# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

### **SECOND REGULAR SESSION-2016**

**Legislative Document** 

No. 1539

H.P. 1050

House of Representatives, January 6, 2016

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

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.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative O'CONNOR of Berwick.

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

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

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

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

- 1. Time for processing. In a municipality that has opted to process absentee ballots on the day immediately one or more of the days prior to election day authorized by this section, the municipal clerk or the clerk's designees may process absentee ballots at the times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if an inspection is requested pursuant to subsection 3, processing may not begin until after the inspection period has concluded.
- 2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under section 621-A, stating the time days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of election to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day.
- **3. Inspection of absentee envelopes before processing.** A member of the public may make a written request of the clerk to inspect absentee ballot applications and envelopes before they are processed if the request is made by 9:00 a.m. on the <u>first</u> day <u>immediately</u> that the clerk will process absentee ballots as specified on the notice of <u>election</u> prior to election day. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the starting time specified in the notice of election for processing the absentee ballots. The clerk may immediately proceed to process the ballots after the one-hour inspection time has elapsed.
- **4. Processing and other procedures.** The clerk shall use the procedure described in this section when processing the absentee ballots during the designated times. Procedures for handling full ballot boxes, pollwatching and challenging ballots are conducted in the same manner as election day or as close as practicable.

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

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

- **5.** Counting and results prohibited before the polls close. The absentee ballots may not be counted, voter intent may not be determined and election results may not be obtained or released until after the polls have closed on election day, and all election day ballots have been cast and all absentee ballots have been processed. A municipality that uses a high-speed ballot tabulator pursuant to subsection 4-A and receives results at the completion of the ballot scanning may not view the results until after the polls close on election day.
- **6.** Security of processed ballots and tabulating equipment. At the conclusion of absentee ballot processing on the <u>any</u> day <u>immediately</u> prior to election day, the clerk shall ensure that the early processed absentee ballots are locked and sealed in the ballot box, automatic tabulating equipment ballot box or tamper-proof containers provided by the Secretary of State and secured in a vault or other locked secure location, until the voting resumes on election day or until the ballots are counted after the polls close. The Secretary of State shall publish uniform guidelines for securing ballots and other materials under this subsection.

31 SUMMARY

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