

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 their voter lists in the central voter registration system, pursuant to 21-A MRSA §161.

SECTION 1. Definitions

1. **Central voter registration system.** “Central voter registration system,” and the abbreviation CVR, means a single electronic information system and database for voter registration information maintained by the Secretary of State and used by all municipal jurisdictions in the State.
2. **Challenged ballot.** “Challenged ballot” means a ballot cast by one whose eligibility to vote has been questioned during election day.
3. **NCOA Program.** The United States Post Office (USPS) service that collects change of address information, also known as NCOALink®.
4. **NVRA.** The National Voter Registration Act of 1993.
5. **Online voter registration application.** “Online voter registration application” means the electronic voter registration application form created by the Secretary of State and available on the Secretary of State's publicly accessible website and through which an individual may register to vote and enroll in a party or a registered voter may enroll in a party, change the voter's party enrollment, withdraw from a party or notify the appropriate registrar of voters of a change in the voter's name or address when the voter's name is changed due to marriage or other process of law or when the voter has moved within a municipality.
6. **Registrant/Applicant.** “Registrant” and “applicant” mean a person registering to vote or applying to update their existing registration as a voter.
7. **Registrar.** “Registrar” means the registrar or deputy registrar of voters of a municipality.
8. **Resident.** A resident is a person who has established residence within a jurisdiction.
9. **Residence address.** “Residence address” means the street and number or other designation indicating the physical location of a person's residence.
10. **Residence for voting purposes.** The voting 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 person does not change residence for voting purposes if the person temporarily leaves home and goes to another country, state or place in this State with an intent of returning. A change of residence is made only by the act of leaving one location with the intent to remain in another place. 21-A MRSA §112(B)

11. **Source agency.** “Source agency” means a state agency or department or other entity designated as a source agency pursuant to 21-A MRSA §233, subsection 1 which, as part of the normal course of business of that entity, collects documents that contain personal identification information that provides proof of voter eligibility.
12. **Voter.** “Voter” means a person registered to vote.
13. **Voter participation history.** “Voter participation history” means the indication in the central voter registration system of whether a voter has cast a ballot in particular elections, as reflected on the incoming voting list for that election.

SECTION 2. Program(s) for updating municipal voter registration lists.

1. **Individual or spot changes.** Each municipality shall make necessary changes to its active voter list in the central voter registration system as soon as possible after the information arrives. Such incoming information will may include:
 - A. **Death.** The names of those voters 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. **Notices of Change of Name or Address**
 - (1) **Motor Vehicle Request for Name/Address Change form.** Upon receipt of a Motor Vehicle Request for Name/Address Change form, the registrar shall:
 - (a) Remove the voter's name from the registrar’s active voter list if the voter has moved outside the municipality, or
 - (b) If the voter's new address is still within the same municipality, the registrar shall make the appropriate changes within CVR system without removing the voter from the active voter list.
 - (2) **NCOA Updates.** Each municipality with a voter registration list containing at least 100 registered voters may participate in the NCOA program and obtain lists of potential address changes from the Postal Service
 - (3) **Postal Service Change of Address Notification Card.** Upon receipt of the Postal Service's pre-printed

Change of Address Notification Card signed by the voter,

- (a) Remove the voter's name from the municipality's active voter list if the voter has moved outside the municipality, or
- (b) If the voter's new address is still within the same municipality, the registrar shall make the appropriate changes within CVR system without removing the voter from the active voter list.
- (c) If the Change of Address Notification Card is not signed by the voter, the registrar shall send a forwardable Change of Address Confirmation Card to the voter.

C. **Receive a Response to a Change of Address Confirmation Card.**

- (1) When the registrar receives a response to a Change of Address Confirmation Card signed by the voter, acknowledging that the voter has moved to a new address and the new address is outside the registrar's jurisdiction, the voter's name shall be removed from the municipality's voter lists.
- (2) When the registrar receives a response to a Change of Address Confirmation Card signed by the voter, acknowledging that the voter has moved to a new address and the new address is not outside the registrar's jurisdiction, the registrar shall make the appropriate changes within CVR system without removing the voter from the active voter list.

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 losing municipality's voter list.

E. **Written request of voter.** If a voter requests in writing that his or her name be removed from the municipal voter lists, the registrar shall do so if he or she is satisfied as to the identity of the person making the request.

2. **Mass confirmation mailings.**

A. Registrars must use at least one of the following methods of voter list maintenance not less than once every five years.

- (1) First class mailing to all voters.
 - (a) 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.

- (b) 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 Section 4 of this chapter.
 - (2) Targeted confirmation mailing.
 - (a) 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.
 - (b) Address Verification Notices which are returned by the post office as not deliverable shall then be followed up by forwardable Change of Address Confirmation Cards, in accordance with Section 4 of this chapter.
- 3. Nothing in these rules should be construed to preclude a municipality from using mass confirmation mailings more frequently than the prescribed minimum.
- 4. Timeframe for completion of a voting list maintenance program.
 - A. All procedures intended to systematically remove names from the voter list shall be completed at least 90 days prior to any election.
 - B. This time limit shall not be construed to preclude the removal of names within 90 days of any election for the reasons stated in sub-section 1 of this section.

