

Maine Town & City Clerks' Association

Local Government Center • 60 Community Drive
Augusta, Maine 04330-9486
1-800-452-8786 (In Maine) • 207-623-8428
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Date: February 16, 2021

To: Senator Louis J. Luchini, Senate Chair
Representative Chris Caiazza, House Chair
And members of the Veterans and Legal Affairs Committee

From: Patti Dubois, Chairperson, Legislative Policy Committee
Maine Town and City Clerks' Association
City Clerk, City of Waterville

Re: LD 208 – An Act to Expand Access to Absentee Ballots

Position: Oppose

Municipal clerks across the State are OPPOSED to LD 208. Of those who responded to a survey, 95% were against this bill and 5% were in favor of the bill.

There are three main parts of this bill:

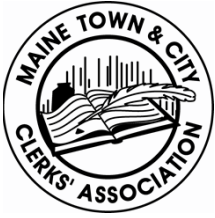
Part 1) Lines 10 and 11 - To delete/repeal Title 21-A, Section 753-B, subsection 2 D of the current law. This change would eliminate the three day deadline for any voter to request an absentee ballot and allow voters to request absentee ballots up until 7:59pm on election night.

Part 2) Lines 14 - 17 - Would allow a third party runner to return a voter's absentee ballot by 8pm on election night rather than within 2 business days of the date the Clerk issued the ballot to them.

Part 3) Lines 22 and 23 - Would allow any voter to vote by absentee ballot in the presence of the Clerk at any time up until 8pm on election day at any election. This change being to allow in-person absentee voting on election day.

For discussion sake, I will address each part individually and outline our concerns:

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Part 1 - Elimination of the three day deadline to request an absentee ballot -

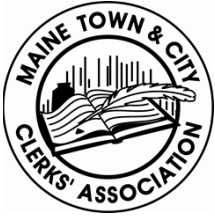
In 2011, the law was changed to establish a three day deadline for requesting an absentee ballot. Municipal clerks were begging for this relief because the system was being stretched to the breaking point. In Maine, any voter can request an absentee ballot by phone, internet, application form, someone else to pick up the ballot for them and so forth. Currently, if ANY Maine voter would like to vote by absentee ballot, they must request their ballot from their municipal clerk by close of business on the Thursday before a Tuesday election. They basically have the months of August, September and October in which to request a ballot. However, if a voter has a circumstance such as a physical disability, incapacity or illness causing them to be unable to leave their home or a treatment facility, unexpected absence from town during the time the polls are open for such situations as family emergency or work, or are an island resident and cannot get to their polls, they are able to request and obtain an absentee ballot at any time and the deadline does not apply.

Towns need the two days of Friday and Monday to do final preparations for election day, examples include: run the incoming voter lists, process and data enter new voter registration cards, get last minute supplies ready, hire replacement election workers if some call in sick, record all of the absentee ballots that are being returned, set up the polling places with their Public Works Department, answer procedural questions from candidates and media, respond to numerous citizen phone calls about hours and location of polls, several towns process their absentee ballots during this time, rather than on Election Day.

In the last presidential election before the 2011 law change, many towns issued a record setting number of absentee ballots on the day before election and several towns issued several hundred in-person absentee ballots that day. As you can imagine, the municipal clerk's office staff in numerous towns were busy issuing absentee ballots all day and not getting the other preparations ready. After the town offices closed, the staffs stayed extremely late on Monday night to get all of the election preparations completed, which now also included entering into the elections database all of the absentee ballots that were just issued and returned. Then the staff had to be back to the office early the next morning to administer the election and work an almost 18 hour day in most towns.

In the survey to our membership, one town clerk submitted these statistics to illustrate this point:

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“Voting by absentee in person up to election day did put a huge strain on my office with long lines of voters waiting to cast absentees, us trying to give out the correct number of ballots or correct party ballots, or correct district ballots, all while hurrying and leaving us little if any time to make follow up calls for missing signatures. I remember voters leaving ballots on my counter because I was handing someone else their ballots and they didn't want to wait. Then the envelope is unsigned. Those last 3 days is when many absentees are arriving in the mail and have to be batched and checked into CVR. I remember our after-hours work got even longer, because there was no time during the day with those lines. I remember not having extra individuals to help. Extra individuals with no experience can't spot problems or without training can't enter data into CVR. The 3-day cut off for absentee voting is working! I see very few ever turned away during that timeframe and those few who do leave indicate that they are willing to go to the polling place. Changing this impacts my ability to simultaneously set up the polls and conduct absentee voting in my office at the same time before Election Day. I do remember setting up the polls at 9PM after work the night before an Election. It is vastly easier to maintain control and resolve absentee voting issues with the cut-off and special circumstances only.”

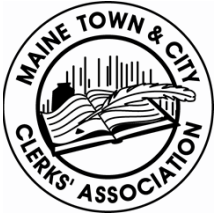
And as one town clerk noted in the survey,

“This past July Election, the Governors executive order allow for absentee voting until 8:00 PM on Election Day. We had roughly 2,000 ballots, In-person absentee voting, mail, voters returning ballots, we had to wait until 8:00 PM to start processing them, we did not finish opening ballots until the next day. This is going to delay results

This deadline has been in place for 9 years already we feel that many voters are aware of the cutoff date for requesting an absentee ballot and they organize their schedule to either request in advance or vote in person in advance at the town office. Many towns have reported that they have seen very little opposition from the voters regarding the three day request deadline.

