

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1484

S.P. 582

In Senate, December 18, 2015

### An Act Regarding the Election Laws

(EMERGENCY)

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Submitted by the Secretary of State pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2015. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.

Cosponsored by Representative LUCHINI of Ellsworth and

Senators: DILL of Penobscot, DUTREMBLE of York, PATRICK of Oxford, Representatives: BLACK of Wilton, DION of Portland, GOLDEN of Lewiston, MAREAN of Hollis, POULIOT of Augusta.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation makes necessary changes to improve the administration of  
4 primary and general elections; and

5           **Whereas,** changes related to the administration of the primary election would not  
6 take effect until after the election unless enacted as emergency legislation; and

7           **Whereas,** in order to treat primary and general election candidates the same, these  
8 changes must be in effect for both elections in the same election year; and

9           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
10 the meaning of the Constitution of Maine and require the following legislation as  
11 immediately necessary for the preservation of the public peace, health and safety; now,  
12 therefore,

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

14           **Sec. 1. 21-A MRSA §101, sub-§10,** as enacted by PL 2007, c. 455, §3, is  
15 amended to read:

16           **10. Ineligible to serve.** When a member of the registrar's immediate family  
17 becomes a candidate for federal, state, local or county office in the electoral division in  
18 which the registrar is appointed, the registrar may not serve as registrar during the period  
19 beginning when the candidate files a petition to be a candidate or is nominated to be a  
20 replacement candidate until the time of election. The registrar shall instead appoint a  
21 deputy ~~to whom the municipality shall pay all associated costs~~ who must be compensated  
22 by the municipality for the duration of the deputy's temporary employment in that  
23 capacity.

24           **Sec. 2. 21-A MRSA §122, sub-§7,** as amended by PL 2005, c. 453, §19, is  
25 further amended to read:

26           **7. Record of names.** The names of voters who register by appearing in person  
27 before the registrar during the business days before election day under subsection 6 must  
28 be recorded as provided in either paragraph A or B:

29           A. The registrar shall, after finding an applicant qualified, issue a certificate  
30 requiring the voter's name and other required information to be written on the ~~original~~  
31 ~~or any supplemental~~ incoming voting list at the voting place on election day. The  
32 certificate must be attached to, or included with, the incoming voting list and sealed  
33 as provided in section 698. Only one certificate may be recorded for any voter at an  
34 election; or

35           B. The registrar shall, after finding the applicant qualified, enter the voter's name and  
36 other information from the voter registration application into the central voter  
37 registration system and add it to the incoming voting list ~~or a supplemental incoming~~  
38 ~~voting list~~. Before the polls are opened, the registrar shall deliver the incoming

1 voting list ~~and any supplemental incoming voting list or lists~~ to the clerk. The  
2 inclusion of a person's name on ~~these lists~~ the incoming voting list will entitle the  
3 applicant to vote on election day. ~~All references in this Title to the use of the~~  
4 ~~incoming voting list before, during and after election day are considered to include~~  
5 ~~the supplemental incoming voting list or lists as provided in this paragraph.~~

6 **Sec. 3. 21-A MRSA §152, sub-§1, ¶A**, as amended by PL 2007, c. 455, §7, is  
7 repealed and the following enacted in its place:

8 A. The legal name of the voter, in one of the following combinations:

9 (1) First name and last name;

10 (2) First initial, one middle name and last name; or

11 (3) First name, one middle name or one middle initial and last name;

12 **Sec. 4. 21-A MRSA §152, sub-§1, ¶F**, as enacted by PL 1985, c. 161, §6, is  
13 amended to read:

14 F. Most recent prior residence where registered to vote, including the municipality,  
15 county and state, and the name under which previously registered, if changed, ~~legal~~  
16 ~~address and mailing address;~~

17 **Sec. 5. 21-A MRSA §181, sub-§1, ¶B**, as amended by PL 2003, c. 407, §14 and  
18 c. 689, Pt. B, §6, is repealed and the following enacted in its place:

19 B. Outside agencies, or their successors, which include the following:

20 (1) All state agencies that provide public assistance, including the Department of  
21 Health and Human Services and the offices within the department that provide  
22 assistance under the Temporary Assistance for Needy Families program under  
23 Title 22, chapter 1053-B, the Women, Infants and Children Special Supplemental  
24 Food Program of the United States Child Nutrition Act of 1966, the federal  
25 Medicaid program and the statewide food supplement program under Title 22,  
26 section 3104;

27 (2) The uniformed service recruitment offices;

28 (3) The public high schools;

29 (4) The offices of municipal clerks and registrars;

30 (5) The Department of Labor, Bureau of Rehabilitation Services; and

31 (6) All state agencies that provide state-funded programs primarily engaged in  
32 providing services to persons with disabilities.