SECTION 3. Utilizing the inactive designation.

- 1. The date on which a voter is placed on the inactive list must also be clearly recorded in the central voter registration system.
- 2. A voter's name must be moved to the active list if the voter designated as inactive:
 - A. Votes or attempts to vote,
 - B. Changes address within the same municipality,
 - C. Responds to a Change of Address Confirmation Card indicating that his or her address has not changed,
 - D. Signs a petition or nomination paper as a resident of the municipality,
 - E. Or otherwise makes his or her residence in the community known to the registrar.
- 3. Any of the above actions shall exclude a voter from the targeted confirmation mailing described in sub-section 3.1 of this chapter.
- 4. If a voter designated as inactive fails to engage in any of the activities listed in sub-section 2 of this section for a period including two

consecutive general elections, the voter may be removed from the central voter registration system.

5. 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.

SECTION 4. Use of Change of Address Confirmation Card

1. A registrar shall send a forwardable Change of Address Confirmation Card whenever any of the following occurs:
 - A. Within a reasonable period of time after receiving a list of potential changes from any maintenance process listed.
2. When the registrar receives a response to a Change of Address Confirmation Card signed by the voter, acknowledging that the voter has moved to a new address:
 - (a) If the new address is outside the registrar's jurisdiction but within the State, the voter's name shall be removed from the active voter list.
 - (b) If the new address is outside the State, the voter's name shall be removed from CVR voter list.
3. Voters who fail to respond to a Change of Address Confirmation Card within 20 days may be designated as inactive in the central voter registration system.

SECTION 5. Proof of identity and residence

1. A person who registers in person shall show proof of identity and residency.
2. Voters registered through source agencies are presumed to have presented proof of identity and residency, except when the registrar has an articulable reason for questioning the validity or accuracy of the source agency's proof or validation procedure.
3. Documents provided for proof of identity or residency must be current and accurate. Government-issued documents must also be valid at the time of presentation.
4. 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 in such a way as to appear on incoming voting lists with an indication that the person will be casting a challenged ballot.
5. If the voter shows satisfactory proof of identity and residency prior to voting on election day, their ballot will not be considered a challenged ballot except as provided for in 21-A MRSA §673.
6. **Verifying registrant's identity**
 - A. Any combination of the following forms of documentation may be considered by a registrar in verifying the identity of an applicant registering to vote:

- (1) A government-issued photograph identification document or credential, including, but not limited to, a United States passport, military identification, driver's license, state identification or identification card issued by a federally recognized Indian tribe;
- (2) A government-issued identification document without a photograph, including, but not limited to, a certified birth certificate or a signed social security card;
- (3) 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 showing the current name and address of the voter;
- (4) 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;
- (5) A unique identifier, including the voter's Maine driver's license number, Maine identification number or the last 4 digits of the voter's social security number, which is successfully verified through the central voter registration system.

- B. If the registrant's name does not already appear in the central voter registration system, the registrar must verify the registrant's identity as prescribed in paragraph A of this subsection.
- C. If the voter is already registered within the central voter registration system, the registrar is not barred from verifying the identity of the person seeking to update or change the voter's registration as prescribed in paragraph A of this subsection.

7. Verifying voter's residence

- A. When evaluating proof of residence, a registrar is not barred from concluding that preponderance of evidence indicates that the applicant's residence is in another jurisdiction.
 - (1) If the other jurisdiction is located in this State, the registrar shall assist the applicant in contacting the registrar of the other municipality or jurisdiction and may assist the other registrar in properly registering the voter.
 - (2) If the other jurisdiction is in another state or country,

the registrar shall identify it to the applicant and may assist in contacting the appropriate voter registration authority.

- (3) In making this determination, the registrar's purpose is to accurately identify a qualified voter's residence for voting purposes, not to disqualify a voter from registering.

B. The following factors may be considered by a registrar in determining a person's residence. 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 applicant.
 - (a) Pursuant to 21-A MRSA §121, subsection 1, the registrar may require such a statement to be made under oath.
- (2) The location of any dwelling currently occupied by the person;
- (3) The place where any motor vehicle or other taxable personal property owned by the person is registered;
- (4) The residence address, not a post office box, shown on:
- (5) A current and valid motor vehicle operator's license held by the person;
- (6) A current resident hunting or fishing licenses held by the person;
- (7) A current income tax return naming the registrant;
- (8) The residence address, not a post office box, at which the person's mail is received;
- (9) The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection; and
- (10) Any other objective facts which tend to indicate a voter's place of permanent residence.
 - (a) Some examples of such facts are:
 - (i) Obtaining a local municipal dog license;
 - (ii) Owning a motor vehicle without registering it with this State within 30 days of nominally establishing residency;
 - (iii) Operating a motor vehicle without a license issued by this State after residing in this State for more than 30 days (a traffic infraction) or more than 90 days (a Class E crime).
 - (b) Facts which objectively neither prove nor disprove

a voter's place of residence include:

