFFECTIVE 2/01/24) Identification and proof. Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before the deadline for online, mail or 3rd-person registration or for automatic voter registration set forth in section 121-A, but that the applicant may register in person no later than the deadline for in-person registration set forth in section 121-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications submitted online must be received by the Secretary of State by the deadline for registration set forth in section 121-A and must be transmitted to the appropriate registrar's office the next business day following receipt. Registration applications transmitted by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233 must be received by the Secretary of State by the deadline for registration set forth in section 121-A and must be transmitted to the appropriate registrar's office the next business day following receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the closed period for outside registrations, except for those registration applications transmitted by the deadline for registration set forth in section 121-A by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233. The registrar shall send the notice required by section 122 no later than the 18th day before election day to all voters whose applications were submitted online, submitted by mail or submitted by a 3rd person as long as the registrar received the application by the 21st day before election day.

A person who registers in person shall show proof of identity and residency. If satisfactory proof of identity and residency cannot be provided to the registrar or deputy, the person's name is entered into

the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot. If the person shows satisfactory proof of identity and residency prior to voting on election day, the person's ballot is not challenged.

[PL 2023, c. 291, §1 (AMD); PL 2023, c. 291, §4 (AFF).]

2. Political party not a qualification. The registrar shall be impartial as to the political party of the applicant in determining the applicant's voting qualifications.

[PL 1989, c. 313, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 313, §1 (AMD). PL 1993, c. 473, §6 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 695, §5 (AMD). PL 1997, c. 436, §22 (AMD). PL 1999, c. 426, §6 (AMD). PL 2005, c. 453, §12 (AMD). PL 2011, c. 534, §4 (AMD). RR 2019, c. 2, Pt. B, §36 (COR). PL 2021, c. 439, §2 (AMD). PL 2021, c. 439, §15 (AFF). PL 2023, c. 291, §1 (AMD). PL 2023, c. 291, §4 (AFF).

§121-A. Deadline for registration

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 2/01/24)

The deadline for receipt of voter registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for receipt of voter registration applications submitted online is midnight on the 21st day before election day. The deadline for in-person registration is the close of the polls on election day. [PL 2021, c. 439, §3 (AMD); PL 2021, c. 439, §15 (AFF).]

SECTION HISTORY

PL 2011, c. 534, §5 (NEW). PL 2021, c. 439, §3 (AMD). PL 2021, c. 439, §15 (AFF).

§121-A. Deadline for registration

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 2/01/24)

The deadline for receipt of voter registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for receipt of voter registration applications submitted online is midnight on the 21st day before election day. The deadline for receipt of voter registration applications transmitted by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233 is midnight on the 7th day before election day. The deadline for in-person registration is the close of the polls on election day. [PL 2023, c. 291, §2 (AMD); PL 2023, c. 291, §4 (AFF).]

SECTION HISTORY

PL 2011, c. 534, §5 (NEW). PL 2021, c. 439, §3 (AMD). PL 2021, c. 439, §15 (AFF). PL 2023, c. 291, §2 (AMD). PL 2023, c. 291, §4 (AFF).

§122. Registration procedure

A person may register to vote in person by appearing before the registrar by the registration deadline in section 121-A, proving that the person meets the qualifications of section 111, subsections 1 to 3, and completing and filing an application provided by the registrar containing the information required by section 152 or 154, if applicable. Township residents may register as provided in section 156. [PL 2013, c. 131, §6 (AMD).]

1. Entry into central voter registration system. The registrar shall enter the name and other information from the voter registration application of the applicant into the central voter registration system as expeditiously as possible after receipt of a voter registration application. The registrar shall register a person by first name, middle name or initial and last name, by first name or initial, middle and last name or by first name and last name.

[PL 2007, c. 455, §6 (AMD).]

2. Notice of disposition. The registrar shall notify the applicant whether the application for registration is accepted or rejected by providing the applicant with a written acknowledgement notice, in the form prescribed by the Secretary of State, as expeditiously as possible after the voter's information has been entered into the central voter registration system. If a mailed notice of acceptance is returned as undeliverable within 15 days after it is sent, the registrar must reject the application and provide a new acknowledgement notice to the applicant indicating the rejection. If a mailed notice of acceptance is not returned as undeliverable within 15 days after it is sent, the voter is automatically designated as active in the central voter registration system.

[PL 2005, c. 453, §14 (AMD).]

3. Notice of new registration. When an applicant states in the application that the applicant last voted in another state, the registrar shall immediately send a notice of the applicant's new registration to the registrar of that jurisdiction. The notice must contain the following:

- A. The voter's name; [PL 1985, c. 614, §6 (NEW).]
- B. The name under which registered, if changed; [PL 1985, c. 614, §6 (NEW).]
- C. Date of birth; and [PL 1985, c. 614, §6 (NEW).]
- D. Former residence and mailing address. [PL 2005, c. 453, §15 (AMD).]

The Secretary of State may facilitate the delivery of such notices electronically using the central voter registration system.

[PL 2005, c. 453, §15 (AMD).]

4. Election day registration. The registrar shall accept registrations of applicants who appear in person on election day. The registrar shall issue to each of these applicants a certificate entitling the applicant to be placed on the incoming voting list at the voting place. Only one certificate may be issued to a person. An applicant whose address has changed since the applicant last voted must vote using the ballot or ballots for the new polling place, if applicable, on election day.

[PL 2005, c. 453, §16 (AMD).]

5. Alternative registration schedule for absentee voters. If the clerk receives a properly completed absentee ballot application that is signed by a person who is not a registered voter in the municipality, a presumption of the person's qualification as a voter is established. The clerk shall send an absentee ballot to the voter at the address indicated, along with a voter registration application under section 152. The completed registration application must be returned to the clerk by the close of the polls on election day in order for the ballot to be counted and may not be sealed with the voted absentee ballot. If the application is received during the closed period and the registrar is not satisfied as to the person's qualification as a voter, the registrar shall follow the requirements of section 121, subsection 1-A to place the person's name on the incoming voting list and challenge the absentee ballot. An application by telephone under section 753-A, subsection 4 or an application by electronic means under section 753-A, subsection 6 does not establish a presumption of qualification under this section and the requestor must submit a properly completed voter registration application before the clerk may issue an absentee ballot.

[PL 2013, c. 131, §7 (AMD).]

6. Schedule for acceptance of registrations. Except as provided in paragraph A, the registrar shall accept registrations on any business day or other day that the clerk's office is open. The names

and other information from the voter registration applications of any persons registering must be entered into the central voter registration system and must be placed on the incoming voting list.

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

- (1) In a municipality with a population of 2,500 or fewer, on the last business day that the clerk's office is open before election day during the hours that the clerk's office is open;
- (2) In a municipality with a population of more than 2,500, on the last 5 business days that the clerk's office is open before election day during the hours that the clerk's office is open and for 2 hours in the evening between 5 p.m. and 9 p.m. on at least one of these days; and
- (3) The names of voters registering during these periods must be recorded as provided under subsection 7. [PL 2005, c. 453, §18 (AMD).]

[PL 2005, c. 453, §18 (AMD).]

7. Record of names. The names of voters who register by appearing in person before the registrar during the business days before election day under subsection 6 must be recorded as provided in either paragraph A or B:

A. The registrar shall, after finding an applicant qualified, issue a certificate requiring the voter's name and other required information to be written on the incoming voting list at the voting place on election day. The certificate must be attached to, or included with, the incoming voting list and sealed as provided in section 698. Only one certificate may be recorded for any voter at an election; or [PL 2015, c. 447, §3 (AMD).]

B. The registrar shall, after finding the applicant qualified, enter the voter's name and other information from the voter registration application into the central voter registration system and add it to the incoming voting list. Before the polls are opened, the registrar shall deliver the incoming voting list to the clerk. The inclusion of a person's name on the incoming voting list will entitle the applicant to vote on election day. [PL 2015, c. 447, §3 (AMD).]

[PL 2015, c. 447, §3 (AMD).]

8. Change of schedule. The hourly schedule established by this section may be changed by the municipal officers according to the needs of the municipality.

[PL 1985, c. 307, §1 (NEW).]

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

[PL 2003, c. 395, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 307, §1 (AMD). PL 1985, c. 614, §6 (AMD). PL 1991, c. 466, §4 (AMD). PL 1993, c. 695, §§6,7 (AMD). RR 1995, c. 1, §8 (COR). PL 1995, c. 459, §14 (AMD). PL 1997, c. 436, §23 (AMD). PL 2001, c. 310, §4 (AMD). PL 2003, c. 395, §1 (AMD). PL 2003, c. 407, §7 (AMD). PL 2003, c. 447, §§6,7 (AMD). PL 2003, c. 584, §3 (AMD). PL 2005, c. 453, §§13-19 (AMD). PL 2007, c. 455, §6 (AMD). PL 2007, c. 515, §3 (AMD). PL 2011, c. 534, §6 (AMD). PL 2013, c. 131, §§6, 7 (AMD). PL 2015, c. 447, §3 (AMD).

