

Town Meeting & Elections

Chapter 6

Registrar of Voters, Voter Registration & Appeals

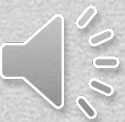
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- Town Meeting & Elections Manual, revised 2015
- Voter Registration & Elections Manual
- Title 21A, MRSA Sections 101-171
- CVR Manual
- Full-day Voter Registration training class
- Secretary of State Election Division
- Your town's attorney
- Clerk mentors



resources



- The registrar is the municipal official who has the exclusive power to determine whether an applicant meets the qualifications to register to vote and, once registered, whether a person is qualified to continue to vote in the municipality of registration.
- The registrar is the only official charged with the maintenance of the voter list.



office of registrar





- Determine voter eligibility
- Process all new applications for registration, and requests for changes of name, address or party enrollment
- Prepare and maintain the Central Voter Registration System (CVR) and related voter files
- Provide periodic reports and access to public records
- Certify signatures on petitions for state and local petitions

duties of the registrar





- Must be :
 - U.S. Citizen
 - A Resident of Maine (not required to be resident of the town where serving)
 - At least 18 years of age
- Must NOT be:
 - Holding (or be a candidate for) a state, federal or county office
 - Municipal Officer in the municipality served
 - An officer of a municipal, county or state party committee
 - An immediate family member of a candidate for any state, federal, county or local office (from the date the nomination papers are filed to the date of election)

qualifications of the registrar

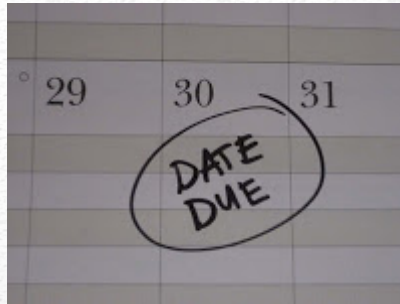




- Registrar may also serve as a clerk or deputy clerk; in fact, if the clerk is not also the registrar, the registrar **MUST** appoint the clerk to be a deputy registrar.
- If the town manager has the power to appoint, the town manager should not serve as the registrar, unless the charter requires it.
- Although not prohibited, it is recommended that the registrar not serve as a moderator or ballot clerk, since it is difficult to perform those functions simultaneously.

registrar serving in other offices





- Registrar is appointed by the municipal officers, unless the town manager is given that authority from 30A MRSA.
- Term is two years, and must be made by January 1st of each odd-numbered year, and must be made in writing.

appointment; term



- Oath of office
- Notice to Secretary of State
- Required training
- Compensation
- Office hours



other requirements



- The municipal officers make an appointment to fill a vacancy in the office of registrar for the remainder of the unexpired term. If the municipal officers fail to make an appointment within 15 days of receiving notification of the vacancy, the clerk must make the appointment.
- The registrar may appoint one or more deputies. If the registrar does not also serve as the clerk, the registrar must appoint the clerk as a deputy registrar. The qualifications for a deputy registrar are the same as for registrars. The deputy serves at the will of the registrar.

vacancies & deputies





- General qualifications to vote in a municipality:
 - Must be a citizen of the U.S.
 - Must be at least 18 years of age
 - Must have established and maintain a voting residence in that municipality
 - Must be registered to vote in that municipality
 - Must be enrolled in a party in that municipality in order to vote at a caucus, convention or primary election

eligibility to vote





- 21A MRSA Section 112 defines residence for voting purposes. Residence is defined as “that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return”.
- Factors to consider to determine a person’s residence:
 - A direct state of intention, pursuant to 21A MRSA Sec. 121
 - The local of any dwelling currently occupied by the person
 - The place where any motor vehicle owned by the person is registered
 - The residence address shown on a current income tax return
 - The residence address where mail is received
 - The residence address on any current hunting or fishing license held by the person
 - The residence address shown on a driver’s license held by the person
 - The receipt of any public benefit conditioned upon residency
 - Any other objective facts tending to indicate a person’s place of residence.

voting residence





- The registrar has the exclusive power to make the initial determination whether an applicant meets the qualification required by law to register them to vote.
- An applicant may be examined under oath concerning residency factors by the registrar.

registrar's power to make initial determination



- CVR is a web-based centralized voter registration system that is managed by the Secretary of State.
- Municipalities must maintain access to the internet so that their registrar can maintain voter registration information for voter's registered in their municipality. Registrars are able to view statewide voter registration data, but may only modify records for voters in their town.
- The Secretary of State's Elections Division provides access, training and support for use of the CVR.

