

## **INSTRUCTIONS TO PETITION CIRCULATORS**

### **Revised by the Office of the Secretary of State, July 2013**

Pursuant to Title 21-A, Maine Law on Elections, §903-A, sub-§3, the Secretary of State is required to provide a copy of the laws and rules governing the circulation of petitions for a direct initiative. These instructions will provide guidance in interpreting the attached laws.

#### **Requirements for Circulators:**

- You must be a resident of Maine. This means you must have established a fixed and principal home to which you, whenever temporarily absent, intend to return.
- You must be registered to vote in the municipality where you reside. In order to confirm your registration, you must complete the Certificate of Registration for Citizen Initiative Petition Circulator and submit it to your municipality for completion. The municipal registrar/clerk must certify that you are a registered voter in that municipality.
- You must print your name and a unique identifying number in the space provided on each page of the petition that contains space intended for voter signatures. Although the law does not specify what the unique identifying number must consist of, the Secretary of State recommends the circulator assign a sequential number to each petition circulated by that circulator.

#### **Signature Requirements:**

- When you present the petition to individual voters to sign, you must first give them an opportunity to read the summary on the front of the petition and to read the full text of the legislation that is printed on the petition.
- Individual voters must sign their own names to the petition. No one (not even a spouse or child of an elderly parent) may sign for another person.
- The voter must sign the petition in your presence, which means that you must personally witness each voter sign the petition. You may not leave the petitions unattended at a location, or attended by someone other than yourself. You must be able to take the oath that is written on the petition and state truthfully that you personally witnessed each person sign the petition.
- A voter may only sign a particular initiative or referendum petition once. If a voter tells you that they have already signed a petition for this same initiative or referendum and asks if the voter can sign again, you should inform the voter that duplicate signatures will not be valid and that signing a petition more than once is a Class E crime.
- Each voter must sign their name in the far left column of the petition, using the voter's cursive signature, and using the name under which they are registered to vote. The use of

initials, nicknames or other variations in the name (e.g. Mrs. John Doe instead of Jane Doe) will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine if the signer is a registered voter.

- You or the voter should print the voter's name in the right hand column of the petition. Absence of a printed name will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine who the voter is based on the signature alone.

- You or the voter should print the voter's physical address on the petition. The address should be the address where the voter resides and is registered to vote. This address should *not* be a P.O. Box. Absence of an address or use of a mailing address will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine who the voter is based on the signature alone.

- The date of each voter's signature must be printed in the date column, next to the voter's signature.

- Do not mark in the first column of the petition labeled "(For Registrar's Use Only)". This space is reserved for the registrar of voters to indicate if the signature is valid.

- Do not mark in the area labeled "Petition Log – For Secretary of State Use Only". This area is reserved for use by the Secretary of State staff in the final certification process.

### **Circulator's Oath:**

- When you have finished collecting signatures on a petition form, you must take the petition form (or forms) to a Notary Public, take the oath that is written on the petition before that Notary, and sign your name in the signature space in the Circulator's Oath block on the petition. Once you have taken an oath on a petition, you cannot gather any more signatures on that petition form. If you want to gather additional signatures, you must use a new petition form.

- A law change that took effect in 2010 requires you to appear before the Notary to complete the circulator's oath **prior** to submitting the petition form (or forms) to the municipal registrar where the petition was circulated for purposes of verifying which signatures were made by registered voters from that municipality. If the petition form or forms are submitted without the circulator's oath being completed, the registrar may not certify the petitions and is required to return the petitions.

- By signing your name before the Notary, you are taking an oath that you personally witnessed each voter whose name is listed above on that petition sign the petition and that to the best of your knowledge and belief these individuals are who they claim to be.

