

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1055

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S.P. 424

In Senate, March 7, 2023

### An Act to Prohibit the Use of Ballot Drop Boxes

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.

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

2 **Sec. 1. 21-A MRSA §626-A**, as amended by PL 2021, c. 246, §4, is further amended  
3 to read:

4 **§626-A. Voting place report**

5 The municipal clerk shall file a voting place report at least 60 days before each election  
6 conducted under this Title, on a form designed by the Secretary of State, with information  
7 about each voting place, including, but not limited to, the location of each voting place, ~~the~~  
8 ~~location of each secured drop box~~, the times for in-person absentee voting at the clerk's  
9 office under section 753-B, subsection 8, the poll opening time and the number of voting  
10 booths that will be used.

11 **Sec. 2. 21-A MRSA §752-B**, as enacted by PL 2021, c. 273, §12, is amended to  
12 read:

13 **§752-B. Secured drop boxes for the return of absentee ballots prohibited**

14 **1. Definitions.** For the purposes of this section, unless the context otherwise indicates,  
15 the following terms have the following meanings.

16 A. ~~"Absentee voting period" means the time period beginning on the first date that~~  
17 ~~absentee ballots are issued by the municipality and ending at 8 p.m. on election day.~~

18 B. "Secured drop box" means a device containing a slot or chute through which an  
19 absentee voter may deposit an absentee ballot into a secure, locked collection box ~~in~~  
20 ~~accordance with the requirements of this section.~~

21 **2. Secured drop boxes authorized prohibited.** A municipality may obtain and install  
22 ~~not use~~ a secured drop box that meets the requirements of this section. ~~The secured drop~~  
23 ~~box may be used by voters who are authorized to return absentee ballots in a secured drop~~  
24 ~~box pursuant to section 754-A, subsection 1, paragraph D.~~

25 **3. Location and number of secured drop boxes.** ~~The secured drop box must be~~  
26 ~~located outside the municipal office building or the building where in-person absentee~~  
27 ~~voting takes place before an election. If the secured drop box is positioned within or against~~  
28 ~~an outside wall of the municipal office building, it must be bolted or otherwise securely~~  
29 ~~fastened to the wall or to the deck or landing to prevent its removal by an unauthorized~~  
30 ~~person. Otherwise, the secured drop box must be securely affixed to a post that is sunk into~~  
31 ~~the ground, affixed to a post that is set into a concrete pad or bolted or otherwise securely~~  
32 ~~affixed to a platform or other structure in a manner that prevents removal of the drop box~~  
33 ~~by an unauthorized person.~~

34 A municipality may seek approval from the Secretary of State to obtain and install an  
35 additional secured drop box or boxes at other locations within the municipality by  
36 certifying to the Secretary of State at least 90 days before the election that the additional  
37 secured drop box or boxes meet all of the requirements of this section, other than the  
38 requirement that the secured drop box be located outside of the municipal office building  
39 or the building where in-person absentee voting takes place before an election.

40 **4. Secured drop box design; accessibility.** ~~The slot or chute of a secured drop box~~  
41 ~~must be designed to prevent an individual from reaching into the slot or chute and accessing~~  
42 ~~the contents of the secure collection box and to protect the contents of the secure collection~~

1 box from the elements. The secured drop box must include a mechanism to close and lock  
2 the slot or chute in a manner that prevents the deposit of additional absentee ballots at 8  
3 p.m. on election day as provided in subsection 8. A secured drop box must comply with  
4 guidelines issued by the Secretary of State to ensure accessibility to individuals with  
5 disabilities.

6 **5. Monitoring of secured drop box.** During the absentee voting period, each secured  
7 drop box must be monitored periodically by law enforcement personnel, municipal staff or  
8 a surveillance camera.

9 **6. Labeling of secured drop box.** A secured drop box must be labeled, or a sign must  
10 be posted on or near the secured drop box, to indicate that it is an official secured drop box  
11 for the return of absentee ballots. Unless the secured drop box is affixed to the outside wall  
12 of the municipal office building, the label or sign must include the name of the  
13 municipality. A municipality may include on the label or sign instructions for voters  
14 regarding absentee voting requirements and warnings against use of the secured drop box  
15 by voters of other municipalities.

16 **7. Use and access during absentee voting period.** The secured drop box must be  
17 used only for the return of absentee ballots and not for the deposit of other municipal office  
18 filings during the absentee voting period. During the absentee voting period, only the  
19 municipal clerk or designees under subsection 8 may possess the key to the secured drop  
20 box or have access to the contents of the secured collection box. If items other than returned  
21 absentee ballots are deposited in the secured drop box during the absentee voting period,  
22 the municipal clerk or designees shall deliver those items to the appropriate municipal  
23 official.

24 **8. Periodic retrieval of ballots.** During the absentee voting period, the municipal  
25 clerk or a team of 2 people designated by the clerk shall periodically remove absentee  
26 ballots from each secured drop box and deliver the absentee ballots to the clerk's office to  
27 be stored in a secure manner. At a minimum, absentee ballots must be removed from each  
28 secured drop box by the clerk or team of 2 designees:

29 A. At least once on each day that the clerk's office is open during the absentee voting  
30 period;

31 B. At all additional times necessary to ensure that additional absentee ballots deposited  
32 in the secured drop box fit within the secured collection box and are not accessible to  
33 unauthorized persons; and

34 C. At 8 p.m. on election day.

35 The identity of the persons who remove the absentee ballots from each secured drop box  
36 and the date and time that the absentee ballots are removed must be recorded on a form  
37 designed by the Secretary of State and initialed or signed by the clerk or team of 2 designees  
38 who removed the absentee ballots.

39 **9. Locking of secured drop boxes when polls close.** The municipal clerk or team of  
40 2 designees under subsection 8 shall lock the secured drop box at 8 p.m. on election day to  
41 prevent the deposit of additional absentee ballots in the secured drop box.

42 **Sec. 3. 21-A MRSA §754-A, sub-§1, ¶D,** as amended by PL 2019, c. 371, §36, is  
43 further amended to read:

1 D. The voter or an immediate family member of the voter shall return the sealed  
2 envelope containing the voted ballot to the clerk of the municipality where the voter  
3 resides by mail; or by personal delivery ~~or by depositing it into a secured drop box~~  
4 ~~accessible by only the municipal clerk.~~ The voter shall send a completed voter  
5 registration or absentee ballot application, if necessary, in a separate envelope.

6 **SUMMARY**

7 This bill prohibits the use of ballot drop boxes.