MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1276

H.P. 936

House of Representatives, March 29, 2021

An Act To Ensure All Legal Voters Are Able To Participate in Elections

Received by the Clerk of the House on March 25, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative ROBERTS of South Berwick.

Cosponsored by Representatives: MEYER of Eliot, RIELLY of Westbrook, STOVER of

Boothbay, Senators: DAUGHTRY of Cumberland, LUCHINI of Hancock.

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

Sec. 1. 21-A MRSA §765 is enacted to read:

§765. Exterior absentee ballot drop boxes or drop slots

A municipality may obtain and deploy one absentee ballot drop box or drop slot outside the municipal office building for use by voters of that municipality to return their voted ballots without requiring contact with an election official. Delivery to a drop box or drop slot pursuant to this section constitutes delivery to the clerk as provided in section 754-A. An absentee ballot drop box, or a drop slot attached to a secure collection box, must meet the following requirements.

- 1. Securely located. The absentee ballot drop box or drop slot must be located on municipal property next to or adjoining the municipal office building. The drop box or drop slot must be secured so that it cannot be moved or removed by any unauthorized person. If the drop box or drop slot is positioned against an outside wall of the municipal office building, it must be bolted or otherwise securely fastened to the municipal office building wall or to the deck or landing. If the drop box or drop slot is located away from the municipal office building, it must be set onto a post that is sunk into the ground or set into a concrete pad or bolted or otherwise securely affixed to a platform or other structure. When in use for an election, the drop box or drop slot must be monitored periodically by law enforcement personnel, municipal staff or a surveillance camera.
- 2. Provide secure method for ballot deposit. The drop box or drop slot must provide a slot or chute that the voter can use to deposit an absentee ballot envelope into the collection box. This slot or chute must be designed so that it prevents a person from reaching in and accessing envelopes deposited into the drop box or drop slot and so that the deposited ballots are protected from the elements. The slot or chute also must have a mechanism with which the slot or chute may be closed and locked so that no ballots can be deposited once it is closed and locked. The slot or chute must feed directly into a secure, locked collection box, so that the deposited envelopes remain secured until the municipal clerk or designee removes the envelopes and secures them in the clerk's office.
- 3. Clearly labeled. The drop box or drop slot must be labeled, or a sign must be posted on or near the drop box or drop slot, to indicate that it is an official absentee ballot drop box or drop slot. Unless the drop box or drop slot is affixed to the outside wall of the municipal office building, the drop box or drop slot must display the name of the municipality. The drop box or drop slot may have additional signage instructing voters about absentee voting requirements, including warnings against use by voters of other municipalities.
- 4. Use and access during absentee voting period. During the period when absentee voting is taking place before an election, the absentee ballot drop box or drop slot must be used only for collection of absentee ballots and not for other municipal office filings or payments. The contents of the drop box or drop slot collection box must be accessible only to the municipal clerk or designees. No other municipal staff may have keys or access to the drop box or drop slot collection box contents during the absentee voting period. If material other than absentee ballot envelopes is deposited into the drop box or drop slot, the municipal clerk or designee is responsible for delivering that material to the appropriate municipal official.

5. Periodic retrieval of ballots. The drop box or drop slot must have a locking access door or cover that allows the municipal clerk or designee to open and retrieve the absentee ballot envelopes. During the absentee voting period, the municipal clerk or designees in teams of 2 people must periodically remove ballots from the drop box or drop slot and deliver the envelopes to the municipal clerk's office to be secured until they can be processed. At a minimum, ballots must be retrieved on each day that the municipal clerk's staff is working in the office. Ballots must be retrieved on other days as necessary based on the level of absentee voting, to ensure that the drop box or drop slot does not get so full that no other ballots can be deposited and so that deposited ballots do not become accessible to unauthorized persons. The municipality may keep a log noting each time the drop box or drop slot is emptied and have each team member initial or sign the log. On election night, the team must arrive at the drop box or drop slot just before 8 p.m. and wait until 8 p.m. to remove the deposited ballots and lock the deposit slot or chute so that no other voters can deposit ballots after the statutory deadline for returning ballots.

15 SUMMARY

This bill provides that a municipality may obtain and deploy one absentee ballot drop box or drop slot outside the municipal office building for use by voters of that municipality to return their voted ballots without requiring contact with an election official. The bill sets standards for a drop box or drop slot including that it be securely located and clearly labeled, that it provide a secure method for the deposit of ballots, that the contents be accessible only to the municipal clerk or the clerk's designee and that ballots be periodically retrieved by the municipal clerk or the clerk's designee.