Central Voter Registration System (CVR)



- Most voter records are public information and are subject to the FOAA laws, with some exceptions:
- All records of voters who are participants in the Address Confidentiality Program are confidential.
- The addresses of any voter who submits to the registrar a signed statement that the voter's safety would be jeopardized are confidential.
- The electronic version of the voter's signature and voter's ID number are nonpublic; however the paper version are public.

confidentiality of certain voter information



Request for Obtaining Data from Maine CVR – March 22, 2013 Version

1. Request submitted to:
- A. Secretary of State (for district, county, and statewide lists)
 - B. Municipality of _____ (the municipality named here may only provide data for that municipality's registered voters)
2. Individual/entity obtaining data from CVR for one of the following permitted uses of reports/files under 21-A MRSA §196-A:
- §196-A (1)(A) **Individual Voter Report** – an individual voter requesting their own information
Voter Name: _____ Voter DOB: _____
(Note: Only the voter may request and obtain this report of the voter's own Voter Record.)
 - §196-A (1)(B) **Party/Campaign Use Voter File** – Only for the following:
 - Party Activities – Party Name: _____
 - Candidate Campaign – Candidate/Office: _____
 - Issue Campaign – Issue/Effort Name: _____
 - Get-out-the-vote Activities – Intended use of data: _____
 - §196-A (1)(C) **Biennial Caucus Voter File** – Chair or secretary of the municipal committee or person(s) calling the Biennial Caucus
 - §196-A (1)(D) **Absentee Voter File or Report** – Any person
 - §196-A (1)(E) **Governmental Use Voter File** – Governmental or Quasi-governmental entity
Intended use of data: _____
 - §196-A (1)(F) **Statistical Information** – no data included which identifies individual voters
3. Nature of Request:
- A. **Individual Voter Report** (only available as a printed report)
 - B. **Party/Campaign Use Voter File – Initial Request/ Purchase**
Enrollment Status:
 - 1. All voters (all parties and unenrolled)
 - 2. Unenrolled
 - 3. Specific Party: Democratic Green Independent Republican
- Electoral Districts Requested:
- 1. Municipality-wide data: Municipality: _____
 - 2. Municipal District data: Municipality: _____
District Name and #: _____
 - 3. Statewide data
 - 4. State District data for the following:
 - a. Congressional District # _____
 - b. State Senate District # _____
 - c. State Representative District # _____
 - d. County-wide Data County: _____
 - e. County District County: _____
District Name and #: _____
- Voter Participation History (for above selected voter data file):
- Include Voter Participation History for:
Name and Date of Election: _____
Name and Date of Election: _____
Name and Date of Election: _____
 - All elections on file

Request for Obtaining Data from Maine CVR – March 22, 2013 Version

- C. **Party/Campaign Use Voter File – Update Request** (up to 11 free updates in a 12 month period with no more than 1 per month) additions/changes to data from the last data request to this data request.
 - New or Changed Voters Full File
 - Include Voter Participation History for:
Name and Date of Election: _____
 - D. **Biennial Municipal Caucus List** (available in electronic form, only to person calling the biennial municipal or regional caucus, for use in conducting the biennial caucus, after January 1 of each even-numbered year)
 - 1. Statewide data 2. Municipality-wide data: Municipality: _____
 - 3. County-wide data: County: _____
 - E. **Absentee Voter List** (available in electronic form for free, statewide list from the Secretary of State and municipality-wide list from municipality)
 - Name and Date of Election: _____
 - F. **Statistical Data Electronic File** – available from Secretary of State only
 - Voter Demographics File – Statewide data only – choose first name or last name
 First Name Last Name
 - G. **Statistical Reports**
 - Rejections/Cancellation Summary Report – date range: _____
 - Registered & Enrolled Voters Municipal Street List Ward/Precinct List
4. **Medium Requested** (subject to fees in 21-A MRSA, section 196-A.2):
- A. Paper: Printed report Mailing labels
 - B. Electronic file: By CD By email (zip file) (option not available from State)
5. **Arrangements for Payment:**
Please contact the State or the municipality for the amount of the fee. Amounts greater than \$500 must be paid by either certified/bank check or money order, and made payable to:
- If submitted to the Secretary of State's Office: Treasurer of State or the Secretary of State
- If submitted to the Municipality: to the municipality
 Personal/Business Check Certified/Bank Check Money Order
6. **Requestor Information** – The following information must be provided, and the form must be signed.
Individual name: _____
Entity name: _____
Mailing address: _____
E-mail address: _____
Day-time phone: _____ Fax: _____
- I, the undersigned requestor of information from Maine's Central Voter Registration (CVR) system, understand that the information I receive from the CVR is subject to the restrictions on use and redistribution of data, as provided in 21-A MRSA, section 196-A.
- Signature of Requestor: _____
Office/Title for Named Entity: _____
Date: _____
- For Internal Use Only**

