

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1730

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H.P. 1232

House of Representatives, May 14, 2019

### An Act To Amend the Laws Governing Elections

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Submitted by the Secretary of State pursuant to Joint Rule 204.

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 SCHNECK of Bangor.

Cosponsored by Senator LUCHINI of Hancock.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-D** is enacted to read:

3 **27-D. Official ballot.** "Official ballot" means a ballot used by a voter to cast a vote  
4 at an election. "Official ballot" includes an absentee ballot and a ballot cast on election  
5 day at a voting place.

6 **Sec. 2. 21-A MRSA §22, sub-§2**, as enacted by PL 1997, c. 248, §1, is amended  
7 to read:

8 **2. Ballots.** ~~Ballots~~ Official ballots, whether in paper form or in an electronic or  
9 image format, are not public records and may be inspected only in accordance with this  
10 Title.

11 **Sec. 3. 21-A MRSA §23, sub-§5**, as amended by PL 2005, c. 453, §7, is further  
12 amended to read:

13 **5. Receipt of incoming voting list.** The registrar shall keep the receipt for certified  
14 copies of the incoming voting list required by section 624, subsection 2, in the registrar's  
15 office for ~~one year~~ 6 months.

16 **Sec. 4. 21-A MRSA §23, sub-§7**, as amended by PL 2011, c. 534, §1, is further  
17 amended to read:

18 **7. Ballots and other election materials.** For 22 months following an election in  
19 which a candidate for a federal office is on the ballot, the clerk shall keep the ballots,  
20 tabulation materials related to those ballots and challenge certificates, if any, in the clerk's  
21 office or other secure location under the control of the clerk, unless sooner released to the  
22 Secretary of State or required by the Secretary of State to be kept longer. Once released to  
23 the Secretary of State, they must be kept by the Secretary of State until any appeal period  
24 bearing on the validity of the election has expired. Notwithstanding this subsection,  
25 ballots used for municipal elections conducted under this Title, referenda elections or  
26 special legislative elections must be kept for 2 months and test ballots and documentation  
27 of preelection testing of tabulating or accessible voting devices must be kept for 6  
28 months.

29 **Sec. 5. 21-A MRSA §103, first ¶**, as amended by PL 2005, c. 453, §9, is further  
30 amended to read:

31 In a city or town that has a population of 5,000 or more, if a person is aggrieved by  
32 the decision of the registrar of voters to cancel that person's registration in the central  
33 voter registration system or to reject that person's voter registration application, that  
34 person may appeal in writing to the registration appeals board. The appeal must be filed  
35 within 30 days after receipt of notice of the registrar's decision.

36 **Sec. 6. 21-A MRSA §142, sub-§1**, as amended by PL 2005, c. 453, §23, is  
37 repealed.

1           **Sec. 7. 21-A MRSA §142, sub-§1-A** is enacted to read:

2           **1-A. Application.** To enroll in a party, an applicant must complete and sign an  
3 approved state voter registration application as provided in section 152 or 154, the  
4 national mail voter registration form published by the United States Election Assistance  
5 Commission or the federal postcard application published by the United States  
6 Department of Defense, Federal Voting Assistance Program.

7           **Sec. 8. 21-A MRSA §143**, as amended by PL 2005, c. 453, §25, is repealed.

8           **Sec. 9. 21-A MRSA §143-A** is enacted to read:

9           **§143-A. Enrollment on election day**

10           A voter who is not enrolled in a party may enroll at any election by personally filing  
11 the application required by section 142 with the registrar, if the registrar is located at the  
12 voting place on election day, or with the election clerk in charge of the incoming voting  
13 list, if the registrar is not located at the voting place on election day. The election clerk  
14 shall annotate the incoming voting list with the designation of the party selected by the  
15 voter and provide the voter with the correct ballots for the new party, if applicable.

16           **Sec. 10. 21-A MRSA §163, first ¶**, as amended by PL 2009, c. 253, §15, is  
17 further amended to read:

18           In a municipality that does not have a registration appeals board, if a person is  
19 aggrieved by the decision of the registrar of voters to cancel that person's registration in  
20 the central voter registration system or to reject that person's registration application, the  
21 person may appeal in writing to the municipal officers ~~by filing a complaint.~~ The appeal  
22 must be filed within 30 days after receipt of notice of the registrar's decision. The  
23 municipal officers shall immediately fix a time and place for a prompt hearing. The voter  
24 must be given written notice of the hearing at least 20 days in advance and must have the  
25 opportunity to testify and to present witnesses and other evidence at the hearing. The  
26 hearing is de novo. After hearing, the municipal officers may affirm, modify or reverse  
27 the decision of the registrar of voters. The municipal officers shall issue the decision to  
28 the voter in writing and shall provide information on how the voter may appeal the  
29 decision. The aggrieved person may appeal the decision of the municipal officers to the  
30 Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

31           **Sec. 11. 21-A MRSA §335, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is  
32 amended to read:

33           A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated,  
34 the primary petition must contain the term of office sought by the candidate.