33 **Sec. 6. 21-A MRSA §196-A, sub-§1, ¶B**, as amended by PL 2013, c. 330, §1, is  
34 further amended to read:

35 B. A political party, or an individual or organization engaged in so-called "get out  
36 the vote" efforts directly related to a campaign or other activities directly related to a  
37 campaign, or an individual who has been elected or appointed to and is currently  
38 serving in a municipal, county, state or federal office, may purchase a list or report of

1 certain voter information from the central voter registration system by making a  
2 request to the Secretary of State or to a registrar if the information requested concerns  
3 voters in that municipality. The Secretary of State or the registrar shall make  
4 available the following voter record information, subject to the fees set forth in  
5 subsection 2: the voter's name, residence address, mailing address, year of birth,  
6 enrollment status, electoral districts, voter status, date of registration, date of change  
7 of the voter record if applicable, voter participation history, voter record number and  
8 any special designations indicating uniformed service voters, overseas voters or  
9 township voters. Any person obtaining, either directly or indirectly, information  
10 from the central voter registration system under this paragraph may not sell, distribute  
11 or use the data for any purpose that is not directly related to activities of a political  
12 party, "get out the vote" efforts directly related to a campaign or other activities  
13 directly related to a campaign. This paragraph does not prohibit political parties,  
14 party committees, candidate committees, political action committees or any other  
15 organizations that have purchased information from the central voter registration  
16 system from providing access to such information to their members for purposes  
17 directly related to party activities, "get out the vote" efforts or a campaign. For  
18 purposes of this paragraph, "campaign" has the same meaning as in section 1052,  
19 subsection 1.

20 **Sec. 7. 21-A MRSA §331, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended  
21 to read:

22 **1. Nomination by primary election.** A party's nomination of a candidate ~~for any~~  
23 ~~federal, state or county office shall~~ must be made by primary election, as provided in this  
24 Article. When there is an office for which no candidate has qualified either by filing a  
25 petition and consent under sections 335 and 336 or as a write-in candidate in accordance  
26 with section 722-A, the Secretary of State is not required to list the office on the primary  
27 ballot.

28 **Sec. 8. 21-A MRSA §363, sub-§3**, as amended by PL 2011, c. 239, §3, is further  
29 amended to read:

30 **3. Acceptance filed.** A person chosen under this section must file a written  
31 acceptance containing a statement that the person meets the qualifications of the office  
32 sought and declaring the person's residence and party enrollment with the Secretary of  
33 State. The Secretary of State shall provide a form ~~on which the statement is made by the~~  
34 ~~candidate~~ for the candidate's acceptance that must include a list of the statutory and  
35 constitutional requirements of the office sought by the candidate. The form also must  
36 include a place for the registrar of the candidate's municipality of residence to certify the  
37 candidate's registration and enrollment status.

38 **Sec. 9. 21-A MRSA §367**, as amended by PL 1995, c. 459, §31, is further  
39 amended to read:

40 **§367. Candidate withdrawal**

41 A candidate who wishes to withdraw from an elective race shall notify the Secretary  
42 of State in writing of the candidate's intent to withdraw. This notice must be signed by

1 the candidate. If the reason for the withdrawal is catastrophic illness, condition or injury,  
2 the procedures set forth in section 374-A, subsection 1, paragraph B must be complied  
3 with if the candidate is to be replaced.

4 **Sec. 10. 21-A MRSA §371**, as amended by PL 2011, c. 342, §11, is further  
5 amended to read:

6 **§371. Candidates for nomination; vacancy**

7 If a candidate for nomination dies, withdraws at least ~~60~~ 70 days before the primary  
8 or becomes disqualified after having filed the candidate's primary petition, so that a party  
9 has fewer candidates than there are offices to be filled, the vacancy may be filled by a  
10 political committee pursuant to section 363. The Secretary of State shall declare the  
11 vacancy pursuant to section 362-A. Less than ~~60~~ 70 days before the primary election, a  
12 candidate may withdraw from the primary by providing a written notice to the Secretary  
13 of State that the candidate is withdrawing and will not serve if elected. The candidate's  
14 name will not be removed from the ballot, but upon receipt of the notice of late  
15 withdrawal, the Secretary of State shall instruct the local election officials in the  
16 candidate's electoral district to distribute notices with absentee ballots requested after that  
17 date and to post a notice at each voting place in the district informing voters that the  
18 candidate has withdrawn and that a vote for that candidate will not be counted. Notice of  
19 the late withdrawal must also be posted on the Secretary of State's publicly accessible  
20 website.

