

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1779

H.P. 1330

House of Representatives, December 2, 2021

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### **An Act To Protect Election Integrity by Regulating Possession of Ballots and Voting Machines and Devices**

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

Received by the Clerk of the House on November 30, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PIERCE of Falmouth.  
Cosponsored by Senator BREEN of Cumberland and  
Representatives: Speaker FECTEAU of Biddeford, MORIARTY of Cumberland, RIELLY of  
Westbrook, WOOD of Portland, Senator: LUCHINI of Hancock.

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

**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 or other applicable state or federal law, the containers must remain sealed and in the possession, custody and control of the clerk until the used ballots are destroyed in accordance with section 23.

**Sec. 2. 21-A MRSA §739, first ¶**, as amended by PL 2011, c. 258, §1, is further amended to read:

On request, a municipal clerk or the Secretary of State, or both, shall produce any ballots or incoming voting lists in their custody before the Governor, either branch of the Legislature, any legislative committee or a court of competent jurisdiction. Original ballots produced under this section must remain in the sole custody of the requester until they are returned to the municipal clerk or Secretary of State, and the requester shall maintain the ballots in a secure location. Inspection of ballots produced under this section is subject to oversight by a public official authorized by law to inspect ballots. If there is an unresolved disputed ballot for an election to the State House of Representatives or the State Senate arising from a recount conducted pursuant to section 737-A, the Secretary of State shall make a copy of that ballot available for inspection by the public. A copy of a ballot that is made available for public inspection pursuant to this section must be made available in a manner that preserves the voter's anonymity. Copies of disputed ballots made available for public inspection under this section must be retained by the Secretary of State for a period of 2 years after the outcome of the election is finally determined.

**Sec. 3. 21-A MRSA §814, sub-§2** is enacted to read:

**2. Transfer prohibited.** The municipal clerk may not transfer possession, custody or control of a voting machine to any person except as expressly authorized by the Secretary of State.

**Sec. 4. 21-A MRSA §845, sub-§2** is enacted to read:

**2. Transfer prohibited.** The municipal clerk may not transfer possession, custody or control of a voting device to any person except as expressly authorized by the Secretary of State.

## SUMMARY

This bill requires the municipal clerk to retain possession, custody and control over the sealed containers of ballots unless the law expressly authorizes the containers to be transferred and secured by another entity. The bill also requires those persons entitled to obtain original ballots for inspection to keep those ballots in their sole custody in a secure location, with any inspection subject to oversight by an appropriate public official. The bill also prohibits the municipal clerk from transferring possession, custody or control of a

1 voting machine or voting device to any person except as authorized by the Secretary of  
2 State.