35           **Sec. 12. 21-A MRSA §354, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is  
36 amended to read:

37           A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated,  
38 the nomination petition must contain the term of office sought by the candidate.

1           **Sec. 13. 21-A MRSA §365, sub-§2**, as enacted by PL 1985, c. 161, §6, is  
2 amended to read:

3           **2. County committee.** A county committee makes choices for all county offices,  
4 except that committee members residing within county commissioner districts make  
5 choices for county commissioner, and committee members residing within senatorial  
6 districts make choices for State Senator.

7           **Sec. 14. 21-A MRSA §601, sub-§2, ¶C**, as amended by PL 2001, c. 310, §29, is  
8 further amended to read:

9           C. When 2 United States Senators are to be nominated or elected, the term of office  
10 sought by each candidate must be specified on the ballot.

11           **Sec. 15. 21-A MRSA §601, sub-§2, ¶D**, as amended by PL 2009, c. 253, §24, is  
12 further amended to read:

13           D. At the end of the list of candidates for each office, when there is a declared write-  
14 in candidate pursuant to section 722-A, there must be left as many blank spaces as  
15 there are vacancies to be filled. These spaces may be used by a voter to write in the  
16 name of a person for whom the voter desires to vote, as provided in section 691,  
17 subsection 2 for a primary election or section 692, subsection 2 for a general election.

18           **Sec. 16. 21-A MRSA §601, sub-§2, ¶H**, as amended by PL 2007, c. 455, §18, is  
19 further amended to read:

20           H. The name of each nominee or each candidate for nomination must appear on the  
21 ballot as follows: last name first followed by the first name and middle name or  
22 initial; last name first followed by the first name or the first initial and the middle  
23 name; or last name first followed by the first name.

24           **Sec. 17. 21-A MRSA §607, sub-§§1 and 2**, as enacted by PL 1985, c. 161, §6,  
25 are amended to read:

26           **1. Furnished by Secretary of State.** The Secretary of State shall furnish or approve  
27 an official ballot box for each voting district.

28           **2. Described.** The boxes must be of uniform design in municipalities that use the  
29 same system of tabulation. Each box must be equipped with a suitable ~~lock and key~~  
30 method of securing the ballots against tampering, as approved by the Secretary of State.  
31 ~~In the top of the box there must be an opening large enough to allow a single, folded~~  
32 ~~ballot to be inserted, and no larger, with a slide device by which the opening may be~~  
33 ~~covered or uncovered.~~ The box must have an opening large enough to allow voters to  
34 deposit ballots but not large enough to allow an unauthorized person to touch or remove  
35 the ballots. In a municipality that counts ballots by hand, the box must be large enough to  
36 receive the ballots deposited in it at any election.

37           **Sec. 18. 21-A MRSA §609**, as enacted by PL 2011, c. 342, §17, is amended to  
38 read:

1           **§609. Ballot security materials**

2           The Secretary of State shall furnish each municipality with tamper-proof ballot  
3 security containers ~~and locks that are equipped with a suitable method of securing the~~  
4 ballots against tampering, which must be used for securing used ballots and other election  
5 materials for statewide elections conducted under this Title. If a state-supplied container  
6 or ~~lock~~ security mechanism becomes defective, lost or destroyed, the clerk must apply in  
7 writing to the Secretary of State for a replacement. The Secretary of State shall supply or  
8 approve a replacement at the expense of the municipality. If a municipality wishes to use  
9 a tamper-proof ballot security container to seal municipal election ballots and materials,  
10 that municipality must obtain the container and ~~lock~~ security mechanism at its own  
11 expense. ~~For each election, the Secretary of State also must furnish uniquely numbered~~  
12 ~~seals to be used to secure the containers.~~

13           **Sec. 19. 21-A MRSA §651, sub-§2-B**, as amended by PL 2003, c. 584, §8, is  
14 further amended to read:

15           **2-B. Opening of ballot packages.** No more than ~~one hour~~ 2 hours before the  
16 opening of the polls, the warden shall break the seals on the packages containing the  
17 ballots and distribute the ballots to the election clerks in charge of them. The breaking of  
18 the seals on the packages containing the ballots is a public proceeding and any member of  
19 the public may be present.