21 **Sec. 11. 21-A MRSA §374-A, sub-§1, ¶B**, as enacted by PL 1989, c. 341, §2, is  
22 amended to read:

23 B. Withdraws because of a catastrophic illness, condition or injury that has  
24 permanently and continuously incapacitated the candidate and would prevent  
25 performance of the duties of the office sought, provided as long as the candidate or a  
26 member of the candidate's immediate family files with the Secretary of State a  
27 certificate accompanying the withdrawal request, ~~which that~~ describes the illness,  
28 condition or injury and is signed by ~~at least 2 a licensed physicians~~ a physician; or

29 **Sec. 12. 21-A MRSA §374-A, sub-§3**, as amended by PL 2011, c. 342, §13, is  
30 further amended to read:

31 **3. Deadline for withdrawal.** A candidate for an office on the general election ballot  
32 must withdraw at least ~~60~~ 70 days before the general election in order for the candidate's  
33 name to be removed from the ballot. Less than ~~60~~ 70 days before the general election, a  
34 candidate may withdraw from the election by providing a written notice to the Secretary  
35 of State that the candidate is withdrawing and will not serve if elected. The candidate's  
36 name will not be removed from the ballot, but upon receipt of the notice of late  
37 withdrawal, the Secretary of State shall instruct the local election officials in the  
38 candidate's electoral district to distribute notices with absentee ballots requested after that  
39 date and to post a notice at each voting place in the district informing voters that the  
40 candidate has withdrawn and that a vote for that candidate will not be counted. Notice of  
41 the late withdrawal must also be posted on the Secretary of State's publicly accessible  
42 website.

1           **Sec. 13. 21-A MRSA §375, sub-§2**, as amended by PL 1999, c. 426, §15, is  
2 further amended to read:

3           **2. Candidate for Vice President; death; withdrawal; disqualification.** If a  
4 candidate for Vice President who has been nominated by petition under section 354,  
5 subsection 1, paragraph B, dies, withdraws at least ~~60~~ 70 days before the election or  
6 becomes disqualified, the vacancy may be filled by a new vice-presidential candidate, if  
7 the following conditions are met:

8           A. Written resignation is filed with the Secretary of State by the previous vice-  
9 presidential candidate, if the mental and physical condition of the candidate allows;

10          B. Written consent is filed with the Secretary of State by the new vice-presidential  
11 candidate;

12          C. Written acceptance of the new vice-presidential candidate is filed with the  
13 Secretary of State by the presidential candidate; and

14          D. Written acceptance of the new vice-presidential candidate is filed with the  
15 Secretary of State by each of the presidential electors.

16           **Sec. 14. 21-A MRSA §376, sub-§1**, as amended by PL 1997, c. 436, §55, is  
17 further amended to read:

18           **1. Federal or gubernatorial office.** If a candidate or nominee for a federal or  
19 gubernatorial office withdraws less than ~~60~~ 70 days before any election, the Secretary of  
20 State is not required to produce new ballots.

21           **Sec. 15. 21-A MRSA §506** is enacted to read:

22           **§506. Municipal clerk ineligible to serve**

23           When a member of the municipal clerk's immediate family becomes a candidate for  
24 federal, state, local or county office in the electoral division in which the municipal clerk  
25 serves, the municipal clerk may not serve as the supervisor of elections during the period  
26 beginning when the candidate files a petition to be a candidate or is nominated to be a  
27 replacement candidate until the time of election. The municipal clerk shall instead  
28 appoint a deputy who must be compensated by the municipality for the duration of the  
29 deputy's temporary employment in that capacity.

