# 29-250 DEPARTMENT OF THE SECRETARY OF STATE

BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS

DIVISION OF ELECTIONS

Chapter 505: VOTER LIST MAINTENANCE PROCEDURES

SUMMARY: This Chapter outlines the procedures and standards by which municipal registrars and boards of registration may update and maintain a current voter list, pursuant to 21-A MRSA §161(2) and the National Voter Registration Act of 1993.

1. Program for updating municipal voter registration lists

1. Individual or spot changes. Each municipality shall make necessary changes to its voter registration list as soon as possible after the information arrives. Such incoming information will include:

A. Death. The names of those residents who have died shall be removed from the voter list. Names of the deceased shall be taken from death records obtained from the clerk, certified death certificates, or obituaries.

B. Notice of guardianship due to mental illness. If the municipality receives notice indicating that a registrant has been placed under guardianship due to mental illness, the registrar must remove the registrant's name.

C. Written request of registrant. If a registrant requests in writing that his or her name be removed from the voter list, the registrar shall do so.

D. Notice of new registration. When a registrar receives notice that one of the municipality's residents has registered to vote in another municipality, the registrar shall remove that name from the voter list if he or she is satisfied as to the identity of the person.

E. Motor Vehicle Request for Name/Address Change form. Upon receipt of a Motor Vehicle Request for Name/Address Change form, the registrar shall remove the registrant's name from the voter list if the registrant has moved outside the municipality. If the registrant's new address is still within the same municipality, the registrar shall make the appropriate changes on the voter list.

F. Postal Service Change of Address Notification Card. Upon receipt of the Postal Service's pre-printed Change of Address Notification Card, the registrar shall remove the registrant's name from the voter list if the new address is outside the registrar's jurisdiction and the card is signed by the registrant. If the registrant's new address is still within the same municipality, the registrar shall make the appropriate changes on the voter list.

G. Response to a Change of Address Confirmation Card. When the registrar receives a response to a Change of Address Confirmation Card, signed by the registrant, acknowledging that the registrant has moved to an address outside the registrar's jurisdiction, the registrant's name shall be removed from the voter list.

H. Other information from the registrant. If other information indicating a change of address is obtained, the registrar may, at his or her discretion, use this information to remove the registrant's name from the voter list if the new address and the voter's signature are provided. If either the new address or the signature is not available, the registrar may send a Change of Address Confirmation Card to the registrant for verification of the indicated change.

I. Mail returned to the municipal office. Mail sent to a registrant which is returned to the municipal office as not deliverable is cause for the registrar to send a Change of Address Confirmation Card to the registrant, in accordance with 21-A MRSA §162-A and these rules.

2. Mass confirmation mailings. One of the following methods of voter list maintenance must be utilized at least once every five years. Nothing in these rules should be construed to preclude a municipality from utilizing one of the following mass confirmation mailings more frequently than the prescribed minimum. Each municipality must have completed its first systematic purge by January 1, 2000. All systematic purges must be completed at least 90 days before any election.

A. First class mailing to all registrants. A municipality may send an Address Verification Notice, which is a first class, non-forwardable, address correction requested notice, to each of its registered voters. Those notices that are returned by the post office as not deliverable shall then be followed up by forwardable Change of Address Confirmation Cards, in accordance with 21-A MRSA §162-A and these rules.

B. Targeted confirmation mailing. A municipality may send to those persons on the voter list who have not voted in the most recent general election, an Address Verification Notice, which is a first class, non-forwardable, address correction requested notice. Those notices that are returned by the post office as not deliverable shall then be followed up by forwardable Change of Address Confirmation Cards, in accordance with 21-A MRSA §162-A and these rules.

C. The NCOA program. Each municipality that has a computerized voter registration file and at least 100 registered voters may participate in the NCOA program and obtain a list of potential address changes from the Postal Service. Within a reasonable period of time after receiving the list of potential changes, a Change of Address Confirmation Card shall then be sent to each of the identified individuals, in accordance with 21-A MRSA §162-A and these rules.

3. Utilizing the inactive designation.

A. If a registrant fails to respond to a Change of Address Confirmation Card within 20 days, he or she may be designated as inactive on the voter list. The use of the inactive designation is optional. In municipalities not using the inactive list, those who fail to respond to the Change of Address Confirmation Card may not be removed from the voter list.

B. An inactive designation must be clearly marked on the voter list by placing an asterisk next to the registrant's name. Asterisks for other purposes must be removed or changed. Alternatively, a separate list of inactive voters may be maintained. The date on which a registrant is placed on the inactive list must also be clearly marked in the registration file.

C. If a registrant designated as inactive votes, attempts to vote, changes address within the same municipality, responds to a Change of Address Confirmation Card indicating that his or her address has not changed, signs a petition or nomination paper as a resident of the municipality, or otherwise makes his or her residence in the community known to you, the inactive designation next to the registrant's name must be removed. Also, any of the above actions shall exclude a registrant from the targeted confirmation mailing described in sub-§2 of this section.