20           **Sec. 20. 21-A MRSA §661, sub-§3**, as amended by PL 2005, c. 453, §54, is  
21 further amended to read:

22           **3. Registration and enrollment.** The registrar shall accept registrations under  
23 section 122 and shall accept the enrollment of any voter under section ~~143~~ 143-A.

24           **Sec. 21. 21-A MRSA §662, sub-§4**, as amended by PL 1995, c. 459, §57, is  
25 repealed.

26           **Sec. 22. 21-A MRSA §671, sub-§1**, as amended by PL 2005, c. 453, §55, is  
27 further amended to read:

28           **1. Name announced.** A voter who wishes to vote must state the voter's name and,  
29 ~~upon request,~~ residence address to an election clerk, who shall announce the name in a  
30 loud, clear voice. If the voter's stated residence address is different from the residence  
31 address listed on the incoming voting list, the voter must be directed to complete an  
32 updated voter registration application before voting.

33           **Sec. 23. 21-A MRSA §672, first ¶**, as amended by PL 2007, c. 455, §30, is  
34 further amended to read:

35           A voter who is unable to read or mark the ballot because of physical disability,  
36 illiteracy or religious faith may request another person, other than the voter's employer or  
37 agent of that employer or officer or agent of the voter's union, to assist the voter in  
38 reading the ballot or marking the ballot according to the voter's wishes. When assisting a

1 voter, the aide may not tell the voter how to make the voter's choices or otherwise  
2 influence the voter in violation of section ~~682~~ 683.

3 **Sec. 24. 21-A MRSA §682**, as amended by PL 2015, c. 447, §22, is repealed.

4 **Sec. 25. 21-A MRSA §683** is enacted to read:

5 **§683. Restricted activities on election day**

6 **1. Access corridor.** On election day, an access corridor at least 8 feet wide  
7 extending to a distance of 50 feet outside the entrance to the voting place and inside the  
8 voting place from the building entrance to the guardrail enclosure must be kept open at all  
9 times while the polls are open to allow for the free passage of voters and no other activity.  
10 A person may not interfere with the free passage of voters in this access corridor.

11 **2. Activity permitted within the voting place and outside the access corridor.** To  
12 the extent space is available inside the voting place and outside the boundaries of the  
13 access corridor described in subsection 1, the warden may assign spaces to persons or  
14 organizations for the purpose of collecting signatures of registered voters on direct  
15 initiative of legislation and people's veto referendum petitions, pursuant to the  
16 Constitution of Maine, Article IV, Part Third, Sections 17 to 20. Persons wishing to  
17 collect signatures under this subsection must make arrangements with the clerk before  
18 election day. Persons permitted to collect signatures under this subsection may not solicit  
19 a voter's signature until after the voter has completed voting.

20 **3. Campaign-free zone.** The area within the voting place and on public property  
21 within a radius of 100 feet outside the entrance to the voting place is designated as a  
22 campaign-free zone, subject to the restrictions listed below.

23 **A.** Within the zone described in this subsection a person may not engage in any of  
24 the following activities relating to a party, a candidate for an elective office on the  
25 ballot for the election that day or a question on the ballot for the election that day:

26 (1) The display or distribution of any advertising material or operation of any  
27 advertising medium, including a sound amplification device;

28 (2) The display or distribution of campaign literature, posters, palm cards,  
29 buttons, badges or stickers;

30 (3) The solicitation or acceptance of contributions for a campaign as defined in  
31 section 1052, subsection 1 or for the purpose of qualifying a Maine Clean  
32 Election Act candidate pursuant to section 1125;

33 (4) The collection of signatures on nominating petitions for a candidate or  
34 petitions to qualify a party; or

35 (5) Communication orally or in written form with voters in a manner that  
36 expresses support for or opposition to a party, a candidate or a question.