30           **Sec. 16. 21-A MRSA §626, sub-§1**, as amended by PL 2011, c. 342, §18, is  
31 further amended to read:

32           **1. Opening time flexible.** The polls must be opened no earlier than 6 a.m. and no  
33 later than 8 a.m. on election day, except that in municipalities with a population of less  
34 than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of  
35 each municipality shall determine the time of opening the polls within these limits. ~~The~~  
36 ~~municipal clerk shall notify the Secretary of State of the poll opening times at least 30~~  
37 ~~days before each election conducted under this Title.~~

38           **Sec. 17. 21-A MRSA §626-A** is enacted to read:

1           **§626-A. Voting place report**

2           The municipal clerk shall file a voting place report at least 60 days before each  
3 election conducted under this Title, on a form designed by the Secretary of State, with  
4 information about each voting place, including, but not limited to, the location of each  
5 voting place, the poll opening time and the number of voting booths that will be used.

6           **Sec. 18. 21-A MRSA §671, sub-§2**, as amended by PL 2003, c. 584, §9, is  
7 repealed and the following enacted in its place:

8           **2. Name checked and ballot issued.** The election clerk in charge of the incoming  
9 voting list shall place a check mark or a horizontal line, in red ink, on the list beside the  
10 voter's name, and if there is more than one party or district ballot style used at that voting  
11 place, the election clerk must state in a loud, clear voice the party or district ballot style  
12 that the voter must be given. The election clerk in charge of the ballots shall give the  
13 voter one ballot of each kind to which the voter is entitled, and if there is more than one  
14 party or district ballot style used at that voting place, the election clerk must repeat the  
15 party or district ballot style being given to the voter. The voter must be given a ballot  
16 when the voter's name is checked on the incoming voting list and may not be referred to  
17 another location to obtain the ballot. A voter who will vote using the accessible voting  
18 system may not be given an official ballot, but may be given a sample ballot to use as a  
19 voting aid.

20           **Sec. 19. 21-A MRSA §671, sub-§3**, as amended by PL 2009, c. 253, §26, is  
21 repealed.

22           **Sec. 20. 21-A MRSA §671, sub-§4**, as amended by PL 1997, c. 436, §95, is  
23 further amended to read:

24           **4. Retires to voting booth.** After receiving the ballot or ballots, the voter shall retire  
25 to a voting booth and mark the ballot or ballots without delay and leave the voting booth.  
26 No ballot, marked or unmarked, may be left in the voting booth by the voter. If the voter  
27 is using the accessible voting system, an election official shall escort the voter to the  
28 voting station, instruct the voter on the proper use of the accessible voting system,  
29 provide the voter with access to all ballots to which the voter is entitled and permit the  
30 voter to cast the voter's ballot using the accessible voting system.

31           **Sec. 21. 21-A MRSA §671, sub-§5**, as amended by PL 2001, c. 310, §35, is  
32 further amended to read:

33           **5. Ballot deposited.** When the voter leaves the voting booth, the voter shall proceed  
34 to the ballot box. The clerk shall require the voter to deposit in the ballot box all ballots,  
35 marked or unmarked, issued to the voter under subsection ~~3~~ 2, and the voter shall then  
36 leave the area enclosed by the guardrail. The voter may not leave the guardrail enclosure  
37 until the voter has deposited all ballots that were issued to the voter. The voter may  
38 permit a family member or an assistant under section 672 to deposit the ballots for the  
39 voter.



1           **Sec. 22. 21-A MRSA §682, sub-§3**, as amended by PL 2009, c. 253, §27, is  
2 further amended to read:

3           **3. Advertising prohibited.** A person may not display advertising material; operate  
4 an advertising medium, including a sound amplification device; or display or distribute  
5 campaign literature, posters, palm cards, buttons, badges or stickers containing a  
6 candidate's name or otherwise intending to influence the opinion of any voter regarding a  
7 candidate or question that is on the ballot for the election that day on any public property  
8 located within 250 feet of the entrance to either the voting place or the building in which  
9 the registrar's office is located. The term "sound amplification device" includes, but is  
10 not limited to, sound trucks, loudspeakers and blowhorns.

11           A. This subsection does not apply to advertising material on automobiles traveling to  
12 and from the voting place for the purposes of voting. It does not prohibit a person  
13 who is at the polls solely for the purpose of voting from wearing a campaign button  
14 when the longest dimension of the button does not exceed 3 inches.

15           B. Nonpolitical charitable activities and other nonpolitical advertising may be  
16 allowed at the discretion of the clerk if arrangements are made prior to election day.  
17 If arrangements are not made in advance of the election day, the warden may, at the  
18 warden's discretion, either allow or prohibit nonpolitical charitable activities and  
19 other nonpolitical advertising.

