CHAPTER 9

CONDUCT OF ELECTIONS

SUBCHAPTER 1

PREELECTION PROCEDURE

ARTICLE 1

SECRETARY OF STATE'S RESPONSIBILITIES

§601. Ballot preparation

The Secretary of State shall prepare the election ballots according to the following provisions. [PL 2001, c. 310, §29 (AMD).]

1. Arrangement. The ballots must be arranged in a manner that is as consistent and uniform as possible throughout the State, except that ranked-choice contests must be grouped together and may be presented on the same page of the ballot as contests other than ranked-choice contests or on a separate ballot or ballot page from contests other than ranked-choice contests.
[PL 2019, c. 320, §2 (AMD).]

2. Content. The ballot must contain the items listed in this section.

A. Instructions must be printed on the ballot informing the voter how to designate the voter's choices on the ballot. Specific instructions must be presented above or next to the first contest of each type, such as ranked-choice contests, contests other than ranked-choice contests or referenda. [PL 2019, c. 320, §3 (AMD).]

B. The ballot must contain the legal name of each candidate, without any title, and municipality or township of residence of each candidate, arranged alphabetically with the last name first, under the proper office designation. Municipality of residence is not required to be printed for candidates for President and Vice President of the United States. The initial letters of the last names of the candidates must be printed directly beneath each other in a vertical line. The names of candidates for any one office may not be split into more than one column regardless of number. The name of each candidate may be printed on the ballot in only one space. For the general election ballot, the party or political designation of each candidate must be printed with each candidate's name. The party or political designation may be abbreviated. [PL 2013, c. 131, §16 (AMD).]

B-1. The candidate's name listed on the ballot must be the one approved by the Probate Court, pursuant to Title 18-C, section 1-701, or, in the absence of an applicable court order, the name consistently used by the candidate during the past 2 years in filings with governmental agencies and in the transaction of public business, including without limitation transactions relating to voter registration; motor vehicle registrations; driver licenses; a passport; professional licenses; local, state or federal permits of any kind; public benefit programs; and veterans' benefits and social security. If requested by the Secretary of State when there is a question concerning which name should be listed on the ballot, it is the obligation of the candidate to provide documentation to demonstrate consistent use of a particular name. [PL 2017, c. 402, Pt. C, §40 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. When 2 United States Senators are to be nominated or elected, the term of office sought by each candidate must be specified on the ballot. [PL 2019, c. 371, §14 (AMD).]

D. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write in the name of a person for whom the voter desires to vote, as provided in section 691, subsection 2 for a primary election or section 692, subsection 2 for a general election. [PL 2009, c. 253, §24 (AMD).]

E. Words of explanation such as, "Vote for one" or "Vote for not more than 2" must be printed on the ballot to assist the voter in voting correctly. [PL 1985, c. 161, §6 (NEW).]

F. There must be a place on the ballot for the voter to designate the voter's choice. [PL 1993, c. 473, §13 (RPR); PL 1993, c. 473, §46 (AFF).]

G. There must be a heading on the ballot that contains the title of the election, the name of the voting district or districts for which the ballot was prepared, the date of the election and a facsimile of the state seal. For each party's primary ballot, the ballot heading must contain the name of the political party participating in the primary. [PL 2007, c. 455, §18 (AMD).]

H. The name of each nominee or each candidate for nomination must appear on the ballot as follows: last name first followed by the first name and middle name or initial; last name first followed by the first name or the first initial and the middle name; or last name first followed by the first name. [PL 2019, c. 371, §15 (AMD).]

I. For ballots that are double sided, each side of the ballot must include a clearly printed message at the bottom of the ballot reminding the voter to mark both sides of the ballot. [PL 2001, c. 310, §29 (NEW).]

J. For elections determined by ranked-choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office. [PL 2017, c. 316, §3 (AMD).]

[PL 2019, c. 320, §3 (AMD); PL 2019, c. 371, §§14, 15 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

REVISOR'S NOTE: The blocked paragraph of paragraph J, as created by Public Law 2017, chapter 316, section 3, was vetoed pursuant to a people's veto on June 12, 2018 in accordance with the Maine Constitution Article IV, Part Third, Section 17.

3. Order of offices. The order of offices on the ballot is as follows: President, United States Senator, Governor, Representative to Congress, State Senator and Representative to the Legislature, and the county offices in the following order: judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney and county commissioner.
[PL 2007, c. 455, §19 (AMD).]

4. Distinctively colored. When possible, election ballots must be printed on white paper. Each political party participating in a primary election must have a separate ballot. The paper for each party's primary ballot must be printed or distinguished with a different color marking as determined by the Secretary of State. For municipalities that include more than one single member district of the State Senate or the House of Representatives, or parts of more than one single member district, the Secretary of State may prepare ballots with one or more distinctive color markings for each single member district or part of a single member district within the municipality.
[PL 2001, c. 310, §29 (AMD).]

5. Size. The Secretary of State shall determine the size of the ballots. With the permission of the Secretary of State, the clerk may make a reasonable number of enlarged ballots in order to assist voters who are visually impaired. The clerk may also make a reasonable number of enlarged instruction posters and enlarged sample ballots at the clerk's own discretion. A voter who is visually impaired may request of the clerk an enlarged ballot or an enlarged sample ballot to assist the voter. The clerk shall

record and report to the Secretary of State the number of enlarged ballots made for visually impaired voters.
[PL 2001, c. 310, §29 (NEW).]

6. Contents concealed. The ballots may be folded uniformly so that the interior contents are concealed, except in municipalities using electronic tabulating systems.
[PL 2001, c. 310, §29 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §§11-13 (AMD). PL 1993, c. 473, §46 (AFF). PL 1997, c. 436, §§67,68 (AMD). PL 1999, c. 426, §17 (AMD). PL 2001, c. 310, §29 (AMD). PL 2003, c. 584, §§5,6 (AMD). PL 2007, c. 455, §§18, 19 (AMD). PL 2009, c. 253, §§23, 24 (AMD). PL 2013, c. 131, §§15, 16 (AMD). IB 2015, c. 3, §3 (AMD). PL 2017, c. 316, §3 (AMD). PL 2017, c. 402, Pt. C, §40 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 320, §§2, 3 (AMD). PL 2019, c. 371, §§14, 15 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

§601-A. Presidential preference primary ballot

(REPEALED)

SECTION HISTORY

PL 1987, c. 797, §3 (NEW). PL 1993, c. 334, §4 (AMD). PL 1993, c. 473, §14 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 154, §9 (AMD). PL 1997, c. 436, §§69-71 (AMD). PL 1999, c. 426, §18 (AMD). PL 2001, c. 310, §30 (RP).

§602. General election ballot

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 255, §§1,2 (AMD). PL 1993, c. 473, §§15,16 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 695, §§24,25 (AMD). PL 1995, c. 459, §§35,36 (AMD). PL 1997, c. 436, §§72-76 (AMD). PL 2001, c. 310, §31 (RP).

§603. Sample ballots

Sample ballots are governed by the following provisions. [PL 1997, c. 436, §77 (AMD).]

1. Secretary of State to prepare. The Secretary of State shall prepare the sample ballots.

A. The words "SAMPLE BALLOT" in bold type, the title and date of the election, and the name of the voting district must be printed at the top of the ballot. The facsimile of the state seal may not be printed on it. It must be printed flat. Otherwise, it must be printed substantially the same as a regular ballot. [PL 2007, c. 455, §20 (AMD).]

B. The ballot must be printed on paper of a distinctive color. [PL 1985, c. 161, §6 (NEW).]
[PL 2007, c. 455, §20 (AMD).]

2. When furnished. The Secretary of State shall send a reasonable number of sample ballots to the clerk for posting as provided in section 625 and for voter information.
[PL 2007, c. 455, §21 (AMD).]

3. Available for publication. Within a reasonable time before the election, the Secretary of State shall make sample ballots available for publication in all newspapers having general circulation in the area to which the ballots pertain. A single sample ballot so published may carry the name of each candidate for State Senator and Representative to the Legislature in the area covered by the circulation of the newspaper. The name of the voting district need not be printed on the published sample ballot.
[PL 1997, c. 436, §77 (AMD).]