37 **B.** The following activities are permitted within the zone described in this  
38 subsection:

1                   (1) The display of advertising material on an automobile transporting a voter to  
2                   or from the voting place for the purpose of voting;

3                   (2) The wearing of clothing, a campaign button or a hat that displays an  
4                   advertising or campaign message by a voter who is at the polls solely for the  
5                   purpose of voting, as long as the message does not expressly advocate for the  
6                   election or defeat of any question or candidate for an office that is on the ballot  
7                   for the election that day;

8                   (3) Exit polling, except that a person conducting a poll may not approach or  
9                   communicate orally with any voter until after the voter has voted; and

10                  (4) A candidate's greeting of voters outside the voting place, as long as the  
11                  candidate remains outside the access corridor described in subsection 1 and does  
12                  not state the name of an office for which the candidate is running in that election  
13                  year or otherwise violate this section.

14                  **4. Instruction limited.** Within the voting place, a person may not instruct another in  
15                  the method of marking the ballot, except as provided in section 672.

16                  **5. Influence prohibited.** Within the voting place and on public property within 100  
17                  feet of the entrance to the voting place, a person may not influence or attempt to influence  
18                  another person's decision regarding a question on the ballot for the election that day or  
19                  regarding a candidate for an office on the ballot for the election that day.

20                  **6. Enforcement.** The warden may direct the removal from the voting place of any  
21                  person who does not comply with the requirements of this section.

22                  **7. Public property limited.** For purposes of this section, "public property" does not  
23                  include a public right-of-way across privately owned property if it is an easement right-  
24                  of-way.

25                  **8. Secretary of State guidelines.** The Secretary of State shall issue interpretive  
26                  guidelines under this section for use by local election officials, candidates, campaigns and  
27                  the public in state and federal elections.

28                  **Sec. 26. 21-A MRSA §691, sub-§2,** as amended by PL 2009, c. 253, §29, is  
29                  further amended to read:

30                  **2. Write-in vote.** If the voter wishes to vote for a write-in candidate for an office  
31                  that has a declared write-in candidate, the voter must write the name of the candidate in  
32                  the blank space provided at the end of the list of candidates for nomination to the office in  
33                  question. The voter must then mark the ballot as instructed in the directions on the ballot  
34                  to indicate a vote for the write-in candidate. A sticker may not be used to vote for a  
35                  write-in candidate.

36                  **Sec. 27. 21-A MRSA §692, sub-§2,** as amended by PL 2009, c. 253, §30, is  
37                  further amended to read:

38                  **2. Write-in vote.** If the voter wishes to vote for a write-in candidate for an office  
39                  that has a declared write-in candidate, the voter must write the name of the candidate in



1 the blank space provided at the end of the list of nominees for the office in question. The  
2 voter must then mark the ballot as instructed in the directions on the ballot. A sticker  
3 may not be used to vote for a write-in candidate.

4 **Sec. 28. 21-A MRSA §698, sub-§2-A, ¶A**, as repealed and replaced by PL  
5 2011, c. 342, §26, is amended to read:

6 A. Each tamper-proof ballot security container must be ~~locked with a state-supplied~~  
7 ~~lock and sealed with a uniquely numbered seal~~ secured with the security mechanism  
8 supplied or authorized by the Secretary of State before leaving the voting place. The  
9 lock and seal numbers must correlate with a certificate identifying the person sealing  
10 the container and the time of the sealing. Each sealed container must be recorded on  
11 a certificate identifying the container number, any unique numbers associated with  
12 the security mechanism and the person sealing the container and the time of sealing.

13 **Sec. 29. 21-A MRSA §698, sub-§2-A, ¶B**, as enacted by PL 2011, c. 342, §26,  
14 is amended to read:

15 B. Ballots and election materials for municipal elections conducted at the same time  
16 as a state election must be sealed separately from state ballots and other state election  
17 materials and may not be sealed in the state-supplied tamper-proof ballot security  
18 containers. If municipalities wish to use tamper-proof ballot security containers to  
19 seal municipal election materials, they must obtain the containers and ~~locks~~ security  
20 mechanisms at their own expense.

21 **Sec. 30. 21-A MRSA §712**, as amended by PL 2015, c. 447, §24, is further  
22 amended to read:

23 **§712. Return not delivered**

24 If an election return is not delivered to the Secretary of State by 5 p.m. on the ~~3rd~~ 2nd  
25 business day after an election, the Secretary of State may send a courier to the  
26 municipality concerned, and the clerk shall give that courier a certified copy of the return.  
27 The municipality shall reimburse the Secretary of State for the costs of the courier  
28 service.

29 **Sec. 31. 21-A MRSA §722**, as amended by PL 2017, c. 316, §5, is further  
30 amended to read:

31 **§722. Secretary of State to tabulate and print results**

32 Within 20 days after an election, the Secretary of State shall tabulate the election  
33 returns and submit a certified copy of the tabulation to the Governor. The tabulation of a  
34 candidate or referendum election is considered final as of the date the certified copy is  
35 submitted to the Governor, except for any contests in which a recount is pending.