20           **Sec. 23. 21-A MRSA §698, sub-§3**, as amended by PL 2007, c. 515, §6, is  
21 further amended to read:

22           **3. Incoming voting lists packed separately.** The warden and one election clerk  
23 from each of the major parties shall sign the incoming voting list certification as soon as  
24 the names of all persons who have voted, including persons who have voted by absentee  
25 ballot, have been checked off. The election clerks shall place the incoming voting list in  
26 a separate package outside the containers of used and unused ballots and seal the package  
27 with the signed incoming voting list certification. The incoming voting list includes any  
28 certificates entitling voters to be placed on the incoming voting list ~~and any supplemental~~  
29 ~~incoming voting list, where applicable,~~ pursuant to section 122, subsection 7. The  
30 municipal clerk shall keep these incoming voting lists sealed for 5 business days after the  
31 election or until the time for any recount conducted under section 737-A, contested  
32 election or appeal has passed, whichever is longer. At the end of the 5th business day  
33 after the election, if the municipal clerk verifies that a recount has not been requested, the  
34 municipal clerk shall unseal the incoming voting list and keep it in the clerk's office as a  
35 public record for the time required pursuant to section 23.

36           **Sec. 24. 21-A MRSA §712**, as amended by PL 1993, c. 473, §27 and affected by  
37 §46, is further amended to read:

38           **§712. Return not delivered**

39           If an election return is not delivered to the Secretary of State ~~within 3 business days~~  
40 by 5 p.m. on the 3rd business day after an election, the Secretary of State ~~shall~~ may send  
41 a ~~messenger~~ courier to the municipality concerned, and the clerk shall give that

1 ~~messenger~~ courier a certified copy of the return. The municipality shall reimburse the  
2 Secretary of State for the costs of the courier service.

3 **Sec. 25. 21-A MRSA §721**, as amended by PL 2009, c. 253, §35, is further  
4 amended to read:

5 **§721. Reports of registration and enrollment**

6 Within ~~40~~ 15 business days after any statewide election, the registrar shall update all  
7 information in the central voter registration system for all voters in the municipality to  
8 reflect any voter registration activity after the incoming voting list was printed for that  
9 election and up until the close of the polls on election day. The registrar shall also enter  
10 any designations of challenged ballots in the applicable voter records in the central voter  
11 registration system. The registrar shall notify the Secretary of State as soon as these tasks  
12 are complete.

13 After the registrar has completed the update of the central voter registration system,  
14 as required by this section, and no later than ~~20~~ 45 business days after the election, unless  
15 a recount has been requested pursuant to section 737-A, the clerk shall update the central  
16 voter registration system by entering voter participation history for that election. The  
17 clerk shall notify the Secretary of State as soon as this task is completed.

18 In a municipality in which a recount has been requested pursuant to section 737-A,  
19 the clerk shall update the central voter registration system by entering voter participation  
20 history for that election within ~~40~~ 20 business days after receiving the incoming voting  
21 list that has been returned by the Secretary of State after the recount. The clerk shall  
22 notify the Secretary of State as soon as this task is completed.

23 **Sec. 26. 21-A MRSA §722-A**, as amended by PL 2009, c. 253, §37, is further  
24 amended to read:

25 **§722-A. Determination of declared write-in candidate**

26 To be considered a declared write-in candidate, a person must file a declaration of  
27 write-in candidacy with the Secretary of State, on a form approved by the Secretary of  
28 State, on or before 5 p.m. on the ~~45th~~ 60th day prior to the election. The candidate must  
29 meet all the other qualifications for that office.

30 **Sec. 27. 21-A MRSA §737-A, first ¶**, as amended by PL 2007, c. 515, §8, is  
31 further amended to read:

32 Once a recount is requested, the Secretary of State shall notify the State Police, who  
33 shall take physical control of all ballots and related materials involved in the recount as  
34 soon as possible, except that for a statewide office or statewide referendum or an office or  
35 referendum that encompasses more than one county, the Secretary of State, in agreement  
36 with the parties involved in the recount, may direct the State Police to retrieve ballots  
37 from certain voting jurisdictions so that the recount may be conducted in stages until the  
38 requesting candidate or the lead applicant for a referendum recount concedes or until all  
39 the ballots are recounted.