§122-A. Alternative registration procedure for participants in Address Confidentiality Program

Notwithstanding sections 122 and 152 and subchapter 9, a person who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B may register to vote using the designated address and voter code assigned to that person pursuant to rules adopted to implement the program. To register to vote, a voter must submit a completed registration application to the elections division of the Secretary of State's office, using the assigned voter code instead of the voter's name and the designated program address instead of the voter's actual residence street address, and provide the certification expiration date. The Address Confidentiality Program administrator in the Secretary of State's office shall determine the voter's eligibility to register in the municipality listed on the Address Confidentiality Program application and shall verify the electoral districts in which the voter is eligible to vote so that the elections division may register the voter and issue absentee ballots for state elections to the voter pursuant to section 753-C. All registration records for such voters must be designated as confidential and kept sealed in the elections division offices. The name of any voter certified as a program participant in the Address Confidentiality Program may not be placed on any voter list that is available for public inspection or copying. [PL 2023, c. 304, Pt. A, §1 (AMD).]

SECTION HISTORY

PL 2005, c. 364, §4 (NEW). PL 2019, c. 409, §1 (AMD). PL 2019, c. 409, §9 (AFF). PL 2023, c. 304, Pt. A, §1 (AMD).

§123. Schedule; regular election

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 307, §2 (RP).

§124. Schedule; special elections

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 307, §2 (RP).

§125. Notice of schedule

The registrar shall publish the schedule established under section 122, subsection 6 or as changed by the municipal officers under subsection 8 in a newspaper having general circulation in the municipality 10 to 15 business days before election day, except that, in municipalities with a population of 2,500 or fewer, publication of the time schedule may be done by another means the registrar considers sufficient to provide adequate notice to the residents of the municipality. [PL 2011, c. 534, §7 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §7 (AMD). PL 1997, c. 436, §24 (AMD). PL 2011, c. 534, §7 (AMD).

§126. Combined regular and special elections

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §8 (RP).

§127. Persons present at time for closing registrations

The registrar shall allow all persons to register who are present at the registrar's office at closing time. [PL 1991, c. 466, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 466, §5 (AMD).

§128. Registrar to check records

Before printing the final incoming voting list prior to any election, the registrar shall update the central voter registration system as follows: [PL 2005, c. 453, §20 (AMD).]

1. Registrar shall review records. The registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall revise the central voter registration system accordingly.

A. In addition to official records authorized by this subsection, the registrar or the Secretary of State may use the following notices of death as a basis to cancel a voter's record in the central voter registration system as long as the registrar or Secretary of State determines that the record matches the record of that registered voter.

(1) A published obituary may be used if it contains the name of the registered voter along with the date and place of death of that voter.

(2) A notice from an immediate family member of the registered voter may be used if it contains the name of the voter along with the date and place of death of that voter and is signed by the immediate family member. The Secretary of State shall design a form to be used for this purpose; [PL 2019, c. 636, §1 (NEW).]

[PL 2019, c. 636, §1 (AMD).]

2. Clerk provides list. The clerk shall, if requested, provide the registrar with a list, certified by the clerk to be true, of the marriages, deaths and changes that took place since the last update of the central voter registration system. The registrar shall use this list to update the central voter registration system accordingly; or

[PL 2005, c. 453, §20 (AMD).]

3. Marriage; notice of inquiry. If the registrar determines that a voter has married, the registrar may not for that reason alone cancel a voter's registration in the central voter registration system. The registrar may send a notice inquiring whether, as a result of marriage, that voter's name or address has been changed. Nothing in this subsection relieves a voter of the duty to give the registrar written notice of a change of name or address in accordance with section 129.

[PL 2005, c. 453, §20 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 379 (AMD). PL 1993, c. 695, §8 (AMD). PL 1997, c. 436, §§25,26 (AMD). PL 2005, c. 453, §20 (AMD). PL 2019, c. 636, §1 (AMD).

§129. Change of name or address

Notwithstanding subchapter 9, when a voter's name is changed by marriage or other process of law or when the voter moves within a municipality, the following provisions apply. [PL 2019, c. 409, §2 (AMD); PL 2019, c. 409, §9 (AFF).]

1. Notice. The voter must give written notice to the registrar of the voter's new and former names or addresses before the close of registrations prior to election day or provide notice through the online voter registration application.

[PL 2021, c. 439, §4 (AMD); PL 2021, c. 439, §15 (AFF).]

2. Correction of name or address. The registrar shall correct the voter's name or address in the central voter registration system and on the incoming voting list, and the voter must then vote under the voter's new name or in the new district on election day.

A. In a municipality that has more than one voting district, if a voter has changed the voter's address and votes absentee after the close of registration, the voter must send a written notice of the voter's new address along with the voter's absentee application notifying the registrar of the voter's new address. A certificate containing the voter's name and new address must be directed to the warden of the voter's new voting place to be attached to the incoming voting list on election day. [PL 1999, c. 426, §7 (AMD).]

[PL 2005, c. 453, §21 (AMD).]

3. Failure to notify. If a voter fails to notify the registrar of a change of name or change of address before election day, the voter must appear before the registrar on election day and follow the procedure outlined in section 661 if the voter wishes to vote, unless the registrar has already made the correction in following the procedure prescribed by section 128. If the voter wishes to exercise the right to vote, the voter must vote using the ballot or ballots for the new polling place, if applicable, on election day.

[PL 2011, c. 534, §8 (AMD).]

4. Publication of substance.

[PL 1997, c. 436, §28 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §2 (AMD). PL 1993, c. 695, §9 (AMD). PL 1995, c. 459, §15 (AMD). PL 1997, c. 436, §§27,28 (AMD). PL 1999, c. 426, §7 (AMD). PL 2005, c. 453, §21 (AMD). PL 2011, c. 399, §11 (AMD). PL 2011, c. 534, §8 (AMD). PL 2019, c. 409, §2 (AMD). PL 2019, c. 409, §9 (AFF). RR 2019, c. 2, Pt. B, §37 (COR). PL 2021, c. 439, §4 (AMD). PL 2021, c. 439, §15 (AFF).

§130. Applications for voter registration

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 2/01/24)

A person who completes a written or online voter registration application, as provided in section 152, may submit the application online, mail the application or have the application delivered to the registrar in the person's municipality of residence before the deadline for online, mail or 3rd-person registrations in section 121-A, to be entered into the central voter registration system and placed on the incoming voting list prior to the next election; except that applications completed under section 122, subsection 5 may be delivered during the closed period for immediate placement on the incoming voting list. [PL 2021, c. 439, Pt. A, §5 (AMD); PL 2021, c. 439, §15 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §9 (AMD). PL 1989, c. 694, §1 (AMD). PL 2005, c. 453, §22 (AMD). PL 2011, c. 534, §9 (AMD). PL 2021, c. 439, §5 (AMD). PL 2021, c. 439, §15 (AFF).

§130. Applications for voter registration

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 2/01/24)

A person who completes a written or online voter registration application, as provided in section 152, may submit the application online, mail the application or have the application delivered to the registrar in the person's municipality of residence before the deadline for online, mail or 3rd-person registrations in section 121-A, to be entered into the central voter registration system and placed on the incoming voting list prior to the next election; except that applications completed under section 122, subsection 5 may be delivered during the closed period for immediate placement on the incoming voting list. A voter registration application transmitted by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233 to the appropriate registrar's office before the deadline in section 121-A must be entered into the central voter registration system and placed on the incoming voting list prior to the next election. [PL 2023, c. 291, §3 (AMD); PL 2023, c. 291, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §9 (AMD). PL 1989, c. 694, §1 (AMD). PL 2005, c. 453, §22 (AMD). PL 2011, c. 534, §9 (AMD). PL 2021, c. 439, §5 (AMD). PL 2021, c. 439, §15 (AFF). PL 2023, c. 291, §3 (AMD). PL 2023, c. 291, §4 (AFF).

ARTICLE 2

ENROLLMENT

§141. Enrollment

When a person registers, the registrar shall ask whether or not the person wishes to enroll in a political party. If the answer is in the affirmative, the registrar shall ask in which party the person wishes to enroll. If the answer is in the negative, the registrar shall note on the enrollment portion of the application that the person chose not to enroll in a political party. Nothing in this section may be construed to require a person to enroll in a political party. [PL 1989, c. 313, §2 (AMD).]

