



Maine Town & City Clerks' Association

Local Government Center • 60 Community Drive
Augusta, Maine 04330-9486
1-800-452-8786 (In Maine) • 207-623-8428

Date: March 24, 2021

To: Senator Louis J. Luchini, Senate Chair
Representative Chris Caiazzo, House Chair
And members of the Veterans and Legal Affairs Committee

From: Patti Dubois, Chairperson, Legislative Policy Committee
Maine Town and City Clerks' Association

Re: LD 1164 – An Act to Expand the Application Period for Absentee Ballot Requests
and Allow Early Processing of Absentee Ballots

Position: OPPOSED

The Maine Town & City Clerks' Association is Opposed to LD 1164 for several reasons and we thank you for the opportunity to outline our points for your Committee.

There are three main parts of the bill:

Repeal of the Special Circumstances absentee ballot provisions.

Voters who find that they have an unexpected event that will prevent them from being able to cast their ballot at the polls are allowed to vote by absentee ballot after the deadline to request an absentee ballot. This safeguards a voter from being disenfranchised due to an unexpected hospitalization or changing work schedule for the Friday and Monday preceding Election Day, and on Tuesday, Election Day. Repealing this provision would guarantee disenfranchisement of all voters who find that an unexpected situation prevents them from voting at the polls on election day, since passage of this bill would leave no allowable provision in law to vote by absentee ballot on election day.

Although not all clerks embrace the Special Circumstances provision, most agree that it provides a safety net when unexpected situations arise.

Extending the absentee ballot processing period from the 4th day to the 7th day immediately preceding Election Day.

Since this provision has an opt in statement, the Maine Town and City Clerks' support this change; however, it appears that this has passed in prior legislation this session.



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Extends the deadline to request an absentee ballot to 5 p.m. on the day before Election Day.

In Maine, there is "no reason/no excuse" voting for absentee ballots...we no longer have "election day", we have "election month". Any voter can request an absentee ballot and obtain one. Voters can start requesting an absentee ballot as early as August and have many methods in which to do so - phone, internet, application form, someone else to pick up the ballot for them and so forth. In 2011, the state law was changed to allow for a three-day deadline when requesting an absentee ballot. Currently, if ANY Maine voter would like to vote by absentee ballot, they must request their ballot from their municipal clerk by close of business on the Thursday before a Tuesday election. However, if a voter has a circumstance such as a physical disability, incapacity or illness causing them to be unable to leave their home or a treatment facility, unexpected absence from town during the time the polls are open for such situations as family emergency or work or are an island resident and cannot get to their polls, they can request and obtain an absentee ballot at any time and the **deadline does not apply**.

Human nature is to wait until the deadline to get motivated to do something. This is certainly true with voting. Municipal clerks are always the busiest when a deadline is looming. The 3-business day cut-off window gives the much-needed breathing room for clerks to properly prepare for election day. Towns use the two days of Friday and Monday to do final preparations for election day, examples include: run the incoming voter lists, process and data enter new voter registration cards, get last minute supplies ready, hire replacement election workers if needed, record all of the absentee ballots that are being returned, set up the polling places with their Public Works Department, answer procedural questions from candidates and media, respond to numerous citizen phone calls about hours and location of polls, and so on.

In addition, there are several towns in Maine that process their absentee ballots early, before election day, rather than the day of election. This change was allowed in the law a few years ago and has been extremely beneficial from an efficiency-standpoint for many towns. Some towns do not have enough voting machines to process ballots at the polls and also process a large volume of absentee ballots on Tuesday as well, so they process the bulk of their absentee ballots early and use their machine at the polls on Tuesday. Even though many towns hire extra election workers to assist with this process, the municipal clerk oversees this operation and needs to monitor the procedure for any problems. Some Clerks have noted they will not have the time to process absentees early if they need to be in their office issuing absentee ballots to voters.

This absentee ballot request deadline has been in place for several years and a change now might add more confusion for the voters. The current rules protect anyone's right to vote and do not unreasonably restrict access to the ballot. We feel that many voters are aware of the cutoff date for requesting an absentee ballot and they organize their schedule to either request in advance or vote in person in advance at the town office. Many towns have reported that they have seen very little opposition from the voters regarding the three-day request deadline.



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In a comparison of absentee voting procedures around the country, we found that Maine voters have the most expansive opportunity to request an absentee ballot than any other New England resident, second only to Vermont. We have attached the full survey for your review but allow me to highlight some aspects of the study. Maine and Vermont are the only New England states with 'no excuse' absentee voting, meaning any voter may request an absentee ballot. In Vermont, the deadline is 8 pm on the day before an election. However, Vermont has a voter registration deadline of 7 days before election day, so as we noted earlier, the Vermont Clerks are not as busy processing and data entering voter registration cards on the Friday or Monday before election day. Of the other six states that have three or less days before election day deadline, only one allows all of the options to request a ballot that Maine offers (mail, electronic, in-person, telephone).

In summary, it is unclear as to what problems we are trying to solve. Slightly increasing the convenience to the voters would significantly impact the ability for municipal clerks, your election experts, to effectively staff, organize and manage the entire voting process.

The Maine Town & City Clerks' Association appreciates the opportunity to share its testimony with the Committee. Should any questions arise, please feel free to contact me at 680-4210 or by email: pdubois@waterville-me.gov.