4. Candidate or nominee to fill vacancy.

[PL 1995, c. 459, §38 (RP).]

4-A. Clerk to review sample ballots. Upon receipt, the clerk shall review the sample ballots for accuracy and must immediately notify the Secretary of State of any errors.
[PL 1997, c. 436, §77 (AMD).]

4-B. Duplication of sample ballots. Sample ballots may be duplicated as needed at the clerk's own discretion.
[PL 1997, c. 436, §77 (AMD).]

5. Sample ballot instructions printed in French language. The Secretary of State shall prepare ballot instructions in the French language, to be printed on a separate sheet of paper that may conveniently be attached to sample ballots. The Secretary of State shall furnish these ballot instruction sheets upon request by the clerk of a municipality.
[PL 1997, c. 436, §77 (AMD).]

6. Violation; unofficial specimen ballot.

[PL 1985, c. 383, §9 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §9 (AMD). PL 1995, c. 459, §§37-39 (AMD). PL 1997, c. 436, §77 (AMD). PL 2007, c. 455, §§20, 21 (AMD).

§604. Emergency ballot procedure

In an emergency as described in subsection 2, the Secretary of State may prepare new ballots, amend those already printed or procure ballots from another municipality or voting district. He may authorize any clerk to do the same. [PL 1985, c. 161, §6 (NEW).]

1. Ballots amended. Ballots already printed may be amended by having corrective stickers added, or by some other means, as directed by the Secretary of State.
[PL 1997, c. 436, §78 (AMD).]

2. Emergency described. An emergency may exist as follows:

A. If there is a shortage of ballots; [PL 1985, c. 161, §6 (NEW).]

B. If the ballots are not delivered in time for the election; [PL 1985, c. 161, §6 (NEW).]

C. If the ballots are missing, defaced or destroyed; or [PL 1985, c. 161, §6 (NEW).]

D. If replacement of a vacancy or the correction of an error in the ballot requires its amendment. [PL 1985, c. 161, §6 (NEW).]

[PL 1985, c. 161, §6 (NEW).]

3. Candidate or nominee to fill vacancy. When a candidate for nomination or a nominee is chosen to fill a vacancy, the Secretary of State and the clerk of each interested municipality shall perform the duties required by this section as promptly as possible.
[PL 1995, c. 459, §40 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §40 (AMD). PL 1997, c. 436, §78 (AMD).

§604-A. Flexibility for combining election ballots

Notwithstanding any other provision of this Title, the Secretary of State may make suitable arrangement for the printing of candidate, referendum and municipal election ballots on a single ballot or ballot card used in conjunction with electronic voting systems or for the printing of candidate and

referendum ballots on a single ballot for paper ballot voting systems. The Secretary of State may only allow such a combination if the Secretary of State finds that it is in the interest of the election process and that it will not contribute to voter confusion or unreasonable administrative difficulties. [PL 1997, c. 436, §79 (AMD).]

SECTION HISTORY

PL 1987, c. 188, §5 (NEW). PL 1997, c. 436, §79 (AMD).

§605. Instructions

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §17 (AMD). PL 1993, c. 473, §46 (AFF). PL 2001, c. 310, §32 (AMD). PL 2001, c. 516, §6 (AMD). PL 2007, c. 455, §22 (AMD). PL 2011, c. 342, §14 (RP).

§605-A. Instructions

1. For election officials. The Secretary of State shall provide the clerk, registrar and election officials of each municipality with printed instructions and information to assist them in performing the requirements of this Title.
[PL 2011, c. 342, §15 (NEW).]

2. For voters. The Secretary of State shall prepare instructional materials and posters and provide them to each municipality to assist voters in registering to vote and in voting.

A. The voting instruction poster must include information on how to mark the ballot, including how to mark a write-in vote; how to replace the ballot if the voter makes a mistake; and how to receive assistance in marking the ballot. It may include other voting information. The Secretary of State may design separate instruction posters to instruct the voters on how to mark a ballot for elections to be determined by ranked-choice voting and those to be determined by plurality. [PL 2019, c. 320, §4 (AMD).]

B. The voting rights poster or notice must contain information advising prospective registrants and voters of their voting rights. [PL 2011, c. 342, §15 (NEW).]

C. The election penalty poster or notice must contain information regarding penalties for voting law violations. [PL 2011, c. 342, §15 (NEW).]

D. The Treasurer's Statement must be prepared according to Title 5, section 152 to accompany ballots containing any statewide bond issues. The Secretary of State shall supply written instructions to each municipality, which may be provided to an absentee voter to indicate where the voter may view the Treasurer's Statement on the Secretary of State's publicly accessible website. [PL 2011, c. 534, §13 (AMD).]

E. For each referendum ballot, a citizen's guide to the referendum election must be prepared and include the full text of each measure; the Attorney General's explanatory statement prepared under Title 1, section 353; the Treasurer's Statement prepared under Title 5, section 152; the Office of Fiscal and Program Review's estimate of the fiscal impact prepared under Title 1, section 353; and any public comment submitted pursuant to Title 1, section 354. The Secretary of State must post a citizen's guide to the referendum election on the Secretary of State's publicly accessible website and provide a printed copy to each municipality and to each public library in the State. [PL 2011, c. 342, §15 (NEW).]

Each municipality must post the voter instructional materials as described in section 651.
[PL 2019, c. 320, §4 (AMD).]

SECTION HISTORY

PL 2011, c. 342, §15 (NEW). PL 2011, c. 534, §13 (AMD). PL 2019, c. 320, §4 (AMD).

§606. Official ballots

The Secretary of State shall furnish each municipality with official ballots to be used for absentee voting and for voting on election day. [PL 2013, c. 131, §17 (AMD).]

1. Number of ballots furnished. The Secretary of State shall review the number of votes cast at the last election of that type as well as current registration and enrollment statistics in each voting district when determining the number of ballots to be furnished to each municipality. If the clerk believes that extra ballots will be needed, the clerk must request them from the Secretary of State a reasonable time before the election and provide a written justification for the request. The Secretary of State may send the requested number to the clerk and may furnish as many additional ballots as the Secretary of State believes necessary.
[PL 2011, c. 342, §16 (RPR).]

2. How packaged. The ballots must be bundled and sealed in units as determined by the Secretary of State. Each package to be shipped must be labeled on the outside with the name of the municipality for which it is intended and indicate that it contains state ballots. If the municipality has more than one voting place or voting district, then each package of ballots for election day must be labeled on the outside to indicate the voting place or voting district for which it is intended.
[PL 2011, c. 342, §16 (RPR).]

2-A. Sample ballots for special, primary and general elections.
[PL 1993, c. 447, §10 (RP).]

2-B. Test ballots.
[PL 1993, c. 447, §11 (RP).]

3. Receipt issued; inspection of ballots by the clerk. Upon receipt of one or more packages of official ballots for an election, the clerk shall use the following process to inspect and verify the contents of the packages.

A. Upon receipt of absentee ballots or blank absentee ballots, the clerk shall open each sealed package and verify that the ballots do not have any errors and that the correct amount of ballots has been received. The clerk shall immediately complete and return the receipt form provided by the Secretary of State, confirming receipt and noting any discrepancies in the type or amount of ballots received. The clerk shall then proceed to issue absentee ballots or blank absentee ballots in response to pending requests. [PL 2011, c. 342, §16 (NEW).]

B. Upon receipt of regular ballots to be used on election day, the clerk shall open, in the presence of one or more witnesses, each sealed package and verify that the ballots do not have any errors and that the correct amount of ballots has been received. The clerk shall immediately complete and return the receipt form provided by the Secretary of State, confirming receipt and noting any discrepancies in the type or amount of ballots received. The clerk may remove ballots to be used for testing electronic tabulating systems or other voting devices and mark them as provided by section 854. The clerk shall complete the clerk's portion of the warden's receipt of ballots and shall then reseal each package of regular ballots and secure each package until election day when it is delivered to the warden at the voting place. [PL 2011, c. 342, §16 (NEW).]
[PL 2011, c. 342, §16 (RPR).]

