

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1539

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H.P. 1050

House of Representatives, January 6, 2016

### **An Act To Expand the Early Processing of Absentee Ballots**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative O'CONNOR of Berwick.

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

2 **Sec. 1. 21-A MRSA §760-B**, as amended by PL 2013, c. 457, §4, is further  
3 amended to read:

4 **§760-B. Procedures when clerk processes absentee ballots prior to election day**

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

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

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

28 **3. Inspection of absentee envelopes before processing.** A member of the public  
29 may make a written request of the clerk to inspect absentee ballot applications and  
30 envelopes before they are processed if the request is made by 9:00 a.m. on the first day  
31 ~~immediately~~ that the clerk will process absentee ballots as specified on the notice of  
32 election prior to election day. The clerk shall make the absentee ballot applications and  
33 envelopes received by that time available for public inspection for one hour before the  
34 starting time specified in the notice of election for processing the absentee ballots. The  
35 clerk may immediately proceed to process the ballots after the one-hour inspection time  
36 has elapsed.

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