The sponsors of this bill have submitted this legislation, as we understand it, because they believe some voters are being disenfranchised by not having an opportunity to request an absentee ballot on the Friday, Monday or Tuesday of an election, and they hope that this change will increase voter turnout. MTCCA respectfully disagrees with these assertions. In a comparison of absentee voting procedures around New England, we found that Maine voters have the most expansive opportunity to request an absentee ballot than any other New England resident, second only to Vermont. By reviewing this comparison all other states, we believe that Maine voters are not disenfranchised from absentee voting opportunities.

In Maine, voter turnout has, in fact, increased over time and we feel that this change will simply shift how the voters cast their ballots, rather than encourage more voters to vote, while sacrificing the security and integrity of the process. We strongly oppose this change and question what are we trying to correct? We have the second highest voter turnout in the nation (due only to the need for voter list maintenance), we have early returns on election night, we have zero voter fraud, we have no history of voters being



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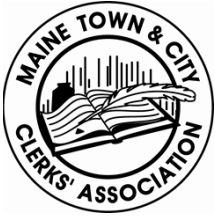
disenfranchised, we have convenience for voters with no-excuse absentee voting available for 30 days before election day, special circumstances absentee voting for those with unusual circumstances and same-day voter registration. Voting in Maine already has a grade of A+; are we willing to risk security and integrity to add more convenience and still be graded A+?

What this change would add to the voting process: more convenience.

What this change would potentially sacrifice: accuracy, security, added costs to municipalities, early results on election night.

Part 2 - To allow a third party to return a voter's absentee ballot by 8pm on election night rather than within 2 business days of the date the Clerk issued the ballot to them -

When a citizen offers to be a third party volunteer to deliver and return an absentee ballot for a voter, they are providing an important service to the voter and as such, are accepting duties and responsibilities that go along with this task. When a voter requests their ballot be handled and picked up by a citizen volunteer, they should be able to have a sense of security and trust that their ballot will be delivered to them quickly and then returned and accounted for expeditiously. Third party volunteers do not have a connection to the voter nor a connection to the municipal clerk's office. They are entrusted with carefully handling the ballot for an absentee voter, usually an elderly voter who cannot physically go to the polls. This voter is trusting the third party, usually a complete stranger, to pick up their ballot at the town office, bring it to their home, wait while they vote the ballot, and then return it to the town office. Since the voter has to designate and authorize the third party person in writing to handle their ballot, the third party volunteer will know when the ballot is requested by the voter and should be able to respond in a timely manner for the voter. If a third party has until 8pm on election night to return another voter's ballot, the third party person may or may not be conscientious about that ballot and may misplace or lose the ballot. By having a two day turnaround time, the chances of this lessen. Absentee ballots become available no later than the first week in October, so if the third party does not have to return the ballot until election night, there is a possible 30 day window when a third party (a person unconnected to the voter) will be holding a voter's ballot. This creates questions of ballot security and ballot integrity and MTCCA is opposed to this proposed change in the statutes. Our members would like to see better protections for our voters and recommend the statute language remain unchanged.



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Part 3 - To allow any voter to vote by absentee ballot in the presence of the Clerk at any time up until 8pm on election day at any election -

This change would allow in-person absentee voting on election day. It has always been understood that if a voter can physically get to their town clerk's office on election day, they can most likely get to their polling place on election day, and therefore should be voting in person at the polls. This is to uphold the integrity of the election process. The voter's name is printed on the incoming voting list at the polls and it is election day when voters cast ballots at the polls. By needing to allow voters to vote an in-person absentee ballot in the presence of the Clerk, presumably at the town office, would be like having the town operate an additional polling place on election day.

We are unclear of the impact of this proposed change - does the town clerk's office need to be open the entire time the polls are open in order to allow voters to cast an absentee ballot in person? In many small towns, they need to close the town office on election day because the town office staff (perhaps all 2 of them) are working at the polls. To have the town office open on election day to issue in-person absentee ballots would cause the town to hire additional staff at extra expense. If the town office is closed, the Clerk is at the polls administering the election. If the voter has the right to cast an in-person absentee ballot in the presence of the Clerk, in many towns the voter will be voting an absentee ballot 10 feet away from the incoming voting list at the polls. Frankly, MTCCA is unclear of the intent of this proposed change. If it is to allow an option for voters to not go to their polling place because they want to avoid potential parking issues, lines, crowds, candidates or aggressive petition circulators, the voter has a three-month opportunity to request an absentee ballot in advance of election day.

I sincerely thank you for allowing me to present this testimony today. We, the members of the Maine Town and City Clerks' Association, are the election professionals who have the direct hands-on experience in administering elections and we are strongly opposed to LD 208.

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 my office at (207) 681-4210 or by email: pdubois@waterville-me.gov