3-A. Use of test ballots in an election.
[PL 2011, c. 342, §16 (RP).]

4. Records kept. The Secretary of State shall keep a record of the time when and the manner in which the ballots were furnished to each municipality.

[PL 2011, c. 342, §16 (RPR).]

5. Reproducing official ballots. It is unlawful for a person to copy or reproduce an unmarked official ballot without the express authorization of the Secretary of State.
[PL 2011, c. 342, §16 (RPR).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 558, §§1,2 (AMD). PL 1991, c. 347, §§1,2 (AMD). PL 1991, c. 780, §U24 (AMD). PL 1991, c. 862, §4 (AMD). PL 1993, c. 447, §§10-13 (AMD). PL 1993, c. 695, §§26-28 (AMD). PL 1995, c. 459, §§41-44 (AMD). PL 1997, c. 436, §80 (AMD). PL 2001, c. 516, §7 (AMD). PL 2001, c. 667, §B11 (AMD). PL 2001, c. 667, §B12 (AFF). PL 2005, c. 568, §13 (AMD). PL 2007, c. 455, §23 (AMD). PL 2011, c. 342, §16 (RPR). PL 2013, c. 131, §17 (AMD).

§606-A. Special provisions for out-of-district voters

A voter who registers and votes under section 156 in a municipality outside the voter's state representative district, state senatorial district, county or county commissioner district may vote for the offices of Representative to the Legislature, State Senator or any county office by using a ballot obtained under this section. [PL 2011, c. 534, §14 (AMD).]

1. Clerk to notify. The clerk of a municipality in which voters have registered or enrolled under section 156 since the last statewide election shall notify the Secretary of State of those registrations and enrollments at least 60 days before the next statewide election. For registrations and enrollments that occur less than 60 days before a statewide election, the clerk shall notify the Secretary of State immediately.
[PL 2011, c. 534, §14 (AMD).]

2. Secretary of State to furnish ballots. The Secretary of State shall review the number of votes cast at the last election of that type by persons registered and enrolled under section 156 when determining the number of ballots to be furnished to each municipality. These ballots must contain the names of the nominees or candidates for offices in the electoral divisions in which the voters registered under section 156 reside. After receiving notification from the clerk of township voter registrations or enrollments that occur less than 60 days before a statewide election, the Secretary of State shall furnish additional ballots to the municipality as needed. If there is not sufficient time to provide the municipality with the correct ballot style for a township voter, the Secretary of State shall instruct the clerk to provide a ballot to the voter in the manner prescribed by section 604.
[PL 2011, c. 534, §14 (AMD).]

3. Voter to use proper ballot. The election clerk in charge of the ballots at each voting place shall ensure that each voter registered in that municipality under section 156 who resides in a different electoral division obtains and uses the proper ballot provided under this section or a ballot provided in the manner prescribed by section 604.
[PL 2011, c. 534, §14 (AMD).]

4. How furnished. Ballots provided under this section must be furnished to voting places in accordance with section 606.
[PL 2011, c. 534, §14 (AMD).]

5. County referendum. If a township resident registers under section 156 in a municipality outside the resident's county in the case of a county referendum, the commissioners of the resident's county shall perform the duties of the Secretary of State under this section and section 752, subsection 1, paragraph B. The clerk of a municipality in which these voters have registered or enrolled under section 156 shall notify the county commissioners of those registrations and enrollments before any election for the determination of a county referendum question in the same manner as the notification to the Secretary of State under subsection 1.

[PL 2011, c. 534, §14 (AMD).]

SECTION HISTORY

PL 1985, c. 363, §2 (NEW). PL 1995, c. 459, §45 (AMD). PL 2011, c. 534, §14 (AMD).

§607. Official ballot box

An official ballot box is governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Furnished by Secretary of State. The Secretary of State shall furnish or approve an official ballot box for each voting district.
[PL 2019, c. 371, §16 (AMD).]

2. Described. The boxes must be of uniform design in municipalities that use the same system of tabulation. Each box must be equipped with a suitable method of securing the ballots against tampering, as approved by the Secretary of State. The box must have an opening large enough to allow voters to deposit ballots but not large enough to allow an unauthorized person to touch or remove the ballots. In a municipality that counts ballots by hand, the box must be large enough to receive the ballots deposited in it at any election.
[PL 2019, c. 371, §16 (AMD).]

3. Municipality may provide. A municipality may provide ballot boxes at its own expense. Each box may contain a mechanical device for counting and endorsing the ballots deposited in it but it may not be equipped to record any distinguishing mark or number on a ballot. Each box must meet the requirements of this section. Once approved by the Secretary of State, each box becomes an official ballot box.
[PL 1985, c. 161, §6 (NEW).]

4. Official ballot box required. Only an official ballot box may be used to receive official ballots cast at any election.
[PL 1985, c. 161, §6 (NEW).]

5. Separate ballot box for constitutional amendments and referenda. A municipality having 5,000 or more inhabitants, except where the municipality uses voting machines or electronic voting systems, shall, and a municipality with fewer inhabitants may, by vote of its municipal officers, use separate ballot boxes at elections for the deposit of votes on constitutional amendments and referenda. The municipal officers must notify the Secretary of State of this action before the date of the election at which the separate ballot boxes are to be used. These ballot boxes are subject to all the provisions relating to official ballot boxes under this section.
[PL 1997, c. 436, §81 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1997, c. 436, §81 (AMD). PL 2019, c. 371, §16 (AMD).

§608. Field examiner

The Secretary of State may appoint a field examiner who shall instruct and assist municipal election officials in their administration of this Title. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§609. Ballot security materials

The Secretary of State shall furnish each municipality with tamper-proof ballot security containers that are equipped with a suitable method of securing the ballots against tampering, which must be used for securing used ballots and other election materials for statewide elections conducted under this Title. If a state-supplied container or security mechanism becomes defective, lost or destroyed, the clerk must

apply in writing to the Secretary of State for a replacement. The Secretary of State shall supply or approve a replacement at the expense of the municipality. If a municipality wishes to use a tamper-proof ballot security container to seal municipal election ballots and materials, that municipality must obtain the container and security mechanism at its own expense. [PL 2019, c. 371, §17 (AMD).]

SECTION HISTORY

PL 2011, c. 342, §17 (NEW). PL 2019, c. 371, §17 (AMD).

ARTICLE 2

LOCAL OFFICIALS' RESPONSIBILITIES

§621. Announcing an election

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 837, §A46 (AMD). PL 1991, c. 862, §5 (AMD). PL 1995, c. 459, §46 (AMD). PL 1997, c. 436, §82 (RP).

§621-A. Announcing an election

The Secretary of State shall send a notice of election to the municipal clerk, who shall announce the election as follows. [PL 1997, c. 436, §83 (NEW).]

1. Notice posted. The clerk shall post or have posted a notice of election, attested by the clerk, in a conspicuous public place in each voting district in the municipality at least 7 days immediately before election day and at each voting place on election day.
[PL 2003, c. 584, §7 (AMD).]

2. Notice recorded. The clerk shall record a copy of the notice along with the times and places of posting.
[PL 1997, c. 436, §83 (NEW).]

SECTION HISTORY

PL 1997, c. 436, §83 (NEW). PL 2003, c. 584, §7 (AMD).

§622. Warrant

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §16 (AMD). PL 1985, c. 819, §§A22,23 (AMD). PL 1995, c. 459, §47 (AMD). PL 1997, c. 436, §84 (RP).

§622-A. Notice of election

The notice of election must contain the following items: a heading that states "Notice of Election" in bold type, the day, date and title of the election, the voting district designation, if any, the name and location of the voting place, the opening and closing times of the polls and a list of the offices and referendum questions for that election. The clerk may add times for processing absentee ballots pursuant to section 759, subsection 7. [PL 1997, c. 436, §85 (NEW).]

SECTION HISTORY

PL 1997, c. 436, §85 (NEW).

§623. Officer's return on warrant

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §48 (AMD). PL 1997, c. 436, §86 (RP).

