

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 293

H.P. 217

House of Representatives, January 22, 2019

An Act Regarding Early Voting in Person

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Falmouth.
Cosponsored by Senator BREEN of Cumberland and
Representatives: ACKLEY of Monmouth, FARNSWORTH of Portland, GATTINE of
Westbrook, HICKMAN of Winthrop, JORGENSEN of Portland, KORNFIELD of Bangor,
MATLACK of St. George, MOONEN of Portland.

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

2 **Sec. 1. 21-A MRSA §606, first ¶**, as amended by PL 2013, c. 131, §17, is further
3 amended to read:

4 The Secretary of State shall furnish each municipality with official ballots to be used
5 for absentee voting, early voting and ~~for~~ voting on election day.

6 **Sec. 2. 21-A MRSA §606, sub-§3, ¶C** is enacted to read:

7 C. Upon receipt of regular ballots to be used for early voting, the clerk shall open, in
8 the presence of one or more witnesses, each sealed package and verify that the ballots
9 do not have any errors and that the correct amount of ballots has been received. The
10 clerk shall immediately complete and return the receipt form provided by the
11 Secretary of State, confirming receipt and noting any discrepancies in the type or
12 amount of ballots received. The clerk may remove ballots to be used for testing
13 electronic tabulating systems or other voting devices and mark those ballots as
14 provided by section 854. The clerk shall complete the clerk's portion of the warden's
15 receipt of ballots and shall then place the ballots in a secure location that may be
16 accessed only by an authorized person during the conduct of early voting.

17 **Sec. 3. 21-A MRSA §607, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended
18 to read:

19 **4. Official ballot box required.** Only an official ballot box may be used to receive
20 official ballots cast at any election; this includes a voting device as defined in section 808,
21 subsection 10 that incorporates an official ballot box and is approved by the Secretary of
22 State under section 809, subsection 2.

23 **Sec. 4. 21-A MRSA §634** is enacted to read:

24 **§634. Early voting in person**

25 **1. Early voting in person.** Notwithstanding the other provisions of this Article, a
26 municipality may allow early voting in person commencing no more than 3 months
27 before the election and ending at the close of the 3rd business day before election day. If
28 a municipality elects to allow early voting under this section, the municipal clerk shall
29 place the ballot box in a secure location in the municipal offices with the same
30 requirements as for an accessible voting place as defined by section 630, subsection 1,
31 paragraph A that is within view of persons present and allows for only authorized persons
32 to approach within 6 feet of the ballot box. The municipality shall provide voting booths
33 as described in section 629. The restrictions of section 681, subsection 2 apply to early
34 voting in the same way as a polling place, even if there is no guardrail present. An early
35 voting ballot may be challenged in the same way as a regular ballot may be challenged
36 under section 673. The clerk shall create and maintain in the central voter registration
37 system an alphabetical list, by district, of the persons who were furnished ballots for early
38 voting and shall account for all unused ballots provided by the Secretary of State for early
39 voting. Except as provided in section 711, subsection 4, the ballot box must remain
40 sealed during the period of early voting and may not be unsealed for the remainder of the

1 time required for retention of ballots under section 23 unless the clerk transfers the ballots
2 to another sealed container pursuant to rules adopted by the Secretary of State. The clerk
3 shall deliver a ballot box used for early voting under this section to the voting place
4 pursuant to section 821 or in the same manner as a ballot box not used for early voting.

5 **2. Rules.** The Secretary of State shall adopt rules to carry out the purposes of this
6 section. Rules adopted pursuant to this subsection are routine technical rules as defined
7 in Title 5, chapter 375, subchapter 2-A.

8 **SUMMARY**

9 This bill allows for municipalities to conduct early voting in person during the same
10 period as is permitted for absentee voting. Early voting takes place in the municipal
11 offices with the same requirements and restrictions regarding voting places, voting
12 booths, ballot boxes and ballot challenges as apply to regular voting. At the end of early
13 voting, the municipal clerk delivers the sealed ballot boxes to the voting place as
14 presently required by law.