



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Office of the City Clerk
Linda C. Cohen, MMC

MEMORANDUM

TO: Pamela Plumb, Chair and
Members of the Charter Commission

FROM: Linda C. Cohen, City Clerk

DATE: March 4, 2010

RE: Implementing Non- U. S. Citizen Voting in Municipal Elections

Currently, when someone registers to vote for the first time in the City of Portland, they must show proof of identity and proof of residency. The items we may accept are spelled out in Title 21-A Sections 112 and 112(a), but we may also use other documents that, as Registrar of Voters, lead us to believe the person before us is who they say they are and that they live in Portland. I would hope that, if the voters support this effort, there would be some language placed in Chapter 9 of the City's Code of Ordinances that would tell us what we would require/accept from non-U.S. citizens when they register to vote.

The Secretary of State has determined that we will be able to use the same voter registration card; however, a separate card file must be maintained for the cards belonging to non-U.S. citizens. Additionally, the information must be kept in a separate database. The cost associated with these two restrictions are minimal. At the polling place, a separate Incoming Voter List must be maintained for these voters, but their municipal ballots may go into the same vote tabulation machine.

It is now my understanding that there are 109 languages spoken in the City of Portland. We are not required to provide, and the cost would be prohibitive to do so, interpretation or translation services in our polling places. Nor are we required to print ballots in multiple languages, the cost of which would be astronomical. There is a requirement in State Statute [Title 21-A §603(5)] that the Secretary of State must provide ballot instructions only in French to Clerks in municipalities if the Clerk requests them. This is the only current requirement in the law, and it does not require that the ballots be in French, only the instructions.

The Federal Government, every two years for general elections, determines if more than 5% of the voting age population in a municipality is a single language minority group. This

information is then printed in the Federal Register. This is important, because Portland has a variety of languages spoken, and apparently has not yet met the greater than 5% in one language guideline. It is the translation service that is the most costly when printing ballots in multiple languages. Elizabeth may want to look at the Voting Rights Act for some of this information.

My expectation would be that, as part of the education and outreach effort, we would provide information regarding the required documentation to register to vote and that voters must bring their own interpreters with them to the polls to assist them in reading and marking the ballot.