1. Influence prohibited. The registrar may not attempt to influence an applicant in any aspect of the enrollment procedure and may not allow anyone else present to do so. [PL 2009, c. 538, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 313, §2 (AMD). PL 2009, c. 538, §5 (AMD).

§142. Enrollment procedure

A voter who had initially chosen not to enroll in a particular party may later enroll in a party by filing an application with the registrar personally or by mail or by submitting an online voter registration application, at any time, except that on election day a voter must enroll in person. [PL 2021, c. 439, §6 (AMD); PL 2021, c. 439, §15 (AFF).]

1. Content of application.
[PL 2019, c. 371, §5 (RP).]

1-A. Application. To enroll in a party, an applicant must complete and sign an approved state voter registration application as provided in section 152 or 154, the national mail voter registration form published by the United States Election Assistance Commission or the federal postcard application published by the United States Department of Defense, Federal Voting Assistance Program. [PL 2019, c. 371, §6 (NEW).]

2. Party designation. On receipt of the application, the registrar shall enter the party designation of the applicant into the central voter registration system and file the application. [PL 2005, c. 453, §24 (AMD).]

3. Length of time in party. Once a voter has enrolled in a party, the voter must remain in that party for 3 months before the voter can file an application for either a withdrawal or a change in enrollment.

[PL 2001, c. 310, §5 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 313, §3 (AMD). PL 1997, c. 436, §29 (AMD). PL 2001, c. 310, §5 (AMD). PL 2005, c. 453, §§23,24 (AMD). PL 2019, c. 371, §§5, 6 (AMD). PL 2021, c. 439, §6 (AMD). PL 2021, c. 439, §15 (AFF).

§143. Permitted at any election

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1997, c. 436, §30 (AMD). PL 2001, c. 310, §6 (AMD). PL 2005, c. 453, §25 (AMD). PL 2019, c. 371, §7 (RP).

§143-A. Enrollment on election day

A voter who is not enrolled in a party may enroll at any election by personally filing the application required by section 142 with the registrar, if the registrar is located at the voting place on election day, or with the election clerk in charge of the incoming voting list, if the registrar is not located at the voting place on election day. The election clerk shall annotate the incoming voting list with the designation of the party selected by the voter and provide the voter with the correct ballots for the new party, if applicable. [PL 2019, c. 371, §8 (NEW).]

SECTION HISTORY

PL 2019, c. 371, §8 (NEW).

§144. Change of enrollment

A voter may change the voter's enrollment after 3 months from the date on which the voter enrolled by filing an application with the registrar personally, by mail or by submitting an online voter registration application. When a voter files an application to change enrollment on the day of a primary election, the application is deemed received the following business day. [PL 2021, c. 439, §7 (AMD); PL 2021, c. 439, §15 (AFF).]

1. Content of application. The application must contain the following information: Name of applicant, the date of birth, residence address, name of party in which enrollment is requested, signature of the applicant and the date of application. If the voter submits an online voter registration application, the applicant must meet the requirements of section 152, subsection 1, paragraph K to satisfy the signature requirement of this subsection.

[PL 2021, c. 439, §8 (AMD); PL 2021, c. 439, §15 (AFF).]

2. Party designation removed. On receipt of the application, the registrar shall remove the party designation of the applicant from the central voter registration system. The registrar shall indicate in the central voter registration system that the applicant is ineligible to vote at a caucus or primary election for 15 days by designating the party enrollment field with the letter "X." Fifteen days after receiving the application, the registrar shall enroll the applicant in the party requested and enter the new party designation in the party enrollment field.

This subsection does not apply in the case of a voter who changes enrollment under subsection 4. [PL 2005, c. 453, §27 (AMD).]

3. Restrictions during change of enrollment. Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change

enrollment. A voter may sign a primary nomination petition during the 15-day period after filing an application to change enrollment, and the voter's signature must be counted as valid, as long as the 15-day period has elapsed by the time the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is qualified to sign a petition for that office. Notwithstanding subsection 4, a voter must file an application to change enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.

[PL 2013, c. 457, §2 (RPR).]

4. Change of residence. When a voter changes residence from one municipality to another and establishes a new voting residence there, that voter may enroll in any party and vote at a caucus, convention or primary election, regardless of that voter's previous enrollment.

[PL 2013, c. 173, §2 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 330, §1 (AMD). PL 1995, c. 459, §16 (AMD). PL 1997, c. 436, §31 (AMD). PL 2001, c. 310, §§7,8 (AMD). PL 2005, c. 453, §§26,27 (AMD). PL 2013, c. 131, §8 (AMD). PL 2013, c. 173, §§1, 2 (AMD). PL 2013, c. 457, §2 (AMD). PL 2017, c. 248, §§1, 2 (AMD). PL 2021, c. 439, §§7, 8 (AMD). PL 2021, c. 439, §15 (AFF).

§145. Withdrawal of enrollment

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

A voter may withdraw the voter's enrollment after 3 months from the date on which the voter enrolled through an online voter registration application or by filing a written request with the registrar. When a voter files an application to withdraw enrollment on the day of a primary election, the application is deemed received the following business day. [PL 2021, c. 439, §9 (AMD); PL 2021, c. 439, §15 (AFF).]

1. Candidates for nomination by nomination petition. If enrolled, candidates for nomination by nomination petition must withdraw their enrollment on or before March 1st of that election year.

[PL 1999, c. 426, §8 (AMD).]

2. Reenrollment after withdrawal. A voter may not enroll in a different party but may enroll in the same party within 15 days after withdrawing from a party under this section.

[PL 2021, c. 439, §10 (AMD); PL 2021, c. 439, §15 (AFF).]

3. (TEXT EFFECTIVE 1/01/24) Restrictions after withdrawal. A voter may not vote at a caucus, convention or primary election for 15 days after filing an application to withdraw enrollment unless the voter withdraws from enrollment at the same time that the voter changes the voter's voting residence as provided in subsection 4.

[PL 2021, c. 750, §2 (NEW); PL 2021, c. 750, §14 (AFF).]

4. (TEXT EFFECTIVE 1/01/24) Change of residence. When a voter who is enrolled in a party changes residence from one municipality to another and establishes a new voting residence, the voter may choose not to enroll in a party when the voter submits a new voter registration application.

[PL 2021, c. 750, §3 (NEW); PL 2021, c. 750, §14 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1997, c. 436, §§32,33 (AMD). PL 1999, c. 426, §8 (AMD). PL 2001, c. 310, §9 (AMD). PL 2017, c. 248, §3 (AMD). PL 2021, c. 439, §§9, 10 (AMD). PL 2021, c. 439, §15 (AFF). PL 2021, c. 750, §2, 3 (AMD). PL 2021, c. 750, §14 (AFF).

ARTICLE 3

PROVISIONS COMMON TO REGISTRATION AND ENROLLMENT PROCEDURES

§151. Same form

An individual shall register to vote and indicate enrollment status at the same time and on the same form. If an individual chooses to enroll in a political party, the registrar shall indicate the party chosen on the registration form. The registrar shall indicate on the registration form if an individual chooses not to enroll in a political party. [PL 1989, c. 313, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 313, §4 (AMD).

§152. Registration and enrollment procedure

1. Application. In addition to the procedures provided by section 122 and subchapter 9, a person may register to vote or enroll in a political party, or both, by completing a written application that is designed by the Secretary of State or by submitting an online voter registration application. The application must include, but is not limited to:

- A. The legal name of the voter, in one of the following combinations:
 - (1) First name and last name;
 - (2) First initial, middle name and last name; or
 - (3) First name, middle name or middle initial and last name; [PL 2015, c. 447, §4 (RPR).]
- B. Residence address, including street, street number, apartment number, town and zip code; [PL 1991, c. 466, §6 (AMD).]
- C. Mailing address; [PL 1985, c. 161, §6 (NEW).]
- D. Date of birth; [PL 1985, c. 161, §6 (NEW).]
- E. [PL 1993, c. 695, §10 (RP).]
- F. Most recent prior residence where registered to vote, including the municipality, county and state, and the name under which previously registered, if changed; [PL 2015, c. 447, §5 (AMD).]
- G. [PL 1993, c. 695, §11 (RP).]
- H. Notification that failure to complete the entire application may prevent registration; [PL 1985, c. 161, §6 (NEW).]
- I. [PL 2003, c. 407, §8 (RP).]
- J. Date of application; [PL 1997, c. 436, §34 (AMD).]
- K. Signature of applicant collected in a way that ensures the quality and integrity of the signature. If the applicant submits an online voter registration application, the applicant satisfies the signature requirement of this paragraph by submitting a current, valid Maine driver's license number or nondriver identification card number or, if the applicant does not have a current, valid Maine driver's license or nondriver identification card, by submitting an electronic image of the applicant's signature; [PL 2021, c. 439, §11 (AMD); PL 2021, c. 439, §15 (AFF).]
- L. Choice of political party if the applicant desires to enroll in a political party or an indication that the applicant chose not to enroll in a party; [PL 2003, c. 407, §8 (AMD).]
- M. A place for the applicant's current, valid Maine driver's license number or nondriver identification card number, if applicable; or, if the applicant has no Maine driver's license number or nondriver identification card, the last 4 digits of the applicant's social security number, if applicable; or, if the application is submitted in writing and the applicant has neither number, a place to put "none" or "not applicable"; [PL 2021, c. 439, §11 (AMD); PL 2021, c. 439, §15 (AFF).]