Fee Collected: _____ Date Data Created: _____

Date Data Issued to Requestor: _____

Initial Request Request for Update In Person By Mail By Email

request form to obtain data from CVR



RECEIVED

- Registration applications sent by mail or through a third person must be received in the registrar's office by the close of business on the 21st day before election day in order for their name to appear on the voting list for that election.
- If the registrar's office isn't open on the 21st day before the election, then registrations should be accepted by mail that are received on the next day the registrar's office is open.

**deadline to register by
mail or by third party**



- The closed period consists of the 20 days before the election, and election day. During this period, persons who register to vote must do so in person, and provide proof of identity and proof of residency.
- Voters who cannot provide proof of identity should be added to the list in CVR, but must vote a challenged ballot.
- If people wish to register on town meeting day and do not have proof of identity, the clerk may wish to seat those people separately so that they can track their votes. In this case, legal counsel should be consulted.

registration during the closed period





- Population of 2,500 or fewer, the registrar must be open for in-person registrations 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.
- Population of more than 2,500, the registrar must be open for in-person registration on the last five business days that the clerk's office is open before election day, during the hours that the clerk's office is open and for two hours between 5 p.m. and 9 p.m. on at least one of those five days.

schedule prior to election day



- State law requires that the registrar accept the applications of those who appear in person on election day.



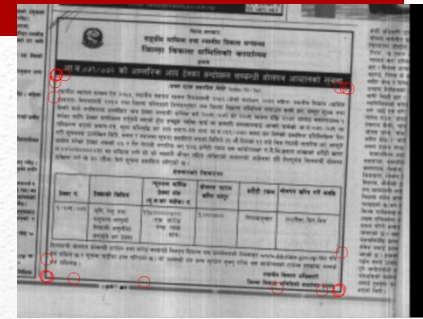
On election day



- If the clerk receives a properly completed absentee ballot application that is signed by a person who is not registered to vote in the municipality, the clerk must send an absentee ballot to the person, along with a voter registration application, which must be returned in an envelope separate from the returned ballot.

registration by absentee voters in secret ballot election





- In municipalities with a population over 2,500, the registrar must publish the days and hourly schedules in a newspaper having general circulation in the municipality at least 7 days before the schedule becomes effective.
- In towns with 2,500 or fewer, the publication of the time schedule is discretionary.

publication of pre-election registration schedule



- Although not required, many towns include the hours for voter registration in the warrant.



inclusion in warrant





- 21A MRSA Section 153 provides that a person who is unable to sign their name because of a physical disability may use a signature stamp or may authorize another person to register on their behalf.
- Anyone registering on behalf of another must be a registered voter and must sign a statement in the presence of the disabled person, which must also be witnessed by another registered voter.

registration and enrollment of disabled persons



- Any person who has reached the age of 17, and will turn 18 by the next election, and who is otherwise qualified to be a voter can register to vote. 17 year olds can participate in caucuses and primary elections, even if still 17, since this election only chooses candidates to appear on the ballot in the following November.

registration of certain 17-year-olds





- In addition to personally appearing before the registrar, a person may register by completing an application designed by the Secretary of State.
- Upon receipt, the registrar must enter the information into the CVR, if there is sufficient proof of qualification. The registrar must notify the voter of acceptance or rejection of the application.

written application



- State law allows for the voter registration process to be monitored at the registrar's or clerk's office, or at the polls on election day.
- Monitors can only observe the process, and cannot question the voters' regarding their qualifications, and cannot handle voter registration materials.



registration monitors





- The registrar must attend the official party caucus for at least 30 minutes prior to the commencement, to accept registrations and enrollment applications.
- In a presidential election year, the registrar shall attend the biennial municipal caucus of each qualified party for at least one hour prior to the commencement of the caucus, at the location where the caucus is being held, for the purpose of accepting registrations and enrollments.

attendance at official party caucuses



THIS IS A CRIME
FREE  CRIME
ZONE

For the safety and enjoyment of others, please refrain from criminal activities while here. Thank You!

