

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Regarding Early Voting in Person**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA §606, first ¶**, as amended by PL 2013, c. 131, §17, is further amended to read:

The Secretary of State shall furnish each municipality with official ballots to be used for absentee voting, early voting and for voting on election day.

**Sec. 2. 21-A MRSA §606, sub-§3, ¶C** is enacted to read:

C. Upon receipt of regular ballots to be used for early voting, the clerk shall open, in the presence of one or more witnesses, each sealed package and verify that the ballots do not have any errors and that the correct amount of ballots has been received. The clerk shall immediately complete and return the receipt form provided by the Secretary of State, confirming receipt and noting any discrepancies in the type or amount of ballots received. The clerk may remove ballots to be used for testing electronic tabulating systems or other voting devices and mark those ballots as provided by section 854. The clerk shall complete the clerk's portion of the warden's receipt of ballots and shall then place the ballots in a secure location that may be accessed only by an authorized person during the conduct of early voting.

**Sec. 3. 21-A MRSA §607, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Official ballot box required.** Only an official ballot box may be used to receive official ballots cast at any election; this includes a voting device as defined in section 808, subsection 10 that incorporates an official ballot box and is approved by the Secretary of State under section 809, subsection 2.

**Sec. 4. 21-A MRSA §634** is enacted to read:

### **§ 634. Early voting in person**

**1. Early voting in person.** Notwithstanding the other provisions of this Article, a municipality may allow early voting in person commencing no more than 3 months before the election and ending at the close of the 3rd business day before election day. If a municipality elects to allow early voting under this section, the municipal clerk must place the ballot box in a secure location in the municipal offices with the same requirements for an accessible voting place as defined by section 630, subsection 1, paragraph A, that is within view of persons present and allows for only authorized persons to approach within 6 feet of the ballot box. The municipality must provide voting booths as described in section 629. The restrictions of section 681, subsection 2 apply to early voting in the same way as a polling place, even if there is no guardrail present. An early voting ballot may be challenged in the same way as a regular ballot under section 673. The clerk shall create and maintain in the central voter registration system an alphabetical list, by district, of the persons who were furnished ballots for early voting and must account

for all unused ballots provided by the Secretary of State for early voting. Except as provided in section 711, subsection 4, the ballot box must remain sealed during the period of early voting and may not be unsealed for the remainder of the time required for retention of ballots under section 23 unless the clerk transfers the ballots to another sealed container pursuant to rules adopted by the Secretary of State. The clerk shall deliver a ballot box used for early voting under this section to the polling place pursuant to section 821 or in the same manner as a ballot box not used for early voting.

**2. Rules.** The Secretary of State shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill allows for municipalities to conduct early voting in person during the same period as absentee voting. Early voting takes place in the municipal offices with the same requirements and restrictions for polling places, voting booths, ballot boxes and ballot challenges as for regular voting. At the end of early voting, the municipal clerk delivers the sealed ballot boxes to the polling place as presently required by law.