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## Maine Town & City Clerks' Association

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Local Government Center • 60 Community Drive  
Augusta, Maine 04330-9486  
1-800-452-8786 (In Maine) • 207-623-8428

Date: May 15, 2025

To: Senator Craig Hickman, Senate Chair  
Representative Laura Supica, House Chair  
And members of the Veterans and Legal Affairs Committee

From: Patti Dubois, Chairperson, Legislative Policy Committee  
Maine Town and City Clerks' Association  
Ashley Rand, Vice-Chairperson, Legislative Policy Committee  
Maine Town and City Clerks' Association

Re: LD 1977 – An Act to Amend the Laws Governing Elections

Position: SUPPORT

The Maine Town & City Clerks' Association is in support of LD 1977 and we thank you for the opportunity to outline our points for your Committee.

Our members were in support of this bill, which provides much-needed clean up to several sections of election law.

Members expressed concern over a few proposed law changes, to which we offer the following thought:

### **Summary Item #30**

This section would require clerks to go to mental health residential facilities with more than 6 beds, a residential facility for individuals with intellectual disabilities with more than 6 beds, and state mental health institutions. Our members are strongly opposed to this new provision and feel that it may constitute an unfunded mandate due to the need for more staffing to conduct this in-person voting.

Clerks feel that they are not familiar with HIPPA regulations and are concerned about revealing sensitive information if they don't change the residence address of these voters so as not to reveal where they are living. Safety was another concern raised, since some with severe mental health issues may be unpredictable and violent. Members indicated that they aren't trained in safe restraints or self-defense, which could possibly expose some liability.

Members were troubled that this change may lead to requiring us to conduct voting at other facilities, such as prisons, homeless shelters, sober houses, etc.



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Clerks feel that this is an opportunity to raise concerns about the current requirement to conduct in-person absentee voting at nursing homes and assisted living facilities. Exposure to MRSA, C-diff, COVID, flu, VRE and pneumonia each have the potential to put election officials out of work during a time when they can least afford to be absent. The days leading up to Election Day, Election Day, and the 3 days following Election Day are critical times that need our experience and expertise. All clerks want to facilitate voting, but other ways are available that were put in place during COVID, where applications are provided to the facility, staff there have their residents complete the application, we collect those and deliver the unvoted ballots to the facility. The facility staff assist the voters in completing the voting, then contact us to retrieve the voted ballots. Although this is a multi-step process, it facilitates the process while minimizing the risk to election officials.

Often times, facilities contact us at the last minute when we are scheduled to visit their facility to indicate that they have an outbreak which will prevent us from entering. This last-minute change creates confusion for the staff and the residents and could be avoided if we implement a system that does not require an in-person visit from an election official.

One experienced member of our association was mistakenly exposed to MRSA while visiting a patient's room at a nursing home. Luckily, she did not get ill but certainly could have. There are times when residents are unable to go to the community area in the facility to vote and we are asked to visit the person's private room. This can be uncomfortable for municipal staff to go into a resident's private room when they may not be fully dressed or may be eating or sleeping. Not only is this unhealthy for the municipal staff, but it is also unhealthy for the residents too, since we must be in such close contact to assist with reading and/or marking the ballot.

We respectfully request consideration of removing the requirement to conduct in person absentee voting at these facilities and replace it with language including the multi-step process detailed previously.

### **Summary Item #31**

Clerks appreciate the attempt to limit the number of absentee ballot inspectors to a "reasonable" number; however, this proposed language is subjective and appears to be insufficient to combat the numbers seen in some communities over the past few years. Bangor saw 24 inspectors from one political party last November, but each inspector must be assigned a staff member who must monitor the ballots. As you can imagine, this scenario quickly becomes unmanageable.



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Clerks suggest a limit of up to 3 per political party which must be brought forward by the party chair, and up to 3 for non-party representatives. Another approach could be limiting the number based on the number of absentee ballots to be reviewed, such as 1 per party per 2,000 ballots, which would still be a large number to manage for bigger communities.

The Maine Town & City Clerks' Association appreciates the opportunity to share its testimony with the Committee. Should any questions arise, please feel free to contact me at (207)680-4210 or by email: [pdubois@waterville-me.gov](mailto:pdubois@waterville-me.gov) .