- Do not sign the circulator's oath outside the presence of the Notary. You must personally appear before the Notary, take the oath, and sign the circulator's oath in the Notary's presence.
- The Notary Public (not you) must fill in the date on which you have appeared before that Notary, taken your oath and signed the petitions that you circulated. The Notary Public must also sign the circulator's oath.
- The signature of the Notary Public **must** match the name and signature that is on file with the Secretary of State and must be originally signed. The use of a rubber stamped signature is not permitted under Maine law. The Secretary of State's office often must certify the action of a Notary Public, and if the name and signature on the document does not match the name and signature on the commission file, the document for certification may be rejected by the Secretary of State. The Notary Public must ensure the name on file is current at all times. If a name change occurs, the Notary Public must submit a change form to the Secretary of State. However, until the Secretary of State has received and recorded the name change, the Notary Public must continue to use the name and signature in the commission file. The form necessary to change the official signature of a Notary Public may be obtained by calling the Secretary of State Notary Public section at 624-7752 or online at:

<http://www.maine.gov/sos/cec/notary/notaries.html>

- You cannot be an immediate family member of the Notary Public notarizing your petition. You should not have a Notary Public administer your oath and notarize your signature if that Notary is your spouse, parent, sibling, child, spouse's parent, spouse's sibling or spouse's child. (Step family members under this law are considered the same as blood relations.)

### **Certification of Petitions by Municipal Registrars:**

- In addition to the Circulator's Oath, the Registrar's Certification must also be completed on each petition. The registrar of voters in the municipality where the petition was circulated must complete this certification verifying which signatures were made by registered voters from that municipality.
- As a circulator, you should check with the organizers of the petition effort to determine if you should take the signed petitions to the registrar or if the organizers will do this.
- Petitions should be delivered to the appropriate municipal registrar for certification as soon as possible after circulation. This will provide the municipal election officials ample time to certify the petitions to determine which signatures were made by registered voters of the official's municipality. Pursuant to the Maine Constitution, Article IV, Part Third, Section 20, the deadline for submitting petitions to the registrar for certification is 5:00 p.m. on the 10<sup>th</sup> day before the Constitutional deadline for filing with the Secretary of State. **Local officials are not authorized to certify any petitions that they receive after this deadline.** The registrar must certify petitions that have been filed on time within 5 business days after receipt.

- Our office will be advising local election officials to date stamp all petitions received for certification so that it can be determined whether they were submitted on time. Signatures on late filed petitions will be deemed invalid.

### **Alterations on the Petition:**

It is illegal for a circulator (or anyone else) to make changes or alterations to petitions (i.e. changing the date of signatures or date of notarization for the circulator's oath).

The only change a circulator may make to a petition is to strike through the signature of any voter that the circulator did not personally witness sign the petition. If an election official determines that unauthorized persons have made material alterations to a petition, it is possible that all signatures on that petition will be determined invalid. Circulators should make sure that the correct date is written beside each signature. If you determine that the Notary has made a mistake in dating the circulator's oath, you must take the petition back to the Notary to correct it – do not simply change the date yourself. The Notary should initial the correction and make a notation of the basis for the correction.

### **Timeframe for Petition Circulation:**

Signed petitions for a direct initiative must be filed with the Secretary of State's office within 18 months after the date the petition is approved by the Secretary for circulation. Signatures on initiative petitions may not be older than one year at the time the petitions are filed with the Secretary of State. Therefore, although a petition is approved to circulate for 18 months, the one-year period runs from the date the petition is filed with the Secretary of State. Any signature that is dated more than one year prior to the date the petition is filed with the Secretary of State will be rejected as invalid.

### **Number of Valid Signatures Needed for a Citizen Initiative Petition:**

Article IV, Part Third, Section 18, Subsection 2 of the Maine Constitution provides that the number of signatures necessary to refer any initiated measure to the Legislature shall not be less than 10% of the total vote for Governor, cast in the last gubernatorial election preceding the filing of the petition. The total number of votes cast for Governor in the November 2, 2010 General Election was 572,766. Therefore, the required number of signatures for any citizen initiative petition filed with the Secretary of State is currently 57,277.

A new 10% figure will be calculated based on the total vote cast for Governor in the upcoming general election on November 5, 2014. Thus, any petitions submitted to the Secretary of State after that election, will have to meet the new minimum number of signatures.

**If circulators or initiative organizers have any questions about laws or procedures regarding citizen initiative or people's veto petitions, call the Division of Elections at 624-7650.**