1           **Sec. 28. 21-A MRSA §737-A, 4th ¶**, as enacted by PL 1993, c. 473, §31 and  
2 affected by §46, is amended to read:

3           If, after the official tabulation is submitted to the Governor, the apparent winner is  
4 determined the losing candidate, that candidate may request ~~another~~ a recount within 3  
5 business days after the date the Governor receives the tabulation.

6           **Sec. 29. 21-A MRSA §737-A, sub-§1, ¶¶A and B**, as amended by PL 2003, c.  
7 447, §25, are further amended to read:

8           A. If the percentage difference shown by the official tabulation between the leading  
9 candidate and the requesting candidate is ~~2%~~ 1.5% or less of the total votes cast for  
10 that office, a deposit is not required.

11           B. If the percentage difference shown by the official tabulation between the leading  
12 candidate and the requesting candidate is more than ~~2%~~ 1.5% and less than or equal  
13 to 4% of the total votes cast for that office, the deposit is \$500.

14           **Sec. 30. 21-A MRSA §760-B**, as amended by PL 2013, c. 457, §4, is further  
15 amended to read:

16           **§760-B. Procedures when clerk processes absentee ballots prior to election day**

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

21           **1. Time for processing.** In a municipality that has opted to process absentee ballots  
22 ~~on the day immediately~~ one or more of the days prior to election day authorized by this  
23 section, the municipal clerk or the clerk's designees may process absentee ballots at the  
24 times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if  
25 an inspection is requested pursuant to subsection 3, processing may not begin until after  
26 the inspection period has concluded.

27           **2. Notice of early processing.** The clerk must give notice of the municipality's  
28 intent to process absentee ballots prior to election day using the notice of election under  
29 section 621-A, stating the ~~time~~ days and times that the clerk intends to begin processing  
30 absentee ballots and the inspection period provided in subsection 3. At least 60 days  
31 before election day, the clerk shall provide a copy of the notice of election to the  
32 Secretary of State and the chairs of each political party of the municipality indicating that  
33 early processing of absentee ballots will occur. The notice to the political parties must be  
34 considered sufficient as long as it is mailed to the last address of each municipal chair that  
35 is known to the clerk. The notice to the Secretary of State may be delivered by mail or  
36 facsimile or as a scanned attachment to an e-mail address established by the Secretary of  
37 State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day  
38 before election day, the municipality may not process absentee ballots prior to election  
39 day.

1           **3. Inspection of absentee envelopes before processing.** A member of the public  
2 may make a written request of the clerk to inspect absentee ballot applications and  
3 envelopes before they are processed if the request is made by 9:00 a.m. on the first day  
4 immediately that the clerk will process absentee ballots as specified on the notice of  
5 election prior to election day. The clerk shall make the absentee ballot applications and  
6 envelopes received by that time available for public inspection for one hour before the  
7 starting time specified in the notice of election for processing the absentee ballots. The  
8 clerk may immediately proceed to process the ballots after the one-hour inspection time  
9 has elapsed.

10           **4. Processing and other procedures.** The clerk shall use the procedure described in  
11 this section when processing the absentee ballots during the designated times. Procedures  
12 for handling full ballot boxes, pollwatching and challenging ballots are conducted in the  
13 same manner as election day or as close as practicable.

14           **4-A. Tabulation of absentee ballots at state-designated central locations.** The  
15 Secretary of State may provide a high-speed ballot tabulator to be made available to any  
16 municipality at one or more state-designated central locations for the purpose of scanning  
17 and tabulating absentee ballots. If a municipality opts to process absentee ballots using a  
18 high-speed ballot tabulator, the municipal clerk must apply to the Secretary of State for  
19 authorization. The Secretary of State shall notify the municipal clerk in writing of the  
20 Secretary of State's authorization or denial of authorization to use a high-speed ballot  
21 tabulator and provide a designated time for the municipality to scan its ballots.

22           A municipality authorized to scan absentee ballots at a state-designated central location  
23 must first open and process absentee ballots at the times and in the location within the  
24 municipality as designated in the notice of election and follow all procedures described in  
25 this section. The absentee ballots once removed from their envelopes must be secured in  
26 locked and sealed containers before being transported to the state-designated central  
27 location. The Secretary of State shall publish uniform guidelines for securing and  
28 transporting ballots and other materials under this subsection.