- (i) A current dwelling or residence address in housing known to be seasonal, temporary or short-term – e.g., student housing, seasonal camp housing, or an in-patient medical facility.
 - (ii) An expressed desire to participate in a specific election, absent any other expressed interest in permanent local residence.
8. When the registrar has reason to believe that a registrant may be providing false documentation or otherwise implicating themselves in a violation of State or federal statute, or providing evidence of an unpaid tax obligation, the registrar may warn the registrant about the possibility of self-incrimination but may not provide instruction on evading self-incrimination beyond identifying mutually contradictory statements and/or documents provided by the registrant.
9. Formal hearings
- A. If the registrar is in doubt as to the qualifications of a registered voter, the registrar shall
 - (1) Fix a reasonable time and place for a hearing and
 - (2) At least 20 days prior to the hearing, give written notice of the hearing to the voter at the last known address provided by the voter.
 - B. The voter must have the opportunity to testify and to present witnesses and other evidence at the hearing.
 - C. The voter may respond in person or in writing with proof of qualifications prior to the date of the hearing.
 - D. After the hearing, the registrar shall determine whether the voter has met the voting qualifications and shall act accordingly.
 - (1) 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.
 - (a) If the registrar determines that the voter has provided proof that they are qualified to vote but only in another voting jurisdiction within this State, the registrar will provide the voter with information on registering to vote in the other jurisdiction and may coordinate with the other registrar to facilitate the process. If the other

registrar does not agree with the original registrar's decision, both registrars may conduct informal discussions to resolve their differences in such a way that a qualified voter is not barred from registering to vote.

- (2) If the voter fails to provide 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.
- (3) 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.
- E. The registrar shall notify the voter, in writing, of the action taken and advise the voter of any appropriate appeal authority.
- F. 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.

SECTION 6. Removal prohibited.

- 1. A person's name may not be removed from the voting list for any of the following reasons:
 - A. **Change of residence address within the same municipality.** If it appears that a voter has moved to another location within the registrar's jurisdiction, the registrar shall not remove the voter's name from the voter list and shall not designate the voter as inactive on the voter list.
 - B. **Criminal conviction.** Maine law does not allow for the removal of a voter's name from the voter list because of a criminal conviction in any court.
 - C. **Failure to vote.** Failure to vote in any single 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 systematic voter list maintenance program as prescribed in this chapter.
 - D. **Marriage.** A registrar shall not remove a voter's name from the voter list solely because he or she has married.
 - E. **Mental illness.** Maine law does not allow for the removal of a voter's name from the voter list because of a mental illness, nor for guardianship arising from mental illness.

SECTION 7. Record keeping

1. Whenever a voter's voting residence changes to a different voting jurisdiction within the State, the losing and gaining registrars shall ensure that the voter's voting history remains associated with the voter in the CVR system.
2. Registration and enrollment applications.
 - A. The registrar shall keep registration and enrollment applications and requests and all documentation of changes in registration and enrollment as part of each active or inactive voter's permanent registration record.
 - B. Records for voters whose registration has been cancelled and applicants whose registration application has been rejected must be kept for 2 years.
3. Confirmation mailings.
 - A. The registrar shall keep for six years a list of the names and addresses of all persons to whom a Change of Address Confirmation Card is sent.
 - B. The registrar shall keep for six years a record of those individuals who responded to a Change of Address Confirmation Card and the contents of the responses.
4. Removals. The registrar shall keep for four 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 four years all documents used in the removal of voters from the voter list.
5. NCOA data. The registrar shall keep for four years all information received from the NCOA program.
6. **Public information.** All information collected and maintained under this chapter shall be available to the public upon request, except when such release or disclosure would conflict with the requirements of the Address Confidentiality Program, prescribed in 5 MRSA §90-B, or other statutory protections for personal information.

SECTION 8. NVRA Data Reports to be filed with the Secretary of State.

1. Each municipality shall complete an NVRA Data Report and file it with the Secretary of State on an annual basis. NVRA Data Reports are due to the Secretary of State on February 1 and shall include data for the reporting period of January 1 to December 31 of the prior year.
2. The NVRA Data Report shall include the following information:
 - A. Name of the municipality
 - B. New valid registrations – 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.
- C. Applications received via mail – 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.
 - D. Applications received in-person or from voter registration drives – the total number of registrations accepted in-person or received as a result of organized voter registration drives.
 - E. Voters on the inactive list – The total number of voters on the inactive list as of December 31 of the reporting period.
 - F. Voters deleted from the voter list – The total number of voters who were deleted from the voter list, including both the active and inactive lists.
 - G. Duplicate registrations - The form number of duplicate registrations for each of the following categories:
 - (1) Motor voter cards (only the yellow cards from the Bureau of Motor Vehicles).
 - (2) All other sources.
 - H. Change of Address Confirmation Cards sent – The total number of Change of Address Confirmation Cards mailed.
 - I. Responses to Change of Address Confirmation Cards received – The total number of responses the municipality has received to Change of Address Confirmation Cards.
 - J. Signature of Registrar and the Date of Signature – The appropriate municipal election official shall sign and date the form upon its completion.