N. A place for the applicant to respond to the questions concerning the voter's qualifications as required by the federal Help America Vote Act of 2002, Public Law 107-252; and [PL 2021, c. 439, §11 (AMD); PL 2021, c. 439, §15 (AFF).]

O. A place for the applicant to attest to the truth of the information provided in the application. [PL 2021, c. 439, §11 (NEW); PL 2021, c. 439, §15 (AFF).]
[PL 2021, c. 439, §11 (AMD); PL 2021, c. 439, §15 (AFF).]

2. Entry into central voter registration system. Upon receipt of the application by the registrar of voters, the applicant's name and other information from the voter registration application must be entered into the central voter registration system as expeditiously as possible. The registrar shall provide the voter with a notice of disposition as required by section 122.
[PL 2005, c. 453, §28 (AMD).]

3. Failure to qualify. The registrar of voters may investigate any application under this section and reject the voter's application for failure to meet a voting qualification under this Title, after written notice to the voter to the last known address provided by the voter.
[PL 2005, c. 453, §29 (AMD).]

4. Persons born United States citizens in foreign countries. Any person born a United States citizen in a foreign country may register under this section in the same manner as a person who was born a United States citizen within the territory of the United States.
[PL 1985, c. 161, §6 (NEW).]

5. Design of written application. The Secretary of State shall design the written application that meets the requirements of subsection 1.
[PL 2021, c. 439, §12 (AMD); PL 2021, c. 439, §15 (AFF).]

6. Design of online voter registration application; rulemaking. No later than February 1, 2024, the Secretary of State shall design the online voter registration application that meets the requirements of subsection 1 and that can be submitted online through the Secretary of State's publicly accessible website. The online registration application must be designed to prevent an applicant from registering to vote unless the applicant discloses a current, valid Maine driver's license number or nondriver identification number or the last 4 digits of the applicant's social security number.

No later than February 1, 2024, the Secretary of State shall adopt rules governing the online voter registration process, which must, at a minimum, include the following:

A. A process for informing an applicant who discloses a current, valid Maine driver's license number or nondriver identification card number that disclosure of that number constitutes consent to the use of the applicant's signature on the driver's license or nondriver identification card for all purposes for which a signature on a written application for voter registration is used under this Title; [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

B. A process for an applicant who discloses the last 4 digits of the applicant's social security number to include with the online voter registration application an electronic image of the applicant's signature and for the applicant to consent to the use of that electronic image of the applicant's signature for all purposes for which a signature on a written application for voter registration is used under this Title; [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

C. A process for transmitting any driver's license number or nondriver identification card number from an online voter registration application along with the applicant's name and date of birth to the central voter registration system and for determining whether the information entered in the central voter registration system matches the information in the driver's license or nondriver identification card records maintained by the Department of the Secretary of State, Bureau of Motor Vehicles and, if a match is found, for transmitting an electronic image of the applicant's signature

on that driver's license or nondriver identification card from the bureau to the central voter registration system; [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

D. A process for matching the last 4 digits of a social security number provided in an online voter registration application and the applicant's name and date of birth with the information available from the United States Social Security Administration; [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

E. A process for transmitting the contents of each online voter registration application and the electronic image of the signature of that applicant to the appropriate registrar of voters; [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

F. Minimum procedures and security measures for ensuring the accuracy and security of online voter registration applications; [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

G. A process and form for a registered voter whose name is changed by marriage or other process of law or who has moved within a municipality to notify the appropriate registrar of voters pursuant to section 129 of the registered voter's new name or address through the online voter registration application; and [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

H. A process and form for a registered voter to enroll in a party pursuant to section 142, to change the voter's party enrollment pursuant to section 144 or to withdraw from a party pursuant to section 145 through the online voter registration application. [PL 2021, c. 439, §13 (NEW); PL 2023, c. 304, Pt. A, §38 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 304, Pt. A, §2 (AMD); PL 2023, c. 304, Pt. A, §§38, 39 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §3 (AMD). PL 1987, c. 145 (AMD). PL 1989, c. 313, §5 (AMD). PL 1989, c. 694, §2 (AMD). PL 1991, c. 466, §6 (AMD). PL 1993, c. 695, §§10-12 (AMD). PL 1997, c. 436, §§34,35 (AMD). PL 2001, c. 310, §§10,11 (AMD). PL 2003, c. 407, §§8,9 (AMD). PL 2005, c. 453, §§28,29 (AMD). PL 2007, c. 455, §7 (AMD). PL 2015, c. 447, §§4, 5 (AMD). PL 2019, c. 409, §3 (AMD). PL 2019, c. 409, §9 (AFF). PL 2021, c. 439, §§11-13 (AMD). PL 2021, c. 439, §15 (AFF). PL 2023, c. 304, Pt. A, §2 (AMD). PL 2023, c. 304, Pt. A, §§38, 39 (AFF).

§153. Registration and enrollment of disabled person

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §10 (AMD). PL 2005, c. 196, §2 (RP).

§153-A. Alternative registration procedure for voters with disabilities

1. Alternative application for voter who is unable to sign. An applicant who is unable to sign that applicant's name because of a physical disability may use a signature stamp or authorize another person to sign on behalf of the applicant on an application to register to vote or to enroll or make any changes to the applicant's voter registration status, as provided by this Title. The individual assisting the applicant shall prepare and sign the registration application or form, along with an alternative registration signature statement, at the applicant's direction, in the presence of the applicant and one corroborating witness. The individual assisting the applicant and the corroborating witness must be registered to vote in the State, but neither may be a candidate, the applicant's employer or an agent of

that employer or an officer or agent of the applicant's union. The alternative registration signature statement form must be designed by the Secretary of State and must indicate that:

- A. The applicant is unable to sign the applicant's name because of a physical disability; [PL 2005, c. 196, §3 (NEW).]
- B. The applicant meets all the qualifications to become a registered voter in the State or to make the requested changes to the voter's registration; and [PL 2005, c. 196, §3 (NEW).]
- C. The information supplied on the form concerning the applicant is true. [PL 2005, c. 196, §3 (NEW).]

[PL 2005, c. 196, §3 (NEW).]

2. Alternative application for voter who becomes unable to sign after being registered. A voter who becomes unable to sign that voter's name because of a physical disability after being registered to vote and who wishes to change the voter's registration or enrollment status may do so by using a signature stamp or by authorizing another registered voter to sign on the voter's behalf if the voter files with the voter registration application or form an alternative registration signature statement prepared in accordance with subsection 1.

[PL 2005, c. 196, §3 (NEW).]

3. Signing petitions. Once an alternative registration signature statement is on file with the registrar, the voter may authorize any other Maine-registered voter to sign candidate petitions, direct initiative of legislation petitions, people's veto petitions and any Maine Clean Election Act forms requiring a voter's signature in the presence and at the direction of the voter, except that the individual assisting the voter may not be a candidate, the circulator of the petition or form, the voter's employer or an agent of that employer or an officer or agent of the voter's union. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form and attest that the individual is signing on the voter's behalf. This method of signing satisfies the requirements in this Title that voters personally sign candidate petitions. This method of signing also satisfies the requirements of the Constitution of Maine, Article IV, Part Third, Section 20 that petitions for the direct initiative of legislation and people's veto petitions contain the original signatures of the petitioners.

[PL 2021, c. 273, §2 (AMD).]

4. Registrar assistance. An applicant or voter described in subsection 1 or 2 who does not have another registered voter available to assist the applicant or voter may request the registrar to provide that assistance. If the applicant or voter is unable to appear at the office of the registrar, the registrar shall visit the individual to provide that assistance, upon request and with reasonable notice. The municipality shall pay the registrar travel expenses at the same rate paid other municipal employees.

[PL 2005, c. 196, §3 (NEW).]

SECTION HISTORY

PL 2005, c. 196, §3 (NEW). PL 2005, c. 568, §6 (AMD). PL 2021, c. 273, §2 (AMD).