36 **1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an  
37 election return to have been cast for each question or candidate whose name appeared on  
38 the ballot. For elections determined by ranked-choice voting, the Secretary of State shall  
39 tabulate the votes according to the ranked-choice voting method described in section

1 723-A. The Secretary of State shall tabulate the votes that appear by an election return to  
2 have been cast for a declared write-in candidate ~~based on a recount requested and~~  
3 ~~conducted pursuant to section 737-A, subsection 2-A~~ pursuant to section 722-A.

4 **1-A. Form of tabulation.** The tabulation must include the total votes for each  
5 question choice or candidate whose name appeared on the ballot. The tabulation also  
6 must include the total votes for any declared write-in candidates ~~who qualified to have~~  
7 ~~their votes tabulated under subsection 1~~ as follows.

8 A. For a write-in candidate who receives 5% or more of the votes cast for that office,  
9 the Secretary of State shall report the votes under the candidate's name.

10 B. For a write-in candidate who receives less than 5% of the votes cast for that  
11 office, the Secretary of State shall report the votes under the designation "others."

12 **2. Correction of return.** If it appears that an election return does not agree with the  
13 record of the vote at any voting place, the Secretary of State shall correct the tabulation  
14 by obtaining a certified copy of the record from the clerk.

15 **3. Tabulation printed.** The Secretary of State shall have copies of the tabulation  
16 printed and made available to the public.

17 **Sec. 32. 21-A MRSA §724,** as amended by PL 2009, c. 253, §40, is repealed and  
18 the following enacted in its place:

19 **§724. Election certificate issued**

20 Within a reasonable time after an election, the Secretary of State shall prepare and the  
21 Governor shall sign an election certificate, in accordance with Title 5, section 84, for each  
22 person elected to office according to the tabulation submitted under section 722. If the  
23 result of an election is being appealed to the Supreme Judicial Court, or referred to the  
24 appropriate legislative body, after a recount pursuant to section 737-A, subsection 10, the  
25 certificate must be issued to the apparent winner of the election based on the final recount  
26 tabulation.

27 **Sec. 33. 21-A MRSA §737-A, first ¶,** as amended by PL 2017, c. 141, §3, is  
28 further amended to read:

29 Once a recount is requested for an election for the office of State Senator or State  
30 Representative or for a county office that does not encompass more than one county, the  
31 Secretary of State shall notify the ~~State Police~~ contracted courier service, who which shall  
32 take physical control of all ballots and related materials involved in the recount as soon as  
33 possible and deliver them to the recount facility. When a recount is requested for a  
34 statewide office, congressional office or statewide referendum or for a county office that  
35 encompasses more than one county, the Secretary of State may direct the ~~State Police~~  
36 courier to retrieve ballots from certain voting jurisdictions and deliver them to the recount  
37 facility so that the recount may be conducted in stages until the requesting candidate or  
38 the lead applicant for a referendum recount concedes or until all the ballots are recounted.  
39 If a qualified courier service is not available to provide these services, the State Police

1 shall collect and deliver the ballots as described in this section at the request of the  
2 Secretary of State.

3 **Sec. 34. 21-A MRSA §737-A, 2nd ¶**, as enacted by PL 1993, c. 473, §31 and  
4 affected by §46, is amended to read:

5 The ~~State Police~~ Secretary of State shall store and maintain exclusive control over the  
6 ballots and other materials pending and during the recount ~~except when the counting is~~  
7 ~~being conducted by the Secretary of State~~ and until the courier, or the State Police if  
8 requested, retrieves the materials for return to the municipalities.

9 **Sec. 35. 21-A MRSA §737-A, sub-§1**, as amended by PL 2017, c. 141, §4, is  
10 further amended to read:

11 **1. Deposit for legislative or single county office recount.** This subsection applies  
12 to a recount for an election for the office of State Senator or State Representative or for a  
13 county office that does not encompass more than one county. All deposits required by  
14 this section must be made with the Secretary of State when a recount is requested by a  
15 losing candidate or an undeclared write-in candidate. Once the ~~State Police have~~ courier,  
16 or the State Police if requested, has taken custody of the ballots and other election  
17 materials from the municipalities, the deposit made by the candidate requesting the  
18 recount is forfeited to the State if the resulting count fails to change the outcome of the  
19 election. If the recount reverses the election, the deposit must be returned to the  
20 candidate requesting the recount. The amount of the deposit is calculated as follows.

