

# MAINE STATE LEGISLATURE

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SAK  
10/15/18

L.D. 1779

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MAJORITY  
VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1330, L.D. 1779, "An Act To Protect Election Integrity by Regulating Possession of Ballots and Voting Machines and Devices"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 21-A MRSA §698, sub-§2-A, as amended by PL 2019, c. 371, §§23 and 24, is further amended by amending the first blocked paragraph to read:

The sealed tamper-proof ballot security containers of used ballots must remain sealed for at least 2 months after the election, unless the Secretary of State authorizes the clerk to open the containers prior to that date. After 2 months, the clerk shall open the containers in the presence of one or more witnesses and transfer the ballots to other containers for the remainder of the retention period described in section 23. The new containers must be securely sealed. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the ballot security containers of state election materials and the ballot security containers of municipal election materials must remain sealed and in the possession, custody and control of the clerk until the contents of the containers are destroyed in accordance with section 23.

Amend the bill by inserting after section 1 the following:

'Sec. 2. 21-A MRSA §698, sub-§2-B, as amended by PL 2001, c. 310, §46, is further amended to read:

**2-B. Unused ballots placed in containers.** At the close of the polls, all unused, unsealed absentee and regular ballots must be canceled by a physical mark unless all ballots are used in the course of the election. All sealed ballots must remain sealed. All unused ballots, including both the unsealed and the sealed ballots, must be placed in the containers in which the regular ballots were delivered. The containers containing the unused ballots must be clearly marked to indicate that the containers contain unused ballots. These ballots must be stored separately from the used ballots. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the containers containing the unused ballots must remain sealed and in the possession, custody and control of the clerk until the unused ballots are destroyed in accordance with section 23.

COMMITTEE AMENDMENT

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Sec. 3. 21-A MRSA §737-A, first ¶, as amended by PL 2019, c. 371, §28, is further amended to read:

Once a recount is requested for an election for the office of State Senator or State Representative or for a county office that does not encompass more than one county, the Secretary of State shall notify the contracted courier service, which shall take physical control of all ballots and related materials involved in the recount as soon as possible and deliver them to the recount facility. When a recount is requested for a statewide office, congressional office, presidential election or statewide referendum or for a county office that encompasses more than one county, the Secretary of State may direct the courier to retrieve ballots from certain voting jurisdictions and deliver them to the recount facility so that the recount may be conducted in stages until the requesting candidate or the lead applicant for a referendum recount concedes or until all the ballots are recounted. If a qualified courier service is not available to provide these services, the State Police shall collect and deliver the ballots as described in this section at the request of the Secretary of State.'

Amend the bill in section 2 in the first indented paragraph in the 7th line (page 1, line 20 in L.D.) by striking out the following: "a public official authorized by law to inspect ballots" and inserting the following: 'the relevant municipal clerk, the Secretary of State or the Secretary of State's designee'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It clarifies that the municipal clerk must retain possession, custody and control over both sealed containers of state election materials and sealed containers of municipal election materials and adds a requirement that the municipal clerk must also retain possession, custody and control over the containers in which unused ballots are sealed.

2. It clarifies that a municipal clerk may open or transfer the contents of the containers of state election materials, municipal election materials or unused ballots when expressly authorized by rule, for example when necessary to conduct a ranked-choice voting count, and for the purposes of conducting a recount of a presidential election in the State.

3. It removes the language of the bill that requires the inspection of ballots by the Governor, either branch of the Legislature, any legislative committee or a court to be subject to the oversight of a public official authorized by law to inspect ballots and replaces it with a requirement that the relevant municipal clerk, the Secretary of State or the Secretary of State's designee must oversee the inspection of ballots by such persons.