§154. Registration and enrollment for citizens outside the United States

1. Application. A person qualified to register under section 111, subsections 1 and 2 and who resides outside the United States and does not maintain a fixed and principal home or other address in the State may register at the last residence address immediately before leaving the United States and enroll by filing a federal postcard application or an application designed by the Secretary of State. If a citizen of the United States who resides outside the United States and has never lived in the United States has a parent who is a qualified elector, that person is eligible to register and vote where that parent is a qualified elector. The state application must include, but is not limited to:

- A. First name, middle name or initial and last name, first name or initial, middle name and last name or first name and last name; [PL 2007, c. 455, §8 (AMD).]
- B. Last residence address immediately before departing from the United States, including street, street number, apartment number, town and zip code; [PL 1995, c. 459, §17 (AMD).]
- C. Mailing address; [PL 1985, c. 161, §6 (NEW).]
- D. Date of birth; [PL 1985, c. 161, §6 (NEW).]
- E. [PL 1995, c. 459, §17 (RP).]
- F. [PL 1995, c. 459, §17 (RP).]
- G. [PL 1993, c. 695, §13 (RP).]
- H. Notification that failure to complete the entire application may prevent registration; [PL 1985, c. 161, §6 (NEW).]
- I. [PL 1997, c. 436, §36 (RP).]
- J. Signature of applicant; [PL 1997, c. 436, §36 (AMD).]
- K. [PL 2003, c. 407, §10 (RP).]
- L. Date of application; [PL 2003, c. 407, §10 (AMD).]
- M. [PL 1997, c. 436, §36 (RP).]
- N. Choice of political party if the registrant wishes to enroll in a political party or an indication that the applicant chose not to enroll in a party; [PL 2003, c. 407, §10 (AMD).]
- O. A place for the person's current, valid Maine driver's license number, if applicable; or, if the applicant has no driver's license number, the last 4 digits of the person's social security number, if applicable; or, if the applicant has neither number, a place to put "none" or "not applicable"; and [PL 2003, c. 407, §10 (NEW).]
- P. A place for the applicant to respond to the questions concerning the voter's qualifications as required by the federal Help America Vote Act of 2002, Public Law 107-252. [PL 2003, c. 407, §10 (NEW).]

[PL 2009, c. 253, §13 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §4 (AMD). PL 1987, c. 188, §3 (AMD). PL 1989, c. 313, §6 (AMD). PL 1989, c. 694, §3 (AMD). PL 1991, c. 466, §§7,8 (AMD). PL 1993, c. 695, §§13,14 (AMD). PL 1995, c. 459, §17 (AMD). PL 1997, c. 436, §36 (AMD). PL 2003, c. 407, §10 (AMD). PL 2007, c. 455, §8 (AMD). PL 2009, c. 253, §13 (AMD).

§155. Advance registration and enrollment

The registrar shall conditionally accept the registration and enrollment of any person who is 16 or 17 years of age and who is otherwise qualified to be a voter. The conditional registration automatically becomes effective on the person's 18th birthday and the registrant then is eligible to vote. [PL 2019, c. 409, §4 (AMD); PL 2019, c. 409, §9 (AFF).]

A person who has registered under this section and who has not attained 18 years of age may vote by absentee ballot at any election if that person attains 18 years of age on or before the date of the election and is otherwise eligible to vote by absentee ballot. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 399, §1 (AMD). PL 2003, c. 407, §11 (AMD). PL 2005, c. 453, §30 (AMD). PL 2011, c. 342, §8 (AMD). PL 2019, c. 409, §4 (AMD). PL 2019, c. 409, §9 (AFF).

§156. Special provisions for township residents

In addition to section 632, registration, enrollment and voting by the resident of a township are governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Registration and enrollment. A township resident who lives in a township for which the county commissioners have not established a voting place as provided in section 632 may register and enroll in any municipality within the applicant's representative district or, if the applicant lives in a portion of a township not easily accessible to a municipality within the representative district, the township resident may register and enroll in a more convenient municipality within or outside the county. The township resident may register and enroll on election day. The registrar shall designate the applicant as a township voter with the letter "T" in the central voter registration system and on the incoming voting list.

[PL 2005, c. 568, §7 (AMD).]

2. Voting. The township voter may vote in the town in which the voter is registered in any election for offices of or questions concerning the unorganized territory in which the voter resides. The voter may not vote at a municipal election or on a liquor option question. If the voter registers in a town outside the voter's state representative district, state senatorial district, county or county commissioner district, the voter may vote for the offices of Representative to the Legislature, State Senator or any county office by using a ballot provided under section 606-A.

[PL 2011, c. 534, §10 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 363, §1 (AMD). PL 2001, c. 310, §12 (AMD). PL 2005, c. 453, §31 (AMD). PL 2005, c. 568, §7 (AMD). PL 2011, c. 534, §10 (AMD).

§157. Acceptance of applications by clerk

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §11 (AMD). PL 1985, c. 819, §§A20,21 (AMD). PL 1991, c. 466, §9 (AMD). PL 1997, c. 436, §37 (AMD). PL 2005, c. 568, §8 (RP).

§158. Municipal caucus

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §12 (AMD). PL 1993, c. 447, §2 (AMD). PL 1997, c. 436, §38 (AMD). PL 2001, c. 102, §1 (AMD). PL 2009, c. 253, §14 (AMD). PL 2023, c. 304, Pt. A, §3 (RP).

§159. Violations and penalties

1. False statement or false oath. A person who makes a false statement or who takes a false oath before an official concerning the qualifications of any person for registration or enrollment and who does not believe the statement to be true commits a Class D crime.

[PL 1993, c. 473, §7 (AMD); PL 1993, c. 473, §46 (AFF).]

2. Dual registration. A person who, having registered in one voting district or municipality within this State, or in another state, knowingly registers in another voting district or municipality within this State without revealing that person's prior registration to the registrar is guilty of a Class D crime.

[RR 2019, c. 2, Pt. B, §38 (COR).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §7 (AMD). PL 1993, c. 473, §46 (AFF). RR 2019, c. 2, Pt. B, §38 (COR).

SUBCHAPTER 4

VOTING LIST

§161. Responsibilities of registrar

1. List prepared.

[PL 2005, c. 453, §32 (RP).]

2. List current.

[PL 2005, c. 453, §32 (RP).]

2-A. Maintenance of voter registration information. The registrar in each municipality shall keep the central voter registration system current at all times for the voters in the registrar's municipality. The Secretary of State is authorized to conduct maintenance of the central voter registration system. The Secretary of State shall adopt rules for conducting voter list maintenance required by the National Voter Registration Act of 1993. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A registrar may not cancel a voter's registration in the central voter registration system solely because the registered voter did not vote in previous elections. A voter's registration record in the central voter registration system must be cancelled by either the registrar for the voter's municipality or by the Secretary of State as follows:

A. When it is determined that a voter has registered to vote in another jurisdiction in the State, the voter registration record from the former jurisdiction must be cancelled; and [PL 2009, c. 370, §1 (NEW).]

B. When it is determined that the voter has registered to vote in another jurisdiction outside of the State, the voter registration record in the State must be cancelled. [PL 2009, c. 370, §1 (NEW).]
[PL 2013, c. 131, §9 (AMD).]

2-B. Information sharing with other states. The Secretary of State shall contract with a nonprofit corporation of member states for periodic sharing of voter registration information, including information on names and addresses of voters in member states. The Secretary of State shall periodically update the central voter registration system based on the information obtained from the nonprofit corporation of member states.

[PL 2021, c. 398, Pt. UUUU, §1 (NEW); PL 2021, c. 398, Pt. UUUU, §7 (AFF).]

3. List of deceased residents.

[PL 2005, c. 453, §32 (RP).]

4. Proof of qualification is requested. If the registrar is in doubt as to the qualifications of a person to vote, the registrar shall fix a reasonable time and place for a hearing and give written notice of the hearing to the voter at the last known address provided by the voter at least 20 days in advance. The voter must have the opportunity to testify and to present witnesses and other evidence at the hearing. The voter may respond in person or in writing with proof of qualifications prior to the date of the hearing. After the hearing, the registrar shall determine whether the voter has met the voting qualifications and shall act accordingly. If the voter offers satisfactory proof of qualifications to the registrar, either prior to or at the hearing, the registrar may not cancel the voter's registration in the central voter registration system. If the voter fails to offer satisfactory proof of qualifications to the

registrar, either prior to or at the hearing, the registrar may cancel the voter's registration in the central voter registration system. If the voter fails to appear at the hearing and the registrar has proof that the voter does not meet the qualifications, the registrar may cancel the voter's registration in the central voter registration system. The registrar shall notify the voter, in writing, of the action taken and advise the voter of the appropriate appeal authority as specified in this Title. If the registrar decides to cancel the voter's registration in the central voter registration system after the hearing and a municipal or state election occurs before the cancelled voter has exhausted all appeals, then the voter remains in the central voter registration system for the election and may cast a challenged ballot.

