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House of Representatives, April 27, 2021

An Act To Improve Maine's Election Laws

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ROBERT B. HUNT

Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: CAIAZZO of Scarborough, PIERCE of Falmouth, RIELLY of Westbrook,
ROBERTS of South Berwick, SUPICA of Bangor, WHITE of Waterville, WOOD of Portland,
Senator: DAUGTRY of Cumberland.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §112-A, sub-§3, as enacted by PL 2009, c. 253, §11, is amended to read:

3. Other official documents. An official document, including, but not limited to, a document confirming eligibility determinations for public benefits, a utility bill, a bank statement, a government check, a paycheck, a student identification document with a photograph that is issued by a state-approved public or private school located in this State or that is issued by a duly authorized institution of higher learning that operates in this State or other government document that shows the name and address of the voter; or

Sec. 2. 21-A MRSA §622-A, as enacted by PL 1997, c. 436, §85, is amended to read:

§622-A. Notice of election

The notice of election must contain the following items: a heading that states "Notice of Election" in bold type, the day, date and title of the election, the voting district designation, if any, the name and location of the voting place, the location of any ballot drop boxes, the opening and closing times of the polls and a list of the offices and referendum questions for that election. The clerk may add times for in-person absentee voting and processing absentee ballots pursuant to section 759, subsection 7.

Sec. 3. 21-A MRSA §627, sub-§4, as amended by PL 2007, c. 455, §24, is further amended to read:

4. Minimum size of polling place; complaint to Secretary of State. Municipalities must provide a polling place large enough to allow public observation. The space must allow for at least one worker from each political party and one nonpartisan observer to remain outside the guardrail enclosure as a pollwatcher. If the municipality uses an incoming voting list for a polling place that is divided into separate segments by voting district or by the alphabetic listing of voters' names, then the municipality must allow at least one worker from each political party and one nonpartisan observer to remain outside the guardrail enclosure as a pollwatcher at each separate segment of the voting list. Each polling place must allow reasonable access to members of the media. Additional party workers and others nonpartisan observers are allowed if there is sufficient space at the polling place. If the space at the polling place is so limited that the presence of the additional party workers and others nonpartisan observers would interfere with the election process, the warden shall prohibit their presence. If the chair of any party's state committee or a representative of any organization that conducts nonpartisan election observation submits a written complaint to the Secretary of State at least 60 days before an election within 14 days of publication of the location of the polling place, the Secretary of State shall authorize an inspection of the polling place considered to be too small to allow party workers and nonpartisan observer access. If the Secretary of State finds a polling place to be too small to allow party workers and nonpartisan observer access, the Secretary of State shall instruct the municipal officers to change the location of the polling place to one of a suitable size. The municipal officers shall advertise the change of the polling place at least 3 times in the daily or weekly newspaper, or both, that covers the area.

Sec. 4. 21-A MRSA §753-B, sub-§2, ¶D, as amended by PL 2011, c. 534, §18, is further amended to read:
D. To any voter, immediate family member or 3rd person whose request was received in the municipal office after the 3rd or after the final business day before election day, unless the voter signs an application, designed by the Secretary of State, stating one of the following reasons for requesting an absentee ballot after the deadline:

1. Unexpected absence from the municipality during the entire time the polls are open on election day;
2. Physical disability;
3. Inability to travel to the polls if the voter is a resident of a coastal island ward or precinct; or
4. An incapacity or illness that has resulted in the voter's being unable to leave home or a treatment facility.

The Secretary of State shall develop uniform language for a municipality to display describing the reasons a voter may request an absentee ballot after the deadline set forth in this paragraph. A municipality shall use the uniform language on any signs at the municipal office and on any website, social media page or other media that the municipality uses to communicate election information.

Sec. 5. 21-A MRSA §753-B, sub-§8, as amended by PL 2011, c. 399, §24, is further amended to read:

8. Absentee voting in presence of clerk. A person who wishes to vote by absentee ballot may, without completing an application, vote by absentee ballot in the presence of the clerk, except as provided in subsection 2. For a municipality with more than 500 registered voters, the clerk's office must be open for this purpose for no fewer than 4 hours on the Friday prior to the day of the election. The method of voting is otherwise as prescribed in this article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or question on the ballot for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the building in which the clerk's office is located. This subsection does not apply to the display or distribution of any campaign advertising material on private property that is within 250 feet of the entrance to the building in which the clerk's office is located. For purposes of this section, "private property" includes privately owned property subject to a public right-of-way that is an easement right-of-way. This subsection does not apply to campaign advertising material on automobiles traveling to and from the municipal office or parked on municipal property while the occupants are visiting the municipal office to conduct municipal business. It does not prohibit a person who is at the municipal office for the purpose of conducting municipal business or for absentee voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