§624. Incoming voting lists; voter lists

1. Posting of. The registrar shall post a certified copy of a current voter list for each voting district at the usual voting place in that district before the polls are opened on election day. The voter list produced for purposes of this subsection must include the following information for each voter and may not include any other information: name; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the voter list produced for purposes of this subsection relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. The residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the voter list, and the words "address is confidential" must be printed on the list instead. The Secretary of State shall designate the form of the voter list produced for purposes of this subsection.
[PL 2007, c. 515, §5 (AMD).]

2. Delivery of. The registrar shall deliver the necessary number of certified copies of the posted voter list described in subsection 1 and the incoming voting list to the clerk by 5 p.m. on the last business day before election day. The clerk shall give the registrar a receipt for the copies.
[PL 2007, c. 515, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2005, c. 453, §51 (AMD). PL 2007, c. 515, §5 (AMD).

§625. Posting of sample ballots

At least 7 days before an election, the clerk shall post a sample ballot, furnished to the clerk under section 603, in a conspicuous, public place in each voting district. [PL 2009, c. 538, §7 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1997, c. 436, §87 (AMD). PL 2009, c. 341, §2 (AMD). PL 2009, c. 538, §7 (AMD).

§626. Polling times

The following provisions apply to polling times at any election. [PL 1985, c. 161, §6 (NEW).]

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits.
[PL 2015, c. 447, §16 (AMD).]

2. Closing time fixed. The polls must be closed at 8 p.m. on election day, except in municipalities of population less than 100 which may close the polls after all registered voters have voted.

A. The warden shall give all voters present at the voting place at closing time the opportunity to vote. Any person who arrives at the voting place after the time for closing the polls has passed may not vote. [PL 1985, c. 161, §6 (NEW).]

[PL 1985, c. 161, §6 (NEW); PL 1985, c. 277 (AMD).]

3. Polling times in election notice. The municipal clerk shall state the times of opening and closing the polls in the notice of the election.
[PL 1997, c. 436, §89 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 277 (AMD). PL 1985, c. 580 (AMD). PL 1997, c. 436, §§88,89 (AMD). PL 2011, c. 342, §18 (AMD). PL 2015, c. 447, §16 (AMD).

§626-A. Voting place report

The municipal clerk shall file a voting place report at least 60 days before each election conducted under this Title, on a form designed by the Secretary of State, with information about each voting place, including, but not limited to, the location of each voting place, the poll opening time and the number of voting booths that will be used. [PL 2015, c. 447, §17 (NEW).]

SECTION HISTORY

PL 2015, c. 447, §17 (NEW).

§627. Arrangement of voting place

The arrangement of a voting place is governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. General layout. The voting place must be arranged so that the ballot box is within view of persons present. Each voting booth must be arranged so that those outside the guardrail enclosure can see who enters and leaves it.
[PL 1985, c. 161, §6 (NEW).]

2. Guardrail. A guardrail must be constructed so that only those inside its enclosure can approach within 6 feet of the ballot box and the voting booths.
[PL 1985, c. 161, §6 (NEW).]

3. Flag displayed. An American flag must be displayed in each voting place at any election.
[PL 1985, c. 161, §6 (NEW).]

4. Minimum size of polling place; complaint to Secretary of State. Municipalities must provide a polling place large enough to allow at least one worker from each political party to remain outside the guardrail enclosure as a pollwatcher. If the municipality uses an incoming voting list for a polling place that is divided into separate segments by voting district or by the alphabetic listing of voters' names, then the municipality must allow at least one worker from each political party to remain outside the guardrail enclosure as a pollwatcher at each separate segment of the voting list. Additional party workers and others are allowed if there is sufficient space at the polling place. If the space at the polling place is so limited that the presence of the additional party workers and others would interfere with the election process, the warden shall prohibit their presence. If the chair of any party's state committee submits a written complaint to the Secretary of State at least 60 days before an election, the Secretary of State shall authorize an inspection of the polling place considered to be too small to allow party workers access. If the Secretary of State finds a polling place to be too small to allow party workers access, the Secretary of State shall instruct the municipal officers to change the location of the polling place to one of a suitable size. The municipal officers shall advertise the change of the polling place at least 3 times in the daily or weekly newspaper, or both, that covers the area.
[PL 2007, c. 455, §24 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §49 (AMD). PL 2001, c. 310, §33 (AMD). PL 2007, c. 455, §24 (AMD).

§628. Care and custody of ballot box

The care and custody of an official ballot box are governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Custody during election. The ballot box is in the custody of the warden of each voting place during an election. He is responsible for requiring that it is attended constantly. He shall return it to the clerk at the close of the election.
[PL 1985, c. 161, §6 (NEW).]

2. Custody at other times. At other times, the ballot box is in the custody of the clerk. He shall keep it in good repair and shall provide safe storage for it at the expense of the municipality, subject to the supervision of the Secretary of State.
[PL 1985, c. 161, §6 (NEW).]

3. Defective, lost or destroyed. If a ballot box becomes defective, lost or destroyed, the clerk must notify the Secretary of State in writing and the Secretary of State shall approve a replacement at the expense of the municipality.
[PL 1999, c. 426, §19 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §50 (AMD). PL 1999, c. 426, §19 (AMD).

§629. Voting booths

Voting booths are governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Provided by municipality. The municipal officers of each municipality shall provide a sufficient number of voting booths for each election. Those municipalities using voting machines must comply with section 811, subsection 4.

A. In a general election, the municipal officers in each municipality must provide at least one voting booth for each 200, or fraction exceeding 1/2 of that number, of the qualified voters in each voting place. For purposes of this paragraph, "qualified voters" does not include voters who have been designated as inactive as a result of voter list maintenance procedures. [PL 2003, c. 407, §17 (AMD).]

A-1. In every election, the municipal officers shall provide at least one voting booth in each voting place that is accessible for persons with disabilities. The accessible voting booth may be used to meet the minimum requirements under paragraph A, except that it may not be the only voting booth used at the polling place. [PL 2007, c. 455, §25 (AMD).]

B. In other than a general election, the municipal officers may provide fewer voting booths than required by paragraph A when circumstances indicate that fewer booths will be adequate to provide for an orderly flow of voters on election day. [PL 1985, c. 161, §6 (NEW).]

C. In any election, the municipal officers may provide more than the number of voting booths required by paragraph A. [PL 1985, c. 161, §6 (NEW).]

D. A reasonable time before a general election, the Secretary of State shall notify the clerk of each municipality of the requirements of this subsection. The clerk shall calculate the number of voting booths required at each voting place based on the number of voters registered at that time. Within 10 days after receiving the notice, the clerk shall certify in writing to the Secretary of State the number of voters registered at each voting place and the number of voting booths the municipality will provide at each voting place for the election. [PL 1985, c. 161, §6 (NEW).]

D-1. [PL 2011, c. 342, §19 (RP).]

E. The Secretary of State may arrange for inspections to ensure that municipalities comply with this subsection. [PL 1985, c. 161, §6 (NEW).]
[PL 2011, c. 342, §19 (AMD).]

2. Voting machines. In municipalities which have voting machines, the municipal officers must also provide sufficient voting booths and paper ballots to ensure adequate voting facilities.

[PL 1985, c. 161, §6 (NEW).]

3. Described. Each booth must have within it a pencil or marker without an eraser and a shelf on which a voter may mark a ballot conveniently. An instruction poster provided under section 605-A, subsection 2 must be securely placed above the shelf to assist the voter. Each booth must have back and side panels large enough to screen the voter from the observation of others.
[PL 2011, c. 342, §20 (AMD).]