[PL 2007, c. 455, §9 (AMD).]

5. Record of names added and cancelled. The registrar shall keep a record of the names added to or the registrations cancelled in the central voter registration system and the date when the action was taken.

[PL 2005, c. 453, §32 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 273, §§1,3 (AMD). PL 1991, c. 466, §10 (AMD). PL 1993, c. 473, §8 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 695, §15 (AMD). PL 1995, c. 459, §18 (AMD). PL 1997, c. 436, §39 (AMD). PL 2001, c. 310, §13 (AMD). PL 2005, c. 453, §32 (AMD). PL 2007, c. 455, §9 (AMD). PL 2009, c. 370, §1 (AMD). PL 2013, c. 131, §9 (AMD). PL 2021, c. 398, Pt. UUUU, §1 (AMD). PL 2021, c. 398, Pt. UUUU, §7 (AFF).

§162. Notice of removal from list

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 695, §16 (RP).

§162-A. Change of address confirmation notice

The following provisions govern the change of address confirmation notice and procedures for updating a voter's status in the central voter registration system. [PL 2005, c. 453, §33 (AMD).]

1. Change of address confirmation notice. Except as provided in section 122, subsection 3, a registrar, or the Secretary of State when conducting maintenance of the central voter registration system, shall send by forwardable mail a change of address confirmation notice, with a postage prepaid and preaddressed return notice, to the last known place of residence of each person the registrar or the Secretary of State has identified as having a change of address. If a registrant has moved within the municipality's jurisdiction, a registrar shall change the voter's record to reflect the new address before sending the change of address confirmation notice. If a registrant has moved outside the municipality's jurisdiction, a registrar shall also include information on voter registration procedures in the new jurisdiction.

[PL 2009, c. 370, §2 (AMD).]

2. Change of voter's status. A voter's registration may be cancelled in the central voter registration system if the voter confirms that the voter has moved from the municipality's jurisdiction. If a voter fails to respond to the change of address confirmation notice, the voter must be designated on the incoming voting list and in the central voter registration system as inactive. A voter who has been designated as inactive and fails to vote for the next 2 general elections must be cancelled in the central voter registration system. If a voter who is designated as inactive votes at any election prior to cancellation in the central voter registration system, the inactive designation of the voter must be changed to active. Address verification may be requested at the polls before allowing a voter designated as inactive to vote. Cancellation of a voter's registration record in the central voter registration system

pursuant to this subsection may be performed by either the registrar for the voter's municipality or the Secretary of State.

[PL 2009, c. 370, §3 (AMD).]

3. Rule making.

[PL 2001, c. 310, §14 (RP).]

3-A. Determine; approve. The Secretary of State shall determine or approve the design and contents of the notices required by this section.

[PL 2001, c. 310, §15 (NEW).]

SECTION HISTORY

PL 1993, c. 695, §17 (NEW). PL 2001, c. 310, §§14,15 (AMD). PL 2005, c. 453, §33 (AMD). PL 2009, c. 370, §§2, 3 (AMD).

§163. Appeal

In a municipality that does not have a registration appeals board, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's registration application, the person may appeal in writing to the municipal officers. The appeal must be filed within 30 days after receipt of notice of the registrar's decision. The municipal officers shall immediately fix a time and place for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the municipal officers may affirm, modify or reverse the decision of the registrar of voters. The municipal officers shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the municipal officers to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure. [PL 2019, c. 371, §9 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §19 (AMD). PL 1999, c. 426, §9 (AMD). PL 2005, c. 453, §34 (AMD). PL 2007, c. 455, §10 (AMD). PL 2009, c. 253, §15 (AMD). PL 2019, c. 371, §9 (AMD).

§164. Enrollment records

The registrar shall designate each voter's enrollment status in the central voter registration system using the symbols prescribed by the Secretary of State. The registrar shall keep the voters' enrollment status current at all times, and shall keep a record of the enrollments added, changed or withdrawn and the date when the action was taken. [PL 2005, c. 453, §35 (RPR).]

1. Records current.

[PL 2005, c. 453, §35 (RP).]

2. Record of names added and removed.

[PL 2005, c. 453, §35 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 273, §§2,3 (AMD). PL 2005, c. 453, §35 (RPR).

§165. Copies of list available

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §5 (AMD). PL 2005, c. 453, §36 (RP).

§166. Updated voting lists furnished to candidates**(REPEALED)**

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2005, c. 453, §37 (RP).

§167. Violation and penalty

A person who adds, deletes, alters or cancels a voter registration record in the central voter registration system or the voter registration file, knowing that person has no legal right to do so, commits a Class C crime. [PL 2005, c. 453, §38 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §9 (AMD). PL 1993, c. 473, §46 (AFF). PL 2005, c. 453, §38 (AMD).

SUBCHAPTER 5**REGISTER OF VOTERS****§171. Preparation and contents****(REPEALED)**

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §6 (AMD). PL 1985, c. 614, §13 (AMD). PL 1989, c. 313, §§7,8 (AMD). PL 1991, c. 466, §§11,12 (AMD). PL 1993, c. 695, §§18,19 (AMD). PL 1997, c. 436, §40 (AMD). PL 2003, c. 407, §12 (RP).

§172. Voter registration file

The registrar shall prepare and keep a voter registration file containing the voter registration documents for each voter in the central voter registration system, arranged alphabetically by the last name of each voter, except that any voter certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed on voter registration documents only by the voter code assigned to that voter under the program and these documents must be placed at the end of the alphabetized voter file. The file must contain an original, signed voter registration application for each voter, with associated applications containing changes of name, address or enrollment and any documentation concerning these applications or the qualifications for these voters. Information in the file pertaining to any voter certified by the Secretary of State as a program participant in the Address Confidentiality Program must be kept under seal and excluded from public inspection. When a voter's registration is cancelled from the central voter registration system, the registrar shall indicate on the voter's registration documents the date that the voter's registration was cancelled and retain the documents for the time period specified in section 23, either in the same file, or in a separate file. The registrar must retain the voter registration documents for each rejected voter in a separate file for the time period specified in section 23. [PL 2005, c. 568, §9 (AMD).]

SECTION HISTORY

PL 2003, c. 407, §13 (NEW). PL 2005, c. 364, §5 (AMD). PL 2005, c. 568, §9 (AMD).

SUBCHAPTER 6**NATIONAL VOTER REGISTRATION ACT**

§180. State coordinator

The Secretary of State is the coordinator of state responsibilities under the National Voter Registration Act of 1993, referred to in this subchapter as "NVRA." [PL 1993, c. 695, §20 (NEW).]

SECTION HISTORY

PL 1993, c. 695, §20 (NEW).

§181. Designated agencies

1. Designated voter registration agencies. The designated voter registration agencies pursuant to NVRA include, but are not limited to:

A. Inside agencies that include the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions and Bureau of Motor Vehicles; and [PL 1993, c. 695, §20 (NEW).]

B. Outside agencies, or their successors, which include the following:

(1) All state agencies that provide public assistance, including the Department of Health and Human Services and the offices within the department that provide assistance under the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B, the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966, the federal Medicaid program and the statewide Supplemental Nutrition Assistance Program under Title 22, section 3104;

(2) The uniformed service recruitment offices;

(3) The public high schools;

(4) The offices of municipal clerks and registrars;

(5) The Department of Labor, Bureau of Rehabilitation Services; and

(6) All state agencies that provide state-funded programs primarily engaged in providing services to persons with disabilities. [PL 2021, c. 398, Pt. OO, §3 (AMD).]

[PL 2021, c. 398, Pt. OO, §3 (AMD).]

2. Voter registration. The agencies designated in subsection 1 shall provide voter registration by January 1, 1995.

[PL 1993, c. 695, §20 (NEW).]

SECTION HISTORY

PL 1993, c. 695, §20 (NEW). PL 1995, c. 418, §A39 (AMD). PL 2003, c. 407, §14 (AMD). PL 2003, c. 689, §B6 (REV). PL 2015, c. 447, §6 (AMD). PL 2021, c. 398, Pt. OO, §3 (AMD).

§182. Forms and notices

The design and contents of all application forms used for voter registration must be approved by the Secretary of State. [PL 1993, c. 695, §20 (NEW).]

SECTION HISTORY

PL 1993, c. 695, §20 (NEW).

