



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1779

H.P. 1330

House of Representatives, December 2, 2021

An Act To Protect Election Integrity by Regulating Possession of Ballots and Voting Machines and Devices

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

Received by the Clerk of the House on November 30, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Falmouth.
Cosponsored by Senator BREEN of Cumberland and
Representatives: Speaker FECTEAU of Biddeford, MORIARTY of Cumberland, RIELLY of
Westbrook, WOOD of Portland, Senator: LUCHINI of Hancock.

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

2 **Sec. 1. 21-A MRSA §698, sub-§2-A**, as amended by PL 2019, c. 371, §§23 and
3 24, is further amended by amending the first blocked paragraph to read:

4 The sealed tamper-proof ballot security containers of used ballots must remain sealed for
5 at least 2 months after the election, unless the Secretary of State authorizes the clerk to
6 open the containers prior to that date. After 2 months, the clerk shall open the containers
7 in the presence of one or more witnesses and transfer the ballots to other containers for the
8 remainder of the retention period described in section 23. The new containers must be
9 securely sealed. Except as expressly authorized in this Title or other applicable state or
10 federal law, the containers must remain sealed and in the possession, custody and control
11 of the clerk until the used ballots are destroyed in accordance with section 23.

12 **Sec. 2. 21-A MRSA §739, first ¶**, as amended by PL 2011, c. 258, §1, is further
13 amended to read:

14 On request, a municipal clerk or the Secretary of State, or both, shall produce any
15 ballots or incoming voting lists in their custody before the Governor, either branch of the
16 Legislature, any legislative committee or a court of competent jurisdiction. Original ballots
17 produced under this section must remain in the sole custody of the requester until they are
18 returned to the municipal clerk or Secretary of State, and the requester shall maintain the
19 ballots in a secure location. Inspection of ballots produced under this section is subject to
20 oversight by a public official authorized by law to inspect ballots. If there is an unresolved
21 disputed ballot for an election to the State House of Representatives or the State Senate
22 arising from a recount conducted pursuant to section 737-A, the Secretary of State shall
23 make a copy of that ballot available for inspection by the public. A copy of a ballot that is
24 made available for public inspection pursuant to this section must be made available in a
25 manner that preserves the voter's anonymity. Copies of disputed ballots made available for
26 public inspection under this section must be retained by the Secretary of State for a period
27 of 2 years after the outcome of the election is finally determined.

28 **Sec. 3. 21-A MRSA §814, sub-§2** is enacted to read:

29 **2. Transfer prohibited.** The municipal clerk may not transfer possession, custody or
30 control of a voting machine to any person except as expressly authorized by the Secretary
31 of State.

32 **Sec. 4. 21-A MRSA §845, sub-§2** is enacted to read:

33 **2. Transfer prohibited.** The municipal clerk may not transfer possession, custody or
34 control of a voting device to any person except as expressly authorized by the Secretary of
35 State.

36 **SUMMARY**

37 This bill requires the municipal clerk to retain possession, custody and control over the
38 sealed containers of ballots unless the law expressly authorizes the containers to be
39 transferred and secured by another entity. The bill also requires those persons entitled to
40 obtain original ballots for inspection to keep those ballots in their sole custody in a secure
41 location, with any inspection subject to oversight by an appropriate public official. The bill
42 also prohibits the municipal clerk from transferring possession, custody or control of a

1 voting machine or voting device to any person except as authorized by the Secretary of
2 State.