4. Booth for the visually impaired. The clerk shall equip at least one of the voting booths at the voting place with an enlarged instruction poster, a magnifying device and an adjustable lamp for improved lighting. The clerk may also equip the voting booth with an enlarged sample ballot at the clerk's own discretion. The voting station provided by the State along with the accessible voting device may be used to meet the requirements of this subsection. The voting station may not be used at the polling place for purposes other than voting.
[PL 2007, c. 455, §26 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 315 (AMD). PL 1993, c. 255, §3 (AMD). PL 1993, c. 447, §14 (AMD). PL 1993, c. 695, §29 (AMD). RR 1995, c. 1, §9 (COR). PL 1995, c. 459, §§51,52 (AMD). PL 1997, c. 436, §90 (AMD). PL 2003, c. 407, §§17,18 (AMD). PL 2007, c. 455, §§25, 26 (AMD). PL 2009, c. 341, §3 (AMD). PL 2009, c. 538, §8 (AMD). PL 2011, c. 342, §§19, 20 (AMD).

§630. Accessible voting places for the physically handicapped

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings:

A. "Accessible voting place" means a voting place in a building in which the part of the building set aside for voting meets the requirements for accessible routes described in Title 5, chapter 337, subchapter 5. [PL 2011, c. 613, §24 (AMD); PL 2011, c. 613, §29 (AFF).]

B. [PL 1999, c. 252, §1 (RP).]
[PL 2011, c. 613, §24 (AMD); PL 2011, c. 613, §29 (AFF).]

2. Voting places. By April 1, 2000, all publicly owned buildings that are used as voting places must be accessible as defined in subsection 1. By July 1, 2001, each municipality shall ensure that all privately owned facilities used by the municipality as voting places are accessible as defined in subsection 1.

A. [PL 1995, c. 459, §53 (RP).]

B. [PL 1999, c. 252, §1 (RP).]
[PL 1999, c. 252, §1 (AMD).]

3. Alternative paper ballots.

[PL 1999, c. 252, §1 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §10 (AMD). PL 1989, c. 502, §A63 (AMD). PL 1995, c. 459, §53 (AMD). PL 1997, c. 436, §91 (AMD). PL 1999, c. 252, §1 (AMD). PL 2011, c. 613, §24 (AMD). PL 2011, c. 613, §29 (AFF).

§631. Voting districts

A municipality may be divided into voting districts as follows. [PL 1985, c. 161, §6 (NEW).]

1. Procedure. The municipal officers may divide a town or ward into convenient voting districts after public notice and hearing held at least 90 days before an election. After the hearing, the municipal

officers shall prepare a certificate defining the limits of each district. The municipal officers shall file the certificate with the clerk who shall record it. The clerk shall immediately file an attested copy of the certificate with the Secretary of State. The clerk shall post an attested copy of the certificate in a conspicuous, public place in the town or ward, and shall publish it in at least one newspaper having general circulation in the municipality at least 30 days before election day. Voting districts, once established, may be consolidated into a lesser number of districts by following the same procedure. Voting districts may be established or consolidated under this section for all or only certain classes of elections.
[PL 2007, c. 455, §27 (AMD).]

2. Division terminates office. The division of a town or ward terminates the office of election officials previously elected or appointed from it.
[PL 1985, c. 161, §6 (NEW).]

3. Appointment of wardens and ward clerks. At least 10 days before the election, the municipal officers shall appoint a warden, a ward clerk in a city and at least 2 election clerks for each voting place created by the division. Election clerks must be nominated as provided in section 503-A.
[PL 2019, c. 64, §3 (AMD).]

4. Officials sworn. Before assuming the duties of office, the officials appointed under this section must be sworn by the clerk who shall record the fact of their having been sworn.
[PL 1985, c. 161, §6 (NEW).]

5. Term and duties. The appointed election officials shall perform the same duties at elections as those regularly chosen and shall hold office for the same term.
[PL 1985, c. 161, §6 (NEW).]

6. Voting districts. Voting districts are defined as wards that may be further divided into precincts.
[PL 1995, c. 459, §54 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §54 (AMD). PL 1999, c. 426, §20 (AMD). PL 2007, c. 455, §27 (AMD). PL 2019, c. 64, §3 (AMD).

§631-A. Voting places

1. Establishing suitable voting places. If the municipal officers determine that there is no building within a voting district that is suitable for a voting place, as described in section 627, the municipal officers may, subject to the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building that is as close as possible to the voting district and as convenient as possible to the voters of the voting district.
[PL 2007, c. 455, §28 (NEW).]

2. Consolidating voting places. The municipal officers may, after public notice and hearing held at least 90 days before an election, and subject to the approval of the Secretary of State, consolidate voting places so that more than one voting district votes in the same voting place. When voting places are consolidated under this process, the voters from the different voting districts may vote in the same or separate guardrail enclosures in the building.
[PL 2007, c. 455, §28 (NEW).]

3. Change of voting place. If the municipal officers wish to change the location of a voting place, they must apply to the Secretary of State at least 60 days before the next statewide election, unless an emergency exists. The Secretary of State shall design the application form. The Secretary of State must approve the application before the voting place may be changed.
[PL 2011, c. 342, §21 (NEW).]

SECTION HISTORY

PL 2007, c. 455, §28 (NEW). PL 2011, c. 342, §21 (AMD).

§632. Separate voting places; reimbursement of election expense

1. Voting places in unorganized townships. The procedure for establishing a voting place in unorganized townships is as follows.

A. The commissioners of each county may provide or contract with a municipality to provide a voting place in any unorganized township in their county, for all state and national elections, including primary elections, where all residents of unorganized places entitled to vote in municipalities near the township, under section 156, may cast their ballots under conditions provided in this section. [PL 1985, c. 161, §6 (NEW).]

B. The registrar of the contracting municipality shall designate the voters as township voters, pursuant to section 156, in the central voter registration system and shall include their names on the incoming voting list for the contracting municipality. [PL 2005, c. 453, §52 (AMD).]

C. The conduct of elections at that voting place shall be the same as in municipalities and all provisions of the Revised Statutes with respect to voting districts are applicable to that voting place. The powers and duties of the municipal officers in such case are conferred upon the commissioners or the municipal officers of the contracting municipality. [PL 1985, c. 161, §6 (NEW).]

D. Upon receipt of a petition signed by at least 10 persons qualified to vote under section 156, the commissioners shall provide or contract with a municipality to provide a voting place in the unorganized township provided in the petition. [PL 1985, c. 161, §6 (NEW).]

[PL 2005, c. 453, §52 (AMD).]

2. Reimbursement of election expense. The county commissioners shall reimburse the municipality for those expenses incurred in the conduct of elections held under this section.

[PL 1985, c. 161, §6 (NEW).]

3. Notice to Secretary of State. The county commissioners shall notify the Secretary of State of all unorganized territories for which voting places are contracted or provided. They shall also notify the Secretary of State of those unorganized territories for which provision of voting places has been discontinued. Notification must be made at least 120 days before the election in which it will be effective.

[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2005, c. 453, §52 (AMD).

§633. Election expenses

Except for the added expenses incurred by a municipality under section 632, each municipality shall pay for the expense it incurs in calling, holding and reporting the results of an election. The State shall pay for other election expenses incurred as a result of the performance by state officials of their duties under this Title. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

SUBCHAPTER 1-A

CONGRESSIONAL TERM LIMITS ACT OF 1996

§641. Short title

(REPEALED)

SECTION HISTORY

IB 1995, c. 2, §1 (NEW). PL 2001, c. 516, §8 (RP).

§642. Definitions

(REPEALED)

SECTION HISTORY

IB 1995, c. 2, §1 (NEW). PL 2001, c. 516, §8 (RP).

§643. Ballot for incumbent Legislator

(REPEALED)

SECTION HISTORY

IB 1995, c. 2, §1 (NEW). PL 2001, c. 516, §8 (RP).

§644. Ballot for incumbent Governor

(REPEALED)

SECTION HISTORY

IB 1995, c. 2, §1 (NEW). PL 2001, c. 516, §8 (RP).

§645. Ballot for incumbent members of Congress

(REPEALED)

SECTION HISTORY

IB 1995, c. 2, §1 (NEW). PL 2001, c. 516, §8 (RP).

§646. Pledge to support term limits

(REPEALED)

SECTION HISTORY

IB 1995, c. 2, §1 (NEW). PL 2001, c. 516, §8 (RP).