SUBCHAPTER 7**CENTRAL VOTER REGISTRATION****§191. Central voter registration system implemented**

(REPEALED)

SECTION HISTORY

PL 2001, c. 637, §2 (NEW). PL 2005, c. 364, §6 (AMD). PL 2005, c. 453, §40 (AMD). PL 2005, c. 683, §§A31,32 (AMD). PL 2009, c. 564, §2 (RP).

§192. Central Voter Registration Advisory Committee**(REPEALED)****SECTION HISTORY**

PL 2001, c. 637, §2 (NEW). PL 2005, c. 12, §SS21 (AMD). PL 2005, c. 453, §41 (AMD). PL 2009, c. 564, §3 (RP).

§193. Funding**(REPEALED)****SECTION HISTORY**

PL 2001, c. 637, §2 (NEW). PL 2005, c. 453, §42 (AMD). PL 2009, c. 564, §4 (RP).

§194. Rules

The Secretary of State may adopt rules regarding administration of a central voter registration system to determine the pricing, accessibility and availability of information contained in the database and the appropriate use and resale of that information and to identify additional system features or voter information to be included in the system or provide for the confidentiality of certain personal information or limitations on the use and distribution of that information. [PL 2009, c. 564, §5 (AMD).]

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 564, §5 (AMD).]

SECTION HISTORY

PL 2001, c. 637, §2 (NEW). PL 2005, c. 453, §43 (AMD). PL 2009, c. 564, §5 (AMD).

§195. Report

The Secretary of State shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the administration of the central voter registration system and the automatic voter registration system established pursuant to subchapter 9. [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

1. Automatic registration efforts. Beginning January 15, 2023, the report required under this section must include the following information regarding the actions taken pursuant to subchapter 9:

A. The number of pending voter registration records that have been created by source agencies; [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

B. The number of voters added to the central voter registration system because of pending voter registration records created by source agencies; [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

C. The number of voters in the central voter registration system whose information was updated because of pending voter registration records created by source agencies; [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

D. The number of pending voter registration records created, by source agency, that do not relate to individuals affirmatively identified as eligible to vote; [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

E. The number of individuals who chose to not register to vote; and [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

F. The number of voters who submitted requests to update or correct registration information through the system established in subchapter 9, by type of information updated. [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

As used in this subsection, "pending voter registration record" and "source agency" have the same meanings as in section 231, subsections 2 and 4, respectively. [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Public access. The report required under this section may address issues of public access to the information from the central voter registration system. [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

3. Legislation. The report required under this section may include suggested legislation necessary to administer the central voter registration system and the automatic voter registration system implemented pursuant to subchapter 9. The joint standing committee of the Legislature having jurisdiction over voter registration matters may report out legislation regarding the central voter registration system and the automatic voter registration system to the Legislature. [PL 2019, c. 409, §5 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2001, c. 637, §2 (NEW). PL 2005, c. 453, §44 (AMD). PL 2007, c. 397, §1 (AMD). PL 2009, c. 564, §6 (AMD). PL 2019, c. 409, §5 (RPR). PL 2019, c. 409, §9 (AFF).

§196. Use and distribution of central voter registration information

(REPEALED)

SECTION HISTORY

PL 2005, c. 404, §2 (NEW). PL 2005, c. 568, §10 (AMD). RR 2007, c. 1, §11 (COR). PL 2007, c. 397, §2 (AMD). PL 2007, c. 455, §§11, 12 (AMD). PL 2007, c. 695, Pt. C, §5 (AMD). PL 2009, c. 370, §§ 4, 5 (AMD). PL 2009, c. 564, §7 (RP).

§196-A. Use and distribution of central voter registration system information

1. Access to data from the central voter registration system. For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any information or reports generated by the system are confidential and may be accessed only by municipal and state election officials for the purposes of election and voter registration administration, and by others only as provided in this section.

A. An individual voter may obtain any information contained in that voter's record within the central voter registration system either from the registrar in the voter's municipality of residence or from the Secretary of State. The individual voter information must be made available to that voter upon request and free of charge. The Secretary of State may design a report to facilitate providing information to an individual voter. [PL 2009, c. 564, §8 (NEW).]

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. 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. [PL 2021, c. 310, §1 (AMD).]

C. The registrar shall make available, in electronic form and free of charge, upon the request of any person authorized under section 312 to obtain a municipal caucus list, the following voter record information for each voter in the municipality: the voter's name, residence address, mailing address, enrollment status, electoral districts, voter status, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter. The Secretary of State also shall make available the statewide caucus list, in electronic form and free of charge, to the state committee of each political party. [PL 2009, c. 564, §8 (NEW).]

D. A municipal clerk or registrar shall make available to any person upon request and free of charge an electronic list of voters who requested or were furnished absentee ballots for their municipality for a specified election. The Secretary of State may make available free of charge the statewide absentee voter list in electronic form. The electronic list must include the information provided in section 753-B, subsection 6, paragraph A, except that the voter's record number must be provided instead of the voter's name and residence address. In addition, a municipal clerk or registrar shall make available upon request, subject to the fees set forth in subsection 2, paragraph A, the printed list, created and maintained pursuant to section 753-B, of voters who requested or were furnished absentee ballots. [PL 2009, c. 564, §8 (NEW).]

E. The Secretary of State or a registrar may make available, upon the request of any other governmental or quasi-governmental entity, certain voter information for that entity's authorized use only. The following information may be provided in electronic form and free of charge: the voter's name, year of birth, residence address, mailing address, electoral districts, voter status, date of registration or date of change of the voter record if applicable, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Data made available under this paragraph may not be used for solicitation or for purposes other than the governmental or quasi-governmental entity's authorized activities and may not be redistributed.

Authorized uses of the data by the Legislature include providing voter information to a Legislator for purposes of communicating with the Legislator's constituents and conducting legislative business. [PL 2011, c. 534, §11 (AMD).]

F. The Secretary of State shall make available to any person upon request and free of charge the following voter record information in electronic form: either the voter's first name or last name, but not both names in the same report; year of birth; enrollment status; electoral districts to include

congressional district and county only; voter status; date of registration or date of change of the voter record if applicable; date of the last statewide election in which the voter voted; and any special designations indicating uniformed service voters, overseas voters or township voters. The Secretary of State or the registrar also may make available to any person upon request and free of charge any report or statistical information that does not contain the names, dates of birth, voter record numbers or addresses of individual voters. [PL 2009, c. 564, §8 (NEW).]

G. The Secretary of State or a registrar shall make available free of charge any information pertaining to individual voters, other than participants in the Address Confidentiality Program established in Title 5, section 90-B, that is contained in the central voter registration system to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. Information pertaining to individual voters who are Address Confidentiality Program participants that is contained in the central voter registration system may be made available for inspection to a law enforcement agency that is authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality Program information. Data made available under this paragraph may not be used for purposes other than law enforcement or as directed in the court order. [PL 2009, c. 564, §8 (NEW).]

H. When responding to a request about a specific voter registered in a specific municipality, the registrar of that municipality or the Secretary of State may use information contained in the central voter registration system to provide the registration status, enrollment status and electoral districts for that voter. [PL 2009, c. 564, §8 (NEW).]

I. The Secretary of State shall make available free of charge to the federal or state court system the voter registration information for voters, other than participants in the Address Confidentiality Program established in Title 5, section 90-B, statewide or by district as requested for the purpose of jury selection or other bona fide court purposes. [PL 2013, c. 131, §10 (NEW).]

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. [PL 2021, c. 310, §2 (NEW).]

[PL 2021, c. 310, §§1, 2 (AMD).]

2. Fees. For the purpose of calculating fees pursuant to this section, a record includes the information on one individual voter. Fees paid to the Secretary of State must be deposited into a dedicated fund for the purpose of offsetting the cost of providing the information and maintaining the central voter registration system and other authorized costs relating to compliance with the federal Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666. A municipality may keep the fees paid to the municipality. The fees for information provided pursuant to this section are as follows:

A. The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages of mailing labels is 75¢ per page; and [PL 2009, c. 564, §8 (NEW).]

B. The fee for information provided in electronic form is based on the number of records requested. The fee entitles the requestor to receive the initial electronic report or file and, upon request, up to 11 updates free of charge during the subsequent 12-month period, except that no more than one free update may be requested during any 30-day period. The fee schedule is as follows:

- (1) For 900,001 or more voter records, \$2,200;
- (2) For 600,001 to 900,000 voter records, \$1,650;
- (3) For 400,001 to 600,000 voter records, \$1,100;
- (4) For 250,001 to 400,000 voter records, \$825;
- (5) For 150,001 to 250,000 voter records, \$550;
- (6) For 100,001 to 150,000 voter records, \$275;
- (7) For 75,001 to 100,000 voter records, \$220;
- (8) For 50,001 to 75,000 voter records, \$182;
- (9) For 35,001 to 50,000 voter records, \$138;
- (10) For 25,001 to 35,000 voter records, \$83;
- (11) For 15,001 to 25,000 voter records, \$55;
- (12) For 7,501 to 15,000 voter records, \$33;
- (13) For 1,001 to 7,500 voter records, \$22; or
- (14) For 1 to 1,000 voter records, \$11. [PL 2009, c. 564, §8 (NEW).]