21 A. If the percentage difference shown by the official tabulation between the leading  
22 candidate and the requesting candidate is 1.5% or less of the total votes cast for that  
23 office, a deposit is not required.

24 B. If the percentage difference shown by the official tabulation between the leading  
25 candidate and the requesting candidate is more than 1.5% and less than or equal to  
26 4% of the total votes cast for that office, the deposit is \$500.

27 C. If the percentage difference shown by the official tabulation between the leading  
28 candidate and the requesting candidate is more than 4% and less than or equal to 6%  
29 of the total votes cast for that office, the deposit is \$1,000.

30 D. If the percentage difference shown by the official tabulation between the leading  
31 candidate and the requesting candidate is more than 6% and less than or equal to 8%  
32 of the total votes cast for that office, the deposit is \$2,500.

33 E. If the percentage difference shown by the official tabulation between the leading  
34 candidate and the requesting candidate is more than 8% and less than or equal to 10%  
35 of the total votes cast for that office, the deposit is \$5,000.

36 F. If the percentage difference shown by the official tabulation between the leading  
37 candidate and the requesting candidate is more than 10% of the total votes cast for  
38 that office, the deposit is \$10,000.

39 **Sec. 36. 21-A MRSA §737-A, sub-§1-A, ¶B**, as enacted by PL 2017, c. 141, §5,  
40 is amended to read:

1 B. If the difference shown by the official tabulation between the leading candidate  
2 and the requesting candidate is more than 1% of the total votes cast for that office or  
3 more than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the  
4 reasonable estimate of the cost to the State of performing the first stage of the  
5 recount, whichever is greater. After completion of the recount, if the recount has not  
6 changed the result of the election, the Secretary of State shall calculate the actual cost  
7 of the procedure, which must be paid by the requesting candidate. If the deposit is  
8 greater than the actual cost, the overpayment must be refunded to the candidate. If  
9 the actual cost is greater than the deposit, the candidate shall pay the remainder of the  
10 actual cost to the State. Once the courier, or the State Police have if requested, has  
11 taken custody of the ballots and other election materials for the first stage of the  
12 recount, the deposit made by the candidate requesting the recount is forfeited to the  
13 State even if the candidate withdraws from the recount before the recount begins. If a  
14 recount reverses the election, the deposit must be returned to the candidate requesting  
15 the recount.

16 **Sec. 37. 21-A MRSA §737-A, sub-§8**, as amended by PL 2009, c. 253, §44, is  
17 further amended to read:

18 **8. Final recount tabulation.** ~~If it is found that a mistake was made in counting the~~  
19 ~~ballots on election day, or if the recount results show that an undeclared write-in~~  
20 ~~candidate received votes for a particular office~~ the final recount tabulation as defined by  
21 rule is different than the results shown on the tabulation submitted to the Governor  
22 pursuant to section 722, the Secretary of State shall submit a certified copy of a corrected  
23 tabulation to the Governor.

24 **Sec. 38. 21-A MRSA §737-A, sub-§10**, as enacted by PL 1993, c. 473, §31 and  
25 affected by §46, is amended to read:

26 **10. Appeals.** For all elections, except for the ~~Senate and the House of~~  
27 ~~Representatives~~ offices of United States Senator, United States Representative, State  
28 Senator and State Representative, if there are enough challenged or disputed ballots to  
29 affect the result of an election, the Secretary of State shall forward the ballots and all  
30 related records for that election to the clerk of the Supreme Judicial Court. The Supreme  
31 Judicial Court shall determine the result of the election pursuant to procedures adopted by  
32 court rule. The decision of the Supreme Judicial Court is final and must be certified to  
33 the Governor by the Chief Justice.

34 ~~For all elections~~ If there are enough challenged or disputed ballots to affect the result of  
35 an election to the ~~Senate and the House of Representatives~~, ~~each House shall establish~~  
36 ~~procedures for recount appeals.~~ office of United States Senator, United States  
37 Representative, State Senator or State Representative, the Secretary of State shall notify  
38 the appropriate officials according to the rules and procedures adopted by each of those  
39 legislative bodies.

