



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1575

H.P. 1172

House of Representatives, April 27, 2021

An Act To Improve Maine's Election Laws

Received by the Clerk of the House on April 23, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

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: DAUGHTRY of Cumberland.

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

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

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

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

12 **§622-A. Notice of election**

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

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

21 **4. Minimum size of polling place; complaint to Secretary of State.** Municipalities
22 must provide a polling place large enough to allow public observation. The space must
23 allow for at least one worker from each political party and one nonpartisan observer to
24 remain outside the guardrail enclosure as a pollwatcher. If the municipality uses an
25 incoming voting list for a polling place that is divided into separate segments by voting
26 district or by the alphabetic listing of voters' names, then the municipality must allow at
27 least one worker from each political party and one nonpartisan observer to remain outside
28 the guardrail enclosure as a pollwatcher at each separate segment of the voting list. Each
29 polling place must allow reasonable access to members of the media. Additional party
30 workers and ~~others~~ nonpartisan observers are allowed if there is sufficient space at the
31 polling place. If the space at the polling place is so limited that the presence of the
32 additional party workers and ~~others~~ nonpartisan observers would interfere with the election
33 process, the warden shall prohibit their presence. If the chair of any party's state committee
34 or a representative of any organization that conducts nonpartisan election observation
35 submits a written complaint to the Secretary of State at least 60 days before an election
36 within 14 days of publication of the location of the polling place, the Secretary of State
37 shall authorize an inspection of the polling place considered to be too small to allow party
38 workers and nonpartisan observer access. If the Secretary of State finds a polling place to
39 be too small to allow party workers and nonpartisan observer access, the Secretary of State
40 shall instruct the municipal officers to change the location of the polling place to one of a
41 suitable size. The municipal officers shall advertise the change of the polling place at least
42 3 times in the daily or weekly newspaper, or both, that covers the area.

43 **Sec. 4. 21-A MRSA §753-B, sub-§2, ¶D**, as amended by PL 2011, c. 534, §18, is
44 further amended to read:

1 D. To any voter, immediate family member or 3rd person whose request was received
2 in the municipal office ~~after the 3rd~~ on or after the final business day before election
3 day, unless the voter signs an application, designed by the Secretary of State, stating
4 one of the following reasons for requesting an absentee ballot after the deadline:

5 (1) Unexpected absence from the municipality during the entire time the polls are
6 open on election day;

7 (2) Physical disability;

8 (3) Inability to travel to the polls if the voter is a resident of a coastal island ward
9 or precinct; or

10 (4) An incapacity or illness that has resulted in the voter's being unable to leave
11 home or a treatment facility.

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

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

19 **8. Absentee voting in presence of clerk.** A person who wishes to vote by absentee
20 ballot may, without completing an application, vote by absentee ballot in the presence of
21 the clerk, except as provided in subsection 2. For a municipality with more than 500
22 registered voters, the clerk's office must be open for this purpose for no fewer than 4 hours
23 on the Friday prior to the day of the election. The method of voting is otherwise as
24 prescribed in this article. After the person has voted, the clerk shall sign the affidavit on
25 the return envelope as a witness, indicate on the envelope that the voter voted in the
26 presence of a clerk and ensure that the affidavit on the return envelope is properly
27 completed by the voter. For the 45 days preceding an election, during the hours when the
28 clerk's office is open and may be conducting absentee voting, the display or distribution of
29 any advertising material intended to influence a voter's decision regarding a candidate or
30 question on the ballot for that election is prohibited within the clerk's office and on public
31 property within 250 feet of the entrance to the building in which the clerk's office is located.

32 This subsection does not apply to the display or distribution of any campaign advertising
33 material on private property that is within 250 feet of the entrance to the building in which
34 the clerk's office is located. For purposes of this section, "private property" includes
35 privately owned property subject to a public right-of-way that is an easement right-of-way.

36 This subsection does not apply to campaign advertising material on automobiles traveling
37 to and from the municipal office or parked on municipal property while the occupants are
38 visiting the municipal office to conduct municipal business. It does not prohibit a person
39 who is at the municipal office for the purpose of conducting municipal business or for
40 absentee voting from wearing a campaign button when the longest dimension of the button
41 does not exceed 3 inches.

42 **Sec. 6. 21-A MRSA §754-A, sub-§1, ¶D**, as amended by PL 2019, c. 371, §36, is
43 further amended to read:

1 D. The voter or an immediate family member of the voter shall return the sealed
2 envelope containing the voted ballot to the clerk of the municipality where the voter
3 resides by mail, by personal delivery or by depositing it into a secured drop box
4 accessible by only the municipal clerk. The voter shall send a completed voter
5 registration or absentee ballot application, if necessary, in a separate envelope. The
6 Secretary of State shall adopt rules regarding the design and use of secured drop boxes,
7 including access to and security of secured drop boxes, and the chain of custody for
8 ballots placed in secured drop boxes. The rules must allow a municipality to have
9 multiple secured drop boxes.

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

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

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

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

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

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

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

41 SUMMARY

42 This bill makes the following changes to the election laws.

- 1 1. It adds to the list of forms of documentation that may be submitted by an applicant
2 who is registering to vote a student photo identification that is issued by a state-approved
3 public or private school located in this State or that is issued by a duly authorized institution
4 of higher learning that operates in this State.
- 5 2. It requires ballot drop box locations to be included in the election notice and
6 specifies that municipalities may include their in-person absentee voting hours in the
7 notice.
- 8 3. It establishes the rights of nonpartisan observers to observe the election process in
9 polling places. It establishes that space must be provided for a nonpartisan observer as is
10 required for party observers. It changes the deadline for submitting a written complaint
11 about insufficient space in a polling place from 60 days prior to the election to within 14
12 days of the publication date of polling locations.
- 13 4. It changes the closed period when no-excuse absentee voting is no longer permitted
14 from after the 3rd business day before the election to on or after the last business day before
15 the election.
- 16 5. It directs the Secretary of State to develop uniform language for municipalities to
17 use to inform voters of the reasons for which they may request and receive an absentee
18 ballot after the period for no-excuse absentee voting has ended. It requires municipalities
19 to post this information wherever they post election information for voters.
- 20 6. It requires that municipalities with over 500 registered voters offer at least 4 hours
21 of in-person absentee voting on the Friday prior to election day.
- 22 7. It directs the Secretary of State to adopt rules regarding the design and use of secured
23 drop boxes, including access to and security of drop boxes, and on the chain of custody for
24 ballots placed in drop boxes. The rules must allow for the use of multiple drop boxes in a
25 municipality.
- 26 8. It provides that, as part of the procedure of processing an absentee ballot, a
27 municipal clerk must notify a voter if the voter's ballot is missing a signature or the
28 signatures do not match and must provide the voter an opportunity to correct the ballot.
29 The Secretary of State is required to adopt rules regarding this process.
- 30 9. It clarifies the laws governing the processing of absentee ballots on election day.