29           **5. Counting and results prohibited before the polls close.** The absentee ballots  
30 may not be counted, voter intent may not be determined and election results may not be  
31 obtained or released until after the polls have closed on election day; and all election day  
32 ballots have been cast and all absentee ballots have been processed. A municipality that  
33 uses a high-speed ballot tabulator pursuant to subsection 4-A receives results at the  
34 completion of the ballot scanning but may not view the results until after the polls close  
35 on election day.

36           **6. Security of processed ballots and tabulating equipment.** At the conclusion of  
37 absentee ballot processing on ~~the~~ any day ~~immediately~~ prior to election day, the clerk  
38 shall ensure that the early processed absentee ballots are locked and sealed in the ballot  
39 box, automatic tabulating equipment ballot box or tamper-proof containers provided by  
40 the Secretary of State and secured in a vault or other locked secure location, until the  
41 voting resumes on election day or until the ballots are counted after the polls close. The  
42 Secretary of State shall publish uniform guidelines for securing ballots and other  
43 materials under this section.



1           5. It clarifies that an individual or organization is entitled to obtain voter registration  
2 data if that individual or organization is engaged in a "get out the vote" effort for a  
3 specific campaign.

4           6. It provides that when there is no candidate for a primary election office who has  
5 qualified by primary petition or as a declared write-in candidate, the Secretary of State is  
6 not required to list that office on the primary ballot.

7           7. It provides that the written acceptance for a replacement candidate must include a  
8 place for the registrar in the candidate's municipality of residence to certify the  
9 candidate's registration and enrollment status.

10          8. It changes the deadline for a candidate to withdraw and be replaced from 60 days  
11 to 70 days before the primary or general election.

12          9. It clarifies that a candidate may withdraw and be replaced if the candidate is  
13 incapacitated by a condition or injury and requires a certificate signed by a single licensed  
14 physician to accompany the withdrawal request. Current law provides only for  
15 incapacitation due to an illness and requires a certificate signed by 2 licensed physicians.

16          10. It changes the deadline for a nonparty candidate for Vice President to withdraw  
17 and be replaced from 60 days to 70 days before the general election.

18          11. It provides that if a candidate or nominee for a federal or gubernatorial office  
19 withdraws less than 70 days before any election, the Secretary of State is not required to  
20 produce new ballots.

21          12. It adds the restriction that a municipal clerk may not serve as the supervisor of an  
22 election when a member of the municipal clerk's immediate family is a candidate for  
23 federal, state, county or local office.

24          13. It changes from 30 to 60 days prior to an election the date by which the  
25 municipal clerk must file a report that includes the voting place location, the poll opening  
26 time and the number of voting booths to be used.

27          14. It clarifies the voting procedure by combining the steps of checking voter names  
28 on the incoming voting list and giving the ballot to the voter in the same provision of law.  
29 It prohibits the practice of handing out the ballot at a separate location from the incoming  
30 voting list.

31          15. It clarifies that it is a violation of law to display, as well as distribute, campaign  
32 materials within 250 feet of the entrance to either the voting place or the registrar's office.

33          16. It provides that the Secretary of State may send a courier to a municipality that is  
34 late in filing an election return after the election and that the municipality must provide a  
35 certified copy of the return to the courier and reimburse the Secretary of State for the  
36 costs of the courier.

37          17. It extends the deadlines after an election by which the municipal clerk and the  
38 registrar of voters must complete updates to the central voter registration system.

1            18. It changes the filing deadline for a declaration of write-in candidacy from 45  
2 days to 60 days before the election.

3            19. It allows the Secretary of State, in agreement with the parties involved in a  
4 recount of a statewide office or referendum or an office or referendum that encompasses  
5 more than one county, to retrieve the ballots and conduct the recount in stages.

6            20. It clarifies the provision of law that provides that an apparent winning candidate  
7 may request a recount if the official tabulation of the vote communicated to the Governor  
8 shows that candidate as the losing candidate.

9            21. It lowers the threshold for requiring a deposit of \$500 in order for a candidate to  
10 request a recount.

11           22. It provides that a municipality may opt to process absentee ballots as early as the  
12 4th day before the election. It also authorizes the Secretary of State to make available  
13 high-speed ballot tabulators for absentee ballots and to allow a municipality to bring  
14 absentee ballots to a state-designated central location for tabulating by the high-speed  
15 ballot tabulators as long as security guidelines are properly followed.

16           23. It imposes a deadline of 5 p.m. on election day for a uniformed service or  
17 overseas voter to submit a voter registration application or absentee ballot request in  
18 order to qualify for a ballot for that election.