



TOWN OF CAPE ELIZABETH

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Date: March 5, 2021

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

From: Debra M. Lane, Assistant Town Manager & Town Clerk *DM.*
Town of Cape Elizabeth

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

Position: Oppose

I join the municipal clerks around the State of Maine who OPPOSE LD 208.

Please refer to the testimony of Patti Dubois, Chairperson of the Maine Town & City Clerk's Association Legislative Policy Committee. Ms. Dubois provides details to which 95% of the clerks who responded to the association's survey oppose the bill.

An important lesson we learned throughout the 2020 election cycle is that laws must be in place to help to ensure successful elections. Maine law serves the voters and the administration of elections well. Indeed, laws protect voters, as they should, however I believe there is also a responsibility of legislators, municipal officials and clerks to ensure laws, time, funding and resources are available for the administration of elections.

Changes to law should make the electoral process better, make sense, and if there are problems address them. Throughout the years we have made strides forward. We must be realistic on what it takes to administer an election. It doesn't make sense to regress with unreasonable and unrealistic expectations.

Please find my objections to the three main components of LD 208.

Thank you for your time and consideration.

Part 1 – Elimination of the three business day deadline for a voter to request an absentee ballot before an election.

Maine law allows for the request of an absentee ballot 3 months prior to an election with ballots available approximately 30 days before an election. This is more than sufficient time for voters to obtain an absentee ballot. This is evident with record numbers in 2020 with two of the elections during a pandemic.

The three business day deadline was passed several years ago to provide some relief so clerks would have more time for final preparations prior to election day including processing absentee ballots already received, setting up the polls, processing last minute voter registrations and printing the incoming voter list.

Legislation has been submitted several times to overturn the deadline. We stand before you again defending the rationale to retain the deadline. I remember elections when a voter could vote absentee until the day before. I remember leaving town hall at 11:00 p.m. Monday evening to leave off the newly-printed incoming voter list at the polls. With only a few hours of “sleep” heading back to the polls early morning and working a 16+ hour day. Although workdays before and during an election can be long, this law change will guarantee unreasonable hours. Voters have adapted to the Thursday deadline. Most voters understand and respect the reasoning.

The special circumstances provision of the law remains which enables a voter to vote by absentee ballot if after the 3rd business day prior to an election has an unexpected absence, physical disability or illness and is unable to vote at the polls.

Part 2 – Would allow a third-party runner to return a voter’s absentee ballot by 8:00 p.m. on election night rather than within 2 business days of the date the clerk issued the ballot to them.

If the 2 business day return is eliminated, it is possible the third-party could have a voter’s ballot up to 30 days prior to an election. The longer the ballot is outstanding the greater chance of the ballot being lost, misplaced or tampered with. In many instances the third-party is unknown to the voter. Will the third-party be as conscientious with the ballot? For ballot security and a voter’s piece of mind, this statute language should remain unchanged.

Part 3 – To allow any voter to vote by absentee ballot in the presence of the clerk at any time up until 8:00 p.m. on election day at any election.

This change would allow in-person absentee voting on election day. Why? Is the proposal intended for the voter to have a choice on election day; in-person by absentee or in-person at the polls? Many clerk’s offices, like Cape Elizabeth, are closed on election day and staff is re-assigned to work at the polls. With clerk’s offices closed, would voters vote absentee at the polls? The absentee ballot process is laborious. The issuance of additional absentees on election day will cause confusion, delays in processing and announcing results. Some voters tell us they wait to vote at the polls because they enjoy seeing friends and neighbors, they enjoy the atmosphere and they prefer to input their own ballot into the voter tabulation machine.