[PL 2009, c. 564, §8 (NEW).]

3. Response to requests. Municipal clerks, registrars and the Secretary of State's office shall respond to all requests for information from the central voter registration system pursuant to this section within 5 business days of receipt of a written request and upon payment of any applicable fee. A municipal clerk or registrar may provide only information concerning voters registered within that municipal jurisdiction. The Secretary of State may design a form to be used for all requests for information or lists from the central voter registration system.

[PL 2009, c. 564, §8 (NEW).]

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; [PL 2021, c. 310, §3 (NEW).]

B. Section 504 of the federal Rehabilitation Act of 1973, 29 United States Code, Section 794; [PL 2021, c. 310, §3 (NEW).]

C. Title VI of the federal Civil Rights Act of 1964, 42 United States Code, Sections 2000d to 2000d-7; [PL 2021, c. 310, §3 (NEW).]

D. The federal Older Americans Amendments of 1975, 42 United States Code, Sections 6101 to 6107; and [PL 2021, c. 310, §3 (NEW).]

E. Title IX of the federal Education Amendments of 1972, 20 United States Code, Sections 1681 to 1688. [PL 2021, c. 310, §3 (NEW).]
[PL 2021, c. 310, §3 (NEW).]

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 [PL 2021, c. 310, §4 (NEW).]

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. [PL 2021, c. 310, §4 (NEW).]

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. [PL 2021, c. 310, §4 (NEW).]

SECTION HISTORY

PL 2009, c. 564, §8 (NEW). PL 2011, c. 534, §11 (AMD). PL 2013, c. 131, §10 (AMD). PL 2013, c. 330, §1 (AMD). PL 2015, c. 447, §7 (AMD). PL 2021, c. 310, §§1-4 (AMD).

SUBCHAPTER 8

HELP AMERICA VOTE ACT

§221. State coordinator

The Secretary of State is the coordinator of the State's responsibilities under the federal Help America Vote Act of 2002, Public Law 107-252. [PL 2003, c. 407, §15 (NEW).]

SECTION HISTORY

PL 2003, c. 407, §15 (NEW).

§222. Rule-making authority

The Secretary of State is authorized to adopt rules establishing an administrative procedure for handling complaints relating to compliance with the provisions of Title III of the federal Help America Vote Act of 2002. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 407, §16 (NEW).]

SECTION HISTORY

PL 2003, c. 407, §16 (NEW).

SUBCHAPTER 9

AUTOMATIC VOTER REGISTRATION

§231. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

1. Bureau. "Bureau" means the Department of the Secretary of State, Bureau of Motor Vehicles.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Pending voter registration record. "Pending voter registration record" means the electronic record created by a source agency that contains the personal identification information, including name, age, citizenship and legal residence, and other information required by section 152 of a person who is in the process of being considered for voter registration.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

3. Proof of voter eligibility. "Proof of voter eligibility" means reliable evidence of a person's eligibility to vote and must include proof of age, citizenship and residence.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

4. Source agency. "Source agency" means the bureau and a state agency or department or other entity designated as a source agency pursuant to section 233, subsection 1 that, as part of the normal course of business of that entity, collects documents that contain personal identification information that provides proof of voter eligibility.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

§232. Automatic registration by the bureau

1. Application for driver's license or nondriver identification card; creation of pending voter registration record. If an individual applies for, renews or updates a driver's license or nondriver identification card from the bureau, unless the individual opts out under section 234, the bureau shall record the documentation provided by the individual that provides proof of voter eligibility and create a pending voter registration record for that individual, which must be stored electronically in the bureau's database. The pending voter registration record and the record of the accompanying documentation must be in a searchable, auditable format.

[PL 2021, c. 273, §3 (AMD).]

2. Proof of citizenship. If an individual in the course of business with the bureau provides a document that proves the individual is a United States citizen, the pending voter registration record of that individual in the bureau's database must indicate that the individual has fulfilled the citizenship eligibility requirement for the purpose of registering to vote.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

3. Electronic transmission of voter registration data. Unless the individual has opted out of automatic voter registration as provided in section 234, if an individual's pending voter registration record establishes voter eligibility, the bureau shall transmit electronically the individual's pending voter registration record to the applicable registrar of voters in a format that may be reviewed by the registrar and converted and uploaded into the central voter registration system.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

4. Registration of individual or update of individual's registration record. The registrar of voters shall determine whether an individual whose pending voter registration record was transmitted under subsection 3 is eligible to and registered to vote in the central voter registration system. If the individual is eligible to vote but is not registered in the central voter registration system, the registrar shall enter the individual's information into the central voter registration system. If the individual is registered to vote, the registrar shall enter any changes to the address or name of the individual in the central voter registration system to ensure that the voting lists are kept current.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

5. Implementation. Notwithstanding any provision of law to the contrary, the bureau may conduct the activities in subsections 1 to 3 beginning January 1, 2022 but is not required to comply with the requirements of subsections 1 to 3 until June 1, 2022.

[PL 2021, c. 273, §4 (NEW); PL 2021, c. 273, §30 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF). PL 2021, c. 273, §§3, 4 (AMD). PL 2021, c. 273, §30 (AFF).

§233. Automatic registration by source agencies other than the bureau

1. Designation of source agencies. The Secretary of State may designate a state agency or department as a source agency if the Secretary of State verifies that the agency or department, as part of the normal course of business of that agency or department, collects documents that provide proof of voter eligibility. The Secretary of State may designate as source agencies other entities designated by Section 7 of the National Voter Registration Act of 1993, 52 United States Code, Section 20506, including, but not limited to, public or private universities or colleges or entities that provide services to persons with disabilities, as long as those entities, as part of the entities' normal course of business, collect documents that provide proof of voter eligibility.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Automatic registration. An agency designated as a source agency pursuant to this section shall follow the procedures established by the Secretary of State by rule for automatic voter registration. Those procedures, to the extent possible, must be the same as the procedures for automatic voter registration by the bureau under section 232.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

§234. Voluntary opt-out from voter list

1. Opportunity to opt out. Any document or application used by a source agency in the normal course of business of that agency to collect proof of voter eligibility data must contain notice that, unless the applicant declines, the information provided by the applicant could be used to register the applicant to vote and that some of the applicant's information would be sent to a central voter database where it would be accessible to entities other than the State or the source agency.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Opportunity to opt out prior to voter registration transaction. The Secretary of State shall ensure that, prior to the creation of a pending voter registration record by a source agency, an individual is given the opportunity to opt out of any voter registration transaction. If an individual opts out of voter registration, information about that individual may not be transmitted from the source agency that obtained the information to a registrar of voters.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

§235. Protection against liability of individuals on basis of information transferred; false information

1. No individual liability for error by State. If an individual who is ineligible to vote becomes a registered voter pursuant to this subchapter, that individual's registration is deemed to be the fault of the State and not attributable to or the fault of the individual.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Providing false information. Notwithstanding subsection 1, an individual who knowingly and willfully provides false information under this subchapter is subject to prosecution pursuant to Title 17-A, section 452.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

§236. Nondiscrimination

A person acting under color of law may not discriminate against an individual on the basis of the individual's absence from the central voter registration system, the information supplied by the individual for voter registration purposes at a source agency or the individual's declining to supply such information, except as required to administer elections or enforce the laws against election crimes. [PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

§237. Secretary of State duties

1. Audit of data. The Secretary of State shall audit the central voter registration system for quality of data prior to implementation of the automatic voter registration system pursuant to this subchapter and shall periodically thereafter conduct regular audits and random checks to ensure the accuracy and reliability of the data.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Rulemaking. The Secretary of State may adopt rules to implement this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

§238. Rule of construction

1. No change to authority to maintain voting lists. This subchapter may not be construed to interfere with any election official's authority or obligation, under state or federal law, to:

A. Determine whether an individual is qualified to be a voter; or [PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

B. Conduct regular, nondiscriminatory voting list maintenance designed to ensure that persons who are ineligible to vote are not reflected as voters in the central voter registration system. [PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

2. Right to opt out. This subchapter may not be construed to interfere with the right of an individual to decline for any reason to be registered to vote.

[PL 2019, c. 409, §6 (NEW); PL 2019, c. 409, §9 (AFF).]

SECTION HISTORY

PL 2019, c. 409, §6 (NEW). PL 2019, c. 409, §9 (AFF).

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