D. If a registrant designated as inactive fails to engage in any of the activities listed in paragraph C above for a period of two consecutive general elections, the registrant may be removed from the voter list.

E. For municipalities using an inactive list, a copy of the list of inactive voters must be provided to election officials at each polling place along with the regular voting list for election day.

2. Removal prohibited. A person's name may not be removed from the voting list for any of the following:

1. Failure to vote. Failure to vote in any election shall not be grounds for removal from the voter list. This prohibition does not preclude the use of an inactive status as part of a voter list maintenance program as prescribed in this rule. This also does not preclude the sending of Address Verification Notices to those who did not vote in the most recent general election, as described in §1, sub-§2(B) of this Chapter.

2. Criminal conviction. Maine law does not allow for the removal of a registrant's name from the voter list because of a criminal conviction in any court.

3. Marriage. A registrar shall not remove a registrant's name from the voter list solely because he or she has married. This prohibition, however, does not preclude the registrar from sending a notice (in accordance with 21-A MRSA §128(3)) inquiring whether, as a result of the marriage, that voter's name or address has changed.

4. Change of residence address within the same municipality. If it appears that a registrant has moved to another location within the registrar's jurisdiction, the registrar shall not remove the registrant's name from the voter list and shall not designate the registrant as inactive on the voter list, but the registrar shall:

A. Update the registration records to reflect the new address; and

B. Send to the registrant a Change of Address Confirmation Card requesting that the registrant provide the correct address information. Failure to respond to this notice shall not be grounds for removal from the voter list and, in this case, shall not be grounds for placement of the registrant's name on the inactive list. If the registrant offers the change of address information in person or in writing, this notice need not be sent.

3. Time for completion of the voting list maintenance program. All procedures intended to systematically remove names from the voter list shall be completed at least 90 days prior to any election. This time limit shall not be construed to preclude the removal of names within 90 days of any election for the reasons stated in §1, sub-§1, paragraphs A-H of this Chapter.

4. Record keeping

1. Confirmation mailings. The registrar shall keep for two years a list of the names and addresses of all persons to whom a Change of Address Confirmation Card is sent.

2. Responses to confirmation mailings. The registrar shall keep for two years a record of those individuals who responded to a Change of Address Confirmation Card and the contents of the responses.

3. Removals. The registrar shall keep for two years a separate list of all removals from the voter list, the date of the removal, and the reason for the removal. In addition, the registrar shall keep for two years all documents used in the removal of voters from the voter list.

4. NCOA data. The registrar shall keep for two years all information received from the NCOA program.

5. Public information. All information collected and maintained under this section shall be available to the public upon request.

5. NVRA Data Reports to be filed with the Secretary of State. Each municipality shall complete the NVRA Data Report and file it with the Secretary of State. The reports shall be due to the Secretary of State annually on February 1 and shall include data for the reporting period of January 1 to December 31 of the prior year. The NVRA Data Report shall include the following information required by federal law to be monitored:

1. Name of the municipality. The name of the municipality shall be clearly indicated at the top of the form.

2. New valid registrations. The form shall include a place for the total number of new valid registrations, including registrations that are new to the municipality, but excluding all applications that are duplicates, rejected, or report only a change of name, address, or party affiliation.

3. Applications received via mail. The form shall include a place for the total number of applications received via mail, regardless of whether they were valid, rejected, incomplete, duplicative, or reporting only a change of address, name, or party affiliation. Applications mailed to municipal registrars from the Secretary of State or from groups known to have conducted an organized voter registration drive shall not be included.

4. Applications received in-person or from voter registration drives. The form shall include a place for the total number of registrations accepted in-person or received as a result of an organized voter registration drive.

5. Registrants on the inactive list. If the municipality has chosen to use the inactive list, this form shall include a place for the total number of registrants on the inactive list as of December 31 of the reporting period. If the municipality has chosen not to use the inactive list, an "N/A" should be placed in this space.

6. Registrants deleted from the voter list. The form shall include a place for the total number of registrants that were deleted from the voter list, including both the active and inactive lists.

7. Duplicate registrations. The form shall include places for the number of duplicate registrations for each of the following categories:

A. Motor voter cards (only the yellow cards from the Bureau of Motor Vehicles).

B. All other sources.

8. Change of Address Confirmation Cards sent. The form shall include a place for the total number of Change of Address Confirmation Cards mailed.

9. Responses to Change of Address Confirmation Cards received. The form shall include a place for the total number of responses each municipality has received to the Change of Address Confirmation Cards.

10. Signature of Registrar and the Date of Signature. The appropriate municipal election official shall sign and date the form upon its completion.

6. Design of the NVRA Data Report. The Secretary of State shall design the form of the NVRA Data Report.

STATUTORY AUTHORITY: 21-A MRSA §161(2)

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October 27, 1997 - Divisional name in heading corrected

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