SUBCHAPTER 2

ELECTION PROCEDURE

ARTICLE 1

MATERIALS

§651. Furnishing and distribution

The following procedure shall be observed on election day. [PL 1985, c. 161, §6 (NEW).]

1. Election materials sent to voting place. Before the polls are opened, the clerk shall deliver or have delivered the election materials marked for each voting place to the warden at that voting place. The warden shall give the clerk a receipt noting the number of ballots received after the election officials have opened the boxes of ballots and verified the contents.

A. Notwithstanding section 606, subsection 3, in a municipality that has an island voting district, the clerk may deliver the ballots and other election materials to that district on the day before the

election and leave them in the protective custody of the warden or ward clerk. [PL 2001, c. 516, §9 (AMD).]

[PL 2001, c. 516, §9 (AMD).]

2. Election materials distributed and posted. At any time after the materials are received and before the polls are open, the clerk may open the packages or boxes of election materials, break the seals on the packages not marked "ballots," and use the materials for instructional purposes. On election day, the clerk or the election officials must post the voter instructional materials described in section 605-A, if applicable to the election, as follows:

A. In each voting booth: one voting instruction poster prepared under section 605-A and a copy of the Treasurer of State's statement prepared pursuant to Title 5, section 152; and [PL 2017, c. 45, §1 (AMD).]

B. Outside the guardrail enclosure at each voting place:

(1) At least one voting instruction poster prepared under section 605-A;

(2) One set of sample ballots for each ballot style being used in that voting place;

(3) A list of any declared write-in candidates for that voting district, with the office sought, next to the sample ballots;

(4) One voting rights poster or notice prepared under section 605-A;

(5) One election penalty poster or notice prepared under section 605-A;

(6) One Treasurer's Statement prepared under Title 5, section 152;

(7) One copy, or more as determined necessary by the clerk, of the citizen's guide to the referendum election prepared under section 605-A. The clerk shall post, in a conspicuous and public area, a notification indicating that the citizen's guide provides helpful information regarding referendum questions on the ballot and where the guide is located in the voting place for voters to read; and

(8) One copy of the Office of Fiscal and Program Review's estimate of the fiscal impact prepared under Title 1, section 353. [PL 2017, c. 246, §1 (AMD).]

[PL 2017, c. 45, §1 (AMD); PL 2017, c. 246, §1 (AMD).]

2-A. Testing electronic voting systems.

[PL 1995, c. 459, §55 (RP).]

2-B. Opening of ballot packages. No more than 2 hours before the opening of the polls, the warden shall break the seals on the packages containing the ballots and distribute the ballots to the election clerks in charge of them. The breaking of the seals on the packages containing the ballots is a public proceeding and any member of the public may be present.

[PL 2019, c. 371, §18 (AMD).]

3. Ballot box examined. Before opening the ballots, the warden shall open the official ballot box, examine it and show publicly that it is empty. Immediately after examination, the warden shall lock the box and deliver the key to the ward clerk who shall keep it until the polls are closed. After the box has been locked, it may not be moved until the polls are closed.

[PL 1997, c. 436, §94 (AMD).]

4. Voting starts. As soon as the duties required by subsections 1 to 3 have been performed, the warden shall permit voting to start.

[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 272 (AMD). PL 1991, c. 347, §§3,4 (AMD). PL 1995, c. 459, §55 (AMD). PL 1997, c. 436, §§92-94 (AMD). PL 2001, c. 310, §34 (AMD). PL 2001, c. 516, §9 (AMD). PL 2003, c. 584, §8 (AMD). PL 2009, c. 253, §25 (AMD). PL 2011, c. 342, §22 (AMD). PL 2017, c. 45, §1 (AMD). PL 2017, c. 246, §1 (AMD). PL 2019, c. 371, §18 (AMD).

§652. Certified incoming voting list and official ballot box

The certified copies of the incoming voting list provided by the registrar and official ballot boxes must be used exclusively at each voting place. If it becomes impossible to use the official ballot box, the warden shall direct the method by which voting is to proceed. The warden shall record the reason why the ballot box was not used and shall place an attested copy of this record in the package with the ballots cast. [PL 2005, c. 453, §53 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §56 (AMD). PL 2005, c. 453, §53 (AMD).

ARTICLE 2

POWERS AND DUTIES OF OFFICIALS

§661. Registrar

The registrar shall hold office hours as long as the polls are open on any election day for the following purposes. [PL 1985, c. 161, §6 (NEW).]

1. Error in incoming voting list. The registrar shall correct any error in the incoming voting list or central voter registration system that might otherwise deprive a voter of the voter's franchise.

A. A voter who is prevented from voting because the voter's name or address does not appear correctly on the incoming voting list may request the registrar to correct it. [PL 2005, c. 453, §54 (AMD).]

B. If the name or address of the voter was omitted by error from or placed incorrectly on the incoming voting list, the registrar shall issue a certificate to the voter containing the voter's correct name and address and directed to the warden of the appropriate voting place. The registrar shall correct the name and address on the incoming voting list and in the central voter registration system. [PL 2005, c. 453, §54 (AMD).]

C. On receipt of the certificate, the warden shall allow the person named in it to vote, check the voter's name on the certificate as having voted and attach the certificate securely to the incoming voting list. [PL 2005, c. 453, §54 (AMD).]

[PL 2005, c. 453, §54 (AMD).]

2. Change of name or address. The registrar shall change a name or address on the incoming voting list.

A. A voter whose name or address has changed as provided in section 129 may request the registrar to change it on the incoming voting list and in the central voter registration system. [PL 2005, c. 453, §54 (AMD).]

B. The registrar shall issue a certificate to the voter, who may vote as provided in subsection 1. [PL 2005, c. 453, §54 (AMD).]

[PL 2005, c. 453, §54 (AMD).]

3. Registration and enrollment. The registrar shall accept registrations under section 122 and shall accept the enrollment of any voter under section 143-A.

[PL 2019, c. 371, §19 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §17 (AMD). PL 2005, c. 453, §54 (AMD). PL 2019, c. 371, §19 (AMD).

§662. Warden

A warden has the following powers and duties. [PL 1985, c. 161, §6 (NEW).]

1. Enforcement of election law. He shall enforce the law governing voting and counting procedures at the voting place over which he has jurisdiction on election day.
[PL 1985, c. 161, §6 (NEW).]

2. Order at voting place. He shall keep order at all times in and around the voting place. He shall direct that any person who creates a disturbance or otherwise violates the law at the voting place be removed from it and, if necessary, confined until the polls are closed.

A. On request of the warden, a peace officer shall remove, confine or arrest a person who creates a disturbance or otherwise violates the law at a voting place. [PL 1985, c. 161, §6 (NEW).]
[PL 1985, c. 161, §6 (NEW).]

3. Control of election clerk. The election clerks at the voting place are under the supervision and control of the warden. He may assign their duties for convenience and efficiency and may delegate his ministerial duties to them.
[PL 1985, c. 161, §6 (NEW).]

4. Collection of signatures. The warden may select and designate a specific location at the voting place, accessible and observable by the voters, where the collection of signatures may take place. Persons collecting signatures at the polls may make arrangements with the clerk prior to election day and with the warden on election day. The warden may limit the number of persons collecting signatures to one for each specific question, candidate or issue. Persons collecting signatures may not solicit a voter's signature until the voter has completed voting. The warden may direct the removal, under subsection 2, paragraph A, of any person collecting signatures who does not comply with the requirements of this subsection.
[PL 1995, c. 459, §57 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 225 (AMD). PL 1995, c. 459, §57 (AMD).

§663. Authority of Secretary of State during emergencies

The Secretary of State may act administratively to facilitate voting by civilian registered voters of this State who live in an area within the United States that is affected by a natural disaster or other occurrence for which the governor of that state has declared a state of emergency covering that area, or for registered voters of this State who are emergency workers, utility workers or others responding to and offering assistance to the area in which a state of emergency has been declared. These administrative actions may include, but are not limited to, central issuance and receipt of absentee ballots for federal and state elections using the systems and procedures developed for uniformed service voters and overseas voters. [PL 2013, c. 131, §18 (NEW).]