Sec. 6. 21-A MRSA §754-A, sub-§1, ¶D, as amended by PL 2019, c. 371, §36, is further amended to read:
D. The voter or an immediate family member of the voter shall return the sealed envelope containing the voted ballot to the clerk of the municipality where the voter resides by mail, by personal delivery or by depositing it into a secured drop box accessible by only the municipal clerk. The voter shall send a completed voter registration or absentee ballot application, if necessary, in a separate envelope. The Secretary of State shall adopt rules regarding the design and use of secured drop boxes, including access to and security of secured drop boxes, and the chain of custody for ballots placed in secured drop boxes. The rules must allow a municipality to have multiple secured drop boxes.

Sec. 7. 21-A MRSA §756, sub-§2, as amended by PL 2009, c. 538, §9, is further amended to read:

2. Clerk to examine signatures and affidavit. The clerk shall compare the signature of the voter on the application, where required, with that on the corresponding return envelope. The clerk shall examine the affidavit on the return envelope. If the signatures appear to have been made by the same person and if the affidavit is properly completed, the clerk shall write "OK" and the clerk's initials on the return envelope. Otherwise, the clerk shall note any discrepancy on the return envelope. If there is a signature discrepancy or missing signature, the clerk shall immediately notify the voter and provide an opportunity for the voter to cure the ballot under procedures directed by the Secretary of State. The Secretary of State shall adopt rules for ballot curing procedures.

A. If the signatures do not appear to have been made by the same person, but this discrepancy is apparently the result of the voter's having properly obtained assistance under either section 753-A, subsection 5, or section 754-A, subsection 3, or both, then the clerk shall note the discrepancy on the return envelope, but shall also write "OK" and the clerk's initials on the return envelope.

Sec. 8. 21-A MRSA §759, sub-§7, as amended by PL 1997, c. 436, §113, is further amended to read:

7. Processing before close of polls. A If the municipal clerk does not intend to process absentee ballots prior to election day pursuant to section 760-B, a notice signed by the municipal clerk must be posted at least 7 days before election day in the same manner as posting the notice of election, under section 621-A, stating each specific time that the clerk intends to begin processing absentee ballots on election day. The warden shall follow the procedures required by subsections 1 to 6 §5 to process absentee ballots before the close of the polls. The clerk shall notify the chairs of each political party of the municipality, in writing, that this procedure is to occur. This notice must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk.

Sec. 9. 21-A MRSA §760-A, first ¶, as enacted by PL 1995, c. 459, §82, is amended to read:

The clerk shall use the following procedure when processing the absentee ballots at a central location on election day.

SUMMARY

This bill makes the following changes to the election laws.
1. It adds to the list of forms of documentation that may be submitted by an applicant who is registering to vote a student photo identification that is issued by a state-approved public or private school located in this State or that is issued by a duly authorized institution of higher learning that operates in this State.

2. It requires ballot drop box locations to be included in the election notice and specifies that municipalities may include their in-person absentee voting hours in the notice.

3. It establishes the rights of nonpartisan observers to observe the election process in polling places. It establishes that space must be provided for a nonpartisan observer as is required for party observers. It changes the deadline for submitting a written complaint about insufficient space in a polling place from 60 days prior to the election to within 14 days of the publication date of polling locations.

4. It changes the closed period when no-excuse absentee voting is no longer permitted from after the 3rd business day before the election to on or after the last business day before the election.

5. It directs the Secretary of State to develop uniform language for municipalities to use to inform voters of the reasons for which they may request and receive an absentee ballot after the period for no-excuse absentee voting has ended. It requires municipalities to post this information wherever they post election information for voters.

6. It requires that municipalities with over 500 registered voters offer at least 4 hours of in-person absentee voting on the Friday prior to election day.

7. It directs the Secretary of State to adopt rules regarding the design and use of secured drop boxes, including access to and security of drop boxes, and on the chain of custody for ballots placed in drop boxes. The rules must allow for the use of multiple drop boxes in a municipality.

8. It provides that, as part of the procedure of processing an absentee ballot, a municipal clerk must notify a voter if the voter's ballot is missing a signature or the signatures do not match and must provide the voter an opportunity to correct the ballot. The Secretary of State is required to adopt rules regarding this process.

9. It clarifies the laws governing the processing of absentee ballots on election day.