

## **127th MAINE LEGISLATURE**

## **SECOND REGULAR SESSION-2016**

Legislative DocumentNo. 1539H.P. 1050House of Representatives, January 6, 2016

An Act To Expand the Early Processing of Absentee Ballots

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative O'CONNOR of Berwick.

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

2 Sec. 1. 21-A MRSA §760-B, as amended by PL 2013, c. 457, §4, is further 3 amended to read:

## 4 §760-B. Procedures when clerk processes absentee ballots prior to election day

5 Any municipality or jurisdiction that conducts its own elections may opt to process 6 absentee ballots on the beginning on the 4th day immediately prior to election day<u>. except</u> 7 <u>that processing on a Sunday is not permitted</u>. The clerk shall use the following procedure 8 when processing the absentee ballots during this time.

9 **1. Time for processing.** In a municipality that has opted to process absentee ballots 10 on the day immediately one or more of the days prior to election day <u>authorized by this</u> 11 <u>section</u>, the municipal clerk or the clerk's designees may process absentee ballots at the 12 times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if 13 an inspection is requested pursuant to subsection 3, processing may not begin until after 14 the inspection period has concluded.

15 2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under 16 section 621-A, stating the time days and times that the clerk intends to begin processing 17 absentee ballots and the inspection period provided in subsection 3. At least 60 days 18 before election day, the clerk shall provide a copy of the notice of election to the 19 20 Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be 21 22 considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or 23 facsimile or as a scanned attachment to an e-mail address established by the Secretary of 24 25 State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election 26 27 day.

28 3. Inspection of absentee envelopes before processing. A member of the public 29 may make a written request of the clerk to inspect absentee ballot applications and 30 envelopes before they are processed if the request is made by 9:00 a.m. on the first day immediately that the clerk will process absentee ballots as specified on the notice of 31 election prior to election day. The clerk shall make the absentee ballot applications and 32 envelopes received by that time available for public inspection for one hour before the 33 34 starting time specified in the notice of election for processing the absentee ballots. The 35 clerk may immediately proceed to process the ballots after the one-hour inspection time 36 has elapsed.

4. Processing and other procedures. The clerk shall use the procedure described in
this section when processing the absentee ballots during the designated times. Procedures
for handling full ballot boxes, pollwatching and challenging ballots are conducted in the
same manner as election day or as close as practicable.

1 4-A. Tabulation of absentee ballots at state-designated central locations. The 2 Secretary of State may provide a high-speed ballot tabulator to be made available to any 3 municipality at one or more state-designated central locations for the purpose of scanning and tabulating absentee ballots. If a municipality opts to process absentee ballots using a 4 high-speed ballot tabulator, the municipal clerk must apply to the Secretary of State for 5 authorization. The Secretary of State shall notify the municipal clerk in writing of the 6 Secretary of State's authorization or denial of authorization to use a high-speed ballot 7 tabulator and provide a designated time for the municipality to scan its ballots. 8

9 <u>A municipality authorized to scan absentee ballots at a state-designated central location</u> 10 <u>must first open and process absentee ballots at the times and in the location within the</u> 11 <u>municipality as designated in the notice of election and follow all procedures described in</u> 12 <u>this section. The absentee ballots once removed from their envelopes must be secured in</u> 13 <u>locked and sealed containers before being transported to the state-designated central</u> 14 <u>location. The Secretary of State shall publish uniform guidelines for securing and</u> 15 <u>transporting ballots and other materials under this subsection.</u>

**5. Counting and results prohibited before the polls close.** The absentee ballots may not be counted, voter intent may not be determined and election results may not be obtained or released until after the polls have closed on election day, and all election day ballots have been cast and all absentee ballots have been processed. <u>A municipality that</u> <u>uses a high-speed ballot tabulator pursuant to subsection 4-A and receives results at the</u> <u>completion of the ballot scanning may not view the results until after the polls close on</u> <u>election day.</u>

23 6. Security of processed ballots and tabulating equipment. At the conclusion of 24 absentee ballot processing on the any day immediately prior to election day, the clerk 25 shall ensure that the early processed absentee ballots are locked and sealed in the ballot box, automatic tabulating equipment ballot box or tamper-proof containers provided by 26 27 the Secretary of State and secured in a vault or other locked secure location, until the 28 voting resumes on election day or until the ballots are counted after the polls close. The 29 Secretary of State shall publish uniform guidelines for securing ballots and other materials under this subsection. 30

SUMMARY

This bill provides that a municipality may opt to process absentee ballots as early as the 4th day before the election. It also authorizes the Secretary of State to make available high-speed tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a central location for tabulating by the high-speed tabulators as long as security guidelines are properly followed.

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