SECTION HISTORY

PL 2013, c. 131, §18 (NEW).

ARTICLE 3

VOTING AND CHALLENGES

§671. Voting procedure

The voting procedure is as follows. [PL 1985, c. 161, §6 (NEW).]

1. Name announced. A voter who wishes to vote must state the voter's name and residence address to an election clerk, who shall announce the name in a loud, clear voice. If the voter's stated residence address is different from the residence address listed on the incoming voting list, the voter must be directed to complete an updated voter registration application before voting.
[PL 2019, c. 371, §20 (AMD).]

2. Name checked and ballot issued. The election clerk in charge of the incoming voting list shall place a check mark or a horizontal line, in red ink, on the list beside the voter's name, and if there is more than one party or district ballot style used at that voting place, the election clerk must state in a loud, clear voice the party or district ballot style that the voter must be given. The election clerk in charge of the ballots shall give the voter one ballot of each kind to which the voter is entitled, and if there is more than one party or district ballot style used at that voting place, the election clerk must repeat the party or district ballot style being given to the voter. The voter must be given a ballot when the voter's name is checked on the incoming voting list and may not be referred to another location to obtain the ballot. A voter who will vote using the accessible voting system may not be given an official ballot, but may be given a sample ballot to use as a voting aid.
[PL 2015, c. 447, §18 (RPR).]

3. Ballot issued.
[PL 2015, c. 447, §19 (RP).]

4. Retires to voting booth. After receiving the ballot or ballots, the voter shall retire to a voting booth and mark the ballot or ballots without delay and leave the voting booth. No ballot, marked or unmarked, may be left in the voting booth by the voter. If the voter is using the accessible voting system, an election official shall escort the voter to the voting station, instruct the voter on the proper use of the accessible voting system, provide the voter with access to all ballots to which the voter is entitled and permit the voter to cast the voter's ballot using the accessible voting system.
[PL 2015, c. 447, §20 (AMD).]

5. Ballot deposited. When the voter leaves the voting booth, the voter shall proceed to the ballot box. The clerk shall require the voter to deposit in the ballot box all ballots, marked or unmarked, issued to the voter under subsection 2, and the voter shall then leave the area enclosed by the guardrail. The voter may not leave the guardrail enclosure until the voter has deposited all ballots that were issued to the voter. The voter may permit a family member or an assistant under section 672 to deposit the ballots for the voter.

A. [PL 2001, c. 310, §35 (RP).]
[PL 2015, c. 447, §21 (AMD).]

6. Reentry prohibited. A voter who has once left the area enclosed by the guardrail may not reenter.
[PL 1985, c. 161, §6 (NEW).]

7. Ballot box opening covered. The election clerk in charge of the ballot box shall keep the opening covered except when receiving a ballot.
[PL 1985, c. 161, §6 (NEW).]

8. Secrecy preserved. The warden at each voting place may not remain or allow any other person to remain where the warden or that person can see how a voter votes, except that a proper official may remain when the official's assistance has been requested by a voter.
[PL 1999, c. 645, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §58 (AMD). PL 1997, c. 436, §95 (AMD). PL 1999, c. 645, §3 (AMD). PL 2001, c. 310, §35 (AMD). PL 2003, c. 584, §9 (AMD). PL 2005, c. 453, §55 (AMD). PL 2007, c. 455, §29 (AMD). PL 2009, c. 253, §26 (AMD). PL 2015, c. 447, §§18-21 (AMD). PL 2019, c. 371, §20 (AMD).

§672. Assistance

A voter who is unable to read or mark the ballot because of physical disability, illiteracy or religious faith may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist the voter in reading the ballot or marking the ballot according to the voter's wishes. When assisting a voter, the aide may not tell the voter how to make the voter's choices or otherwise influence the voter in violation of section 682. [PL 2007, c. 455, §30 (AMD).]

1. Assistance by election officials. The voter may request one or more election officials to assist. [PL 1985, c. 614, §18 (NEW).]

2. Assistance by persons not voters. The assistant need not be a voter or of voting age. [PL 1985, c. 614, §18 (NEW).]

3. Assistance in reading the ballot.
[PL 2007, c. 455, §30 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §18 (RPR). PL 1993, c. 255, §4 (AMD). PL 2007, c. 455, §30 (AMD).

§673. Challenges

A voter of a municipality or an election official may challenge the right of another to vote at an election in that municipality. [PL 2007, c. 455, §31 (AMD).]

1. How made. The challenge must be made to the warden. The challenger must state in the form of a signed affidavit setting forth, under oath administered by the warden, the challenger's name, address, party affiliation, status as a registered voter in the municipality, the name of the voter challenged, the reason the particular individual being challenged may be ineligible to vote, the specific source of the information or personal knowledge upon which the challenge of the particular individual is based and a statement that the challenger understands that making a false statement on the affidavit is punishable under penalties of perjury.

A. A voter or an election official may challenge another voter only upon personal knowledge or a reasonably supported belief that the challenged voter is unqualified. Only the following reasons for challenges may be accepted by the warden. The challenged person:

(2) Is not enrolled in the proper party, if voting in a primary election;

(3) Is not qualified to be a registered voter because the challenged person:

(a) Does not meet the age requirements as specified in section 111, subsection 2 and section 111-A;

(b) Is not a citizen of the United States; or

(c) Is not a resident of the municipality or appropriate electoral district within the municipality;

(4) Registered to vote during the closed period or on election day and did not provide satisfactory proof of identity and residency to the registrar pursuant to section 121, subsection 1-A, except that only an election official may challenge for this reason;

(5) Did not properly apply for an absentee ballot;

(6) Did not properly complete the affidavit on the absentee return envelope;

(7) Did not cast the ballot or complete the affidavit before the appropriate witness;

(8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;

(9) Did not have the ballot returned to the clerk by the time prescribed;

(10) Voted using the name of another;

(11) Committed any other specified violation of this Title; or

(12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable. [RR 2011, c. 2, §21 (COR).]

B. A challenge made must be made at the time the voter being challenged is checking in with the election clerk in charge of the incoming voting list in accordance with section 671 but before that voter enters the voting booth, except that the registrar or clerk may complete a challenge affidavit under oath to the warden before or during election day. [PL 2003, c. 395, §2 (NEW).]

C. A challenge must be made against an absentee ballot after the name of the absentee voter is announced by the warden or clerk in accordance with section 759 and before the ballot is placed into the ballot box or voting machine. [PL 2003, c. 395, §2 (NEW).]

D. The merits of a challenge may not be decided at the time the challenge is made, but only after the election consistent with the provisions of section 696. [PL 2003, c. 395, §2 (NEW).]

[RR 2011, c. 2, §21 (COR).]

2. Voting list marked. As soon as the challenge has been made, the election clerk in charge of the incoming voting list shall write "Challenged" beside the voter's name on the list, and give a ballot to the warden.

[PL 1985, c. 161, §6 (NEW).]

3. Ballot marked. The warden shall write a number on the outside of the ballot. The warden shall also complete a certificate on which appears the word "Challenged," the name of the voter challenged and the reason for the challenge. The challenger and the warden shall sign the certificate. After the challenger has signed the certificate, the warden shall place the number that was written on the ballot in a conspicuous place on the certificate. Only the warden and the challenged voter may know the ballot number. The warden shall place the challenge certificate and the signed affidavit under subsection 1 in a sealed envelope marked "Challenge Certificate #(certificate number)" and shall retain the envelope until it is sealed with the ballot materials pursuant to section 698.

[PL 2003, c. 395, §3 (AMD).]

3-A. List of challenged ballots. The warden shall maintain a list of all challenges made. The list must include the name of the voter challenged, the name of the challenger and the reason for the challenge. The list may not include the unique number assigned to the ballot of the challenged voter. The list must be made available for public inspection after the polls close.

[PL 1997, c. 436, §98 (NEW).]

4. Proceed to vote. The challenged voter shall then proceed to vote in the usual way using the marked ballot.

[PL 1985, c. 161, §6 (NEW).]