40 **Sec. 39. 21-A MRSA §738, sub-§2, ¶B**, as enacted by PL 2017, c. 141, §8, is  
41 amended to read:

1 B. If the difference shown by the official tabulation between the yes and the no votes  
2 is more than 1% of the total votes cast for that question or more than 1,000 votes,  
3 whichever is less, the deposit is \$5,000 or 10% of the reasonable estimate of the cost  
4 to the State of performing the first stage of the recount, whichever is greater. After  
5 the completion of the recount, if the recount has not changed the result of the  
6 election, the Secretary of State shall calculate the cost of the procedure, which must  
7 be paid by the petitioners. If the deposit is greater than the actual cost, the  
8 overpayment must be refunded to the petitioners. If the actual cost is greater than the  
9 deposit, the petitioners shall pay to the State the remainder of the actual cost. Once  
10 the ~~State Police have courier, or the State Police if requested,~~ has taken custody of the  
11 ballots and other election materials for the first stage of the recount, the deposit made  
12 by the petitioners is forfeited to the State even if the petitioners withdraw from the  
13 recount before the recount begins. If a recount reverses the result of the election, the  
14 deposit must be returned to the petitioners.

15 **Sec. 40. 21-A MRSA §753-B, sub-§5**, as amended by PL 2017, c. 248, §7 and c.  
16 433, §1, is repealed and the following enacted in its place:

17 **5. Alternate method of balloting by residents of certain licensed facilities.** The  
18 municipal clerk shall designate one time during the 30-day period prior to an election  
19 during which the municipal clerk shall be present in each licensed nursing home subject  
20 to the provisions of Title 22, chapter 405; licensed level IV residential care facility  
21 subject to the provisions of Title 22, chapter 1664; and licensed assisted living program  
22 with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the  
23 municipality for the purpose of conducting absentee voting by residents of these facilities.  
24 The clerk shall designate which areas in these facilities constitute the voting place, the  
25 voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal  
26 office that absentee voting will be conducted as prescribed in this subsection. The clerk  
27 shall provide a notice to each licensed facility of the date and time when absentee voting  
28 will be conducted. The notice must state that the licensed facility is required to notify the  
29 contact person or persons, if any, for each resident that absentee voting will be conducted.  
30 Each licensed facility must provide notice, which may be in the form of an e-mail or an  
31 electronic newsletter, to the contact person or persons, if any, for each resident of the date  
32 and time when absentee voting will be conducted at the facility. Sections 681 and 683  
33 apply to voting in these facilities within the areas designated by the clerk. As used in this  
34 subsection, "level IV residential care facility" means a residential care facility as defined  
35 by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6  
36 residents.

37 **Sec. 41. 21-A MRSA §754-A, sub-§1, ¶D**, as amended by PL 1999, c. 645, §7,  
38 is further amended to read:

39 D. The voter or an immediate family member of the voter shall ~~then~~ return the sealed  
40 envelope containing the voted ballot to the clerk of the municipality where the voter  
41 resides by mail or deliver in person the sealed envelope containing the voted ballot to  
42 the clerk of the municipality of which the voter is a resident, by personal delivery or  
43 by depositing it into a secured drop box accessible by only the municipal clerk. The  
44 voter shall send a completed voter registration or absentee ballot application, if  
45 necessary, in a separate envelope.

1           **Sec. 42. 21-A MRSA §760-B, first ¶**, as amended by PL 2015, c. 406, §1, is  
2 further amended to read:

3           Any municipality or jurisdiction that conducts its own elections may opt to process  
4 absentee ballots beginning on the ~~3rd~~ 4th day immediately prior to election day, ~~except~~  
5 ~~that processing on a Sunday is not permitted~~. The clerk shall use the following procedure  
6 when processing the absentee ballots during this time.

7           **Sec. 43. 21-A MRSA §760-B, sub-§§2 and 3**, as amended by PL 2015, c. 406,  
8 §1, are further amended to read:

9           **2. Notice of early processing.** The clerk must give notice of the municipality's  
10 intent to process absentee ballots prior to election day using ~~the a notice of election under~~  
11 ~~section 621-A~~ early processing form provided by the Secretary of State, stating the days  
12 and times that the clerk intends to begin processing absentee ballots and the inspection  
13 period provided in subsection 3. At least 60 days before election day, the clerk shall  
14 provide a copy of the notice of ~~election~~ early processing to the Secretary of State and the  
15 chairs of each political party of the municipality indicating that early processing of  
16 absentee ballots will occur. The notice to the political parties must be considered  
17 sufficient as long as it is mailed to the last address of each municipal chair that is known  
18 to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or  
19 as a scanned attachment to an e-mail address established by the Secretary of State. If the  
20 notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before  
21 election day, the municipality may not process absentee ballots prior to election day.

22           **3. Inspection of absentee envelopes before processing.** A member of the public  
23 may make a written request of the clerk to inspect absentee ballot applications and  
24 envelopes before they are processed if the request is made by 9:00 a.m. on each day that  
25 the clerk will process absentee ballots as specified on the notice of ~~election prior to~~  
26 ~~election day~~ early processing under subsection 2. The clerk shall make the absentee  
27 ballot applications and envelopes received by that time available for public inspection for  
28 one hour before the starting time specified in the notice of ~~election~~ early processing for  
29 processing the absentee ballots. The clerk may immediately proceed to process the  
30 ballots after the one-hour inspection time has elapsed.

31           **Sec. 44. 21-A MRSA §1204-B, sub-§80, ¶A**, as enacted by PL 2013, c. 270, Pt.  
32 B, §2 and affected by §3, is amended to read:

33           A. In Kennebec County, the minor civil divisions of Vassalboro and Windsor; and  
34 the following census units in the minor civil division of Augusta: Blocks 1000, 1001,  
35 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1022, 1023, 1024,  
36 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2000, 2001, 2002,  
37 2004, 2005, 2006, 2007, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2037 and 2049  
38 of Tract 010100; ~~and Block 1026 of Tract 010500~~; and

39           **Sec. 45. 30-A MRSA §62, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
40 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
41 repealed.



- 1           8. It provides that when 2 United States Senators are to be elected, the term of office  
2 sought by each candidate must be specified on the ballot.
- 3           9. It provides that write-in spaces on a ballot are required to be provided only for  
4 offices in which candidates have declared their write-in candidacy according to the law.
- 5           10. It specifies acceptable formats for names of candidates for nomination to appear  
6 on a ballot.
- 7           11. It changes the description of an official ballot box to be more generic in terms of  
8 the security features and the opening for insertion of ballots.
- 9           12. It changes the description of ballot security containers to be more generic in  
10 terms of the methods used to secure them.
- 11          13. It allows the warden at the voting place to open the packages of ballots up to 2  
12 hours before the polls open.
- 13          14. It shortens the time that municipalities have to submit their official return of  
14 votes to the Secretary of State from 3 business days to 2 business days after the election.
- 15          15. It clarifies that a candidate or referendum election tabulation is considered final  
16 on the date the Secretary of State submits the tabulation to the Governor.
- 17          16. It clarifies the circumstances in which the Governor must issue an election  
18 certificate.
- 19          17. It authorizes the use of a courier to retrieve ballots in the event of a recount and  
20 to deliver them to the recount facility.
- 21          18. It clarifies provisions pertaining to recounts of elections to the United States  
22 Congress.
- 23          19. It adds a new method for returning a voted absentee ballot to the municipal clerk.
- 24          20. It provides that municipalities may opt to process absentee ballots beginning on  
25 the 4th day before election day, including on a Sunday.
- 26          21. It changes the manner by which the municipal clerk must give notice of the  
27 municipality's intent to process absentee ballots prior to election day.
- 28          22. It removes an incorrect reference to a census block in Augusta that was included  
29 in State Representative District 80 that already was correctly included in State  
30 Representative District 85.
- 31          23. It repeals a provision of the Maine Revised Statutes, Title 30-A that addresses the  
32 nomination petitions for county commissioners.
- 33          24. It clarifies that the municipal treasurer's statement that must accompany a  
34 question for ratification of a municipal bond issue may either be printed on the ballot or  
35 printed as a separate document that is made available to voters.



1           25. It clarifies the election laws restricting certain activities at and around the polls  
2 on election day in order to comply with recent court decisions. It provides for an 8-foot-  
3 wide access corridor through which voters may pass without interference to the area  
4 behind the guardrail where voting takes place. It allows the warden to designate spaces  
5 inside the building, but outside the access corridor, where organizations may collect  
6 signatures on citizen initiative and people's veto petitions. It reduces the current protected  
7 zone from 250 feet to 100 feet outside the building and amends the list of campaign  
8 activities that are prohibited within that zone. Campaign activities related to a party or to  
9 a question or candidate for an office on the ballot for that election day are prohibited  
10 within that zone. It retains the current prohibitions on influencing or attempting to  
11 influence any voter but removes the criminal provisions and directs the Secretary of State  
12 to issue guidelines to assist local officials in interpreting and applying the law  
13 consistently and to inform candidates, campaigns and the public.