- It is a Class D crime for anyone found making a false statement or oath regarding the qualifications of any person registering or enrolling.
- It is also a Class D crime for anyone to register in a second locality without revealing to the registrar the fact that the person is registered in another district, state, or municipality.

violations

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- The registrar must notify the applicant whether the application for registration is accepted or rejected by providing a written acknowledgement.
- 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 indicating the rejection.

notice of decision

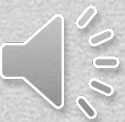


NOTICE OF PUBLIC HEARING

- A person's status as a registered voter may not be revoked without notice and hearing.
- The registrar must notify the voter in writing of a time and a place for a hearing, if the registrar doubts the qualifications of a voter.
- At the hearing, the voter must be given the opportunity to testify and to present witnesses and other evidence to support their voter qualifications. If the registrar feels that the voter hasn't proven their qualifications, or if the voter doesn't appear at the hearing and the registrar feels there is proof that the voter doesn't meet the qualifications, the registrar may cancel the voter in CVR.

removal from voting list

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- Maine's Freedom of Access Law provides that every agency make a written record of every decision involving the denial of an application; further, the agency shall set forth in writing the reasons for its decision and make findings of fact, in writing.

**decision should include
findings of fact**





- Anyone who wishes to appeal a registrar's decision from either removing a name from the voter list or to refuse to place it on the voter list can make a written complaint with the municipal officers or the board of registration appeals.

appeal of registrar's decision



- Purpose is to hear appeals from a registrar's or deputy registrar's decision to remove a name from the voting list or refuse to place a name on the voting list.
- Consists of three members
 - One nominated from the Democratic party
 - One nominated from the Republican party
 - Another person nominated by the clerk
- Appeals to the board must be in writing; once received, the board must immediately schedule a hearing and provide the appellant at least 20 days' written notice of the hearing.
- Appeals from board action are to the Superior Court.

registration appeals board





- The municipal officers hear appeals in towns that do not have a registration appeals board.
- The municipal officers must immediately set a date, time and location for a hearing when they receive a written complaint. Written notice of the hearing must be given to the appellant at least 20 days in advance of the hearing.
- The municipal officers must hold a “de novo” hearing, which means they are not bound to review only the evidence that was given to the registrar, but may receive new evidence and hear new testimony. All documents that should be considered must be provided to the municipal officers, even if they were provided to the registrar previously.
- The municipal officers must deliberate in public and make a determination, which they should put down in writing. The written decision should state the findings of fact and conclusions, and be provided to the appellant.

municipal officers as board of appeals



- The voting list is a printed list of all the voters of a municipality, arranged by last name, including the voter's street address, party enrollment, year of birth and district assignments, which is used to check off registered voters at a secret ballot election or open town meeting.



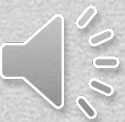
voting list





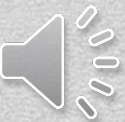
- The registrar must post a certified copy of the current voter list at each polling place before the polls are opened on a secret ballot election day, and must also deliver the necessary number of certified copies of the voting list to the clerk by 5:00 p.m. on the last business day before the election.

posting and delivery of voting list



- Registrar's qualifications
- Registrar's duties
- Factors to consider to determine voter eligibility
- Information about the closed period
- Notification to voter of acceptance or rejection
- Appeals process

Knowledge check





- You have reached the end of Module 6 of the Town Meeting and Elections class.
- For specific questions on any topic in this module, please contact the legal department at Maine Municipal Association, your town's attorney, or a clerk mentor.
- Please print this final page as proof of completion of this module.
- You may submit the final page to MMA along with the other eleven modules' completion pages to obtain a certificate to be used for certification points.

thank you