5. Regulation of challengers and challenges. A person challenging the right of another person to vote may not create a disturbance or obstruction and may not interfere with or delay the challenged voter's exercise of the right to vote once the challenge affidavit has been completed. A challenger other

than a registrar, clerk or other election official may not handle or inspect registration cards or files or other materials used by the registrar or clerk except as provided in section 22.
[PL 2003, c. 395, §4 (NEW).]

5. (REALLOCATED TO TITLE 21-A, §673, sub-§6) Challenged ballots relating to court order.

[RR 2003, c. 1, §12 (RAL); PL 2003, c. 407, §19 (NEW).]

6. (REALLOCATED FROM TITLE 21-A, §673, sub-§5) Challenged ballots relating to court order. In an election for federal office, if a federal or state court has issued an order extending the time established for closing the polls, any ballots cast during the period of that extension must be challenged according to this section, segregated and counted separately from all regular and challenged ballots cast during the normal polling hours.
[RR 2003, c. 1, §12 (RAL).]

7. Hearing held. After the election at which a voter has been challenged, the registrar shall hold a hearing to confirm the qualifications of the challenged voter pursuant to section 161, subsection 4. The qualifications of the voter must be resolved within a reasonable time after the election and the voter's name either retained or cancelled from the central voter registration system.
[PL 2007, c. 455, §33 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§2,3,19 (AMD). PL 1991, c. 466, §19 (AMD). PL 1995, c. 459, §§59,60 (AMD). PL 1997, c. 436, §§96-98 (AMD). RR 2003, c. 1, §12 (COR). PL 2003, c. 395, §§2-4 (AMD). PL 2003, c. 407, §19 (AMD). PL 2003, c. 447, §13 (AMD). PL 2003, c. 688, §B6 (AMD). PL 2007, c. 455, §§31-33 (AMD). RR 2011, c. 2, §21 (COR). PL 2011, c. 534, §15 (AMD).

§674. Violations and penalties

1. Class E crime. A person commits a Class E crime if that person:

A. Knowingly removes a ballot from a voting place on election day except as authorized by this Title; [PL 1993, c. 473, §18 (RPR); PL 1993, c. 473, §46 (AFF).]

B. Interferes with a voter attempting to cast a vote; [PL 2003, c. 447, §14 (AMD).]

B-1. Interferes with a voter in marking that voter's ballot; [PL 2003, c. 447, §15 (NEW).]

B-2. Attempts to influence a voter in marking that voter's ballot; [PL 2003, c. 447, §15 (NEW).]

C. Assists or offers to assist another person at the voting place in marking that other person's ballot, unless the person has been requested to do so by the warden or ward clerk; or [PL 1993, c. 473, §18 (RPR); PL 1993, c. 473, §46 (AFF).]

D. [PL 2011, c. 342, §23 (RP).]

E. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

F. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

G. Having been entrusted with another voter's marked ballot, intentionally or knowingly discloses the content of that ballot to another person. [PL 2011, c. 342, §24 (NEW).]
[PL 2011, c. 342, §§23, 24 (AMD).]

2. Class D crime. A person commits a Class D crime if that person:

A. Assists another person in voting, knowing that the other person is not eligible to vote. [PL 2003, c. 447, §16 (AMD).]

B. [PL 2003, c. 474, §17 (RP).]

C. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

D. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]
[PL 2003, c. 447, §§16, 17 (AMD).]

3. Class C crime. A person commits a Class C crime if that person:

A. Knowingly causes a delay in the registration or enrollment of another or knowingly causes a delay in the delivery of an absentee ballot or absentee ballot application with the intent to prevent a person from voting or to render that person's vote ineffective; [PL 1993, c. 473, §18 (NEW); PL 1993, c. 473, §46 (AFF).]

B. Votes knowing that the person is not eligible to do so; [PL 2003, c. 447, §18 (AMD).]

B-1. Attempts to vote knowing that the person is not eligible to do so; [PL 2003, c. 447, §19 (NEW).]

B-2. Having once voted, whether within or outside this State, again votes at the same election; [PL 2003, c. 447, §19 (NEW).]

B-3. Having once voted, whether within or outside this State, attempts to vote at the same election; [PL 2003, c. 447, §19 (NEW).]

C. Votes by using the name of another; or [PL 2003, c. 447, §20 (AMD).]

D. Attempts to vote by using the name of another. [PL 2003, c. 447, §21 (NEW).]
[PL 2003, c. 447, §§18-21 (AMD).]

4. Class B crime. A person commits a Class B crime if that person:

A. Tampers with ballots or voting lists or opens or breaks a seal of a sealed box or packages of ballots or voting lists with the intent of changing the outcome of any election, except as permitted by this Title. [PL 1993, c. 473, §18 (NEW); PL 1993, c. 473, §46 (AFF).]
[PL 1993, c. 473, §18 (NEW); PL 1993, c. 473, §46 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §18 (RPR). PL 1993, c. 473, §46 (AFF). PL 2003, c. 447, §§14-21 (AMD). PL 2011, c. 342, §§23, 24 (AMD).

ARTICLE 4

RESTRICTIONS

§681. Positions at polling place

The guardrail area is governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Within the guardrail enclosure. The clerk, election officials and not more than 2 voters in excess of the number of voting booths may be within the guardrail enclosure. The warden may permit peace officers to be within the enclosure to enforce the law. All other persons must remain outside of the enclosure.
[PL 1985, c. 161, §6 (NEW).]

2. Limited time within guardrail enclosure. After entering the guardrail enclosure, the voter shall proceed to vote as soon as a voting booth is available and may not linger within the voting booth or guardrail enclosure once the voter has completed voting and deposited all ballots into the ballot box.
[PL 2001, c. 310, §36 (RPR).]

3. Voting booth. Except as provided in paragraphs A and B, no one may enter a voting booth with a voter.

A. If the voter requests assistance under section 672, an election official designated by the warden or an aide requested by the voter may enter the voting booth with the voter. [PL 2007, c. 455, §34 (AMD).]

B. If a voter is accompanied by a person of 17 years of age or younger, the person may enter the voting booth with the voter. [PL 1999, c. 426, §21 (AMD).]

[PL 2007, c. 455, §34 (AMD).]

4. Outside the guardrail enclosure. If sufficient space exists, party workers and others, in addition to the pollwatchers allowed pursuant to section 627, may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. If a person attempts to influence voters or interfere with their free passage, the warden shall have the person removed from the voting place. A person video recording in the voting place must remain outside the guardrail and may not conduct video recording closer than 15 feet from a voter being recorded, including when a voter is where a person is collecting voters' signatures. A person who video records a voter in violation of this subsection may be removed from the voting place by the municipal clerk at the recommendation of the warden as provided in section 662, subsection 2.

[PL 2015, c. 422, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 33, §1 (AMD). PL 1999, c. 426, §21 (AMD). PL 2001, c. 310, §36 (AMD). PL 2007, c. 455, §§34, 35 (AMD). PL 2015, c. 422, §1 (AMD).

§682. Political activities

Certain activities are prohibited on election day. [PL 2003, c. 447, §22 (RPR).]

1. Instruction limited. Within the voting place, a person may not instruct another in the method of marking the ballot, except as provided in section 672.

[PL 2003, c. 447, §22 (RPR).]

2. Influence prohibited. On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate for an office or question that is on the ballot for the election that day; or [PL 2019, c. 371, §21 (AMD).]

B. Attempt to influence another person's decision regarding a candidate for an office or question that is on the ballot for the election that day. [PL 2019, c. 371, §21 (AMD).]

C. [PL 2003, c. 447, §22 (RP).]

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote.

[PL 2019, c. 371, §21 (AMD).]

2-A. Application. This subsection governs the application of subsection 2.

A. Subsection 2 does not apply to pollwatchers, who may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. [PL 2003, c. 447, §22 (NEW).]

B. Subsection 2 does not prohibit media representatives from conducting an exit poll, as long as they do not solicit voters until after the voters have voted and do not orally communicate with voters in a way that influences a voter's vote. [PL 2003, c. 447, §22 (NEW).]

C. If a person attempts to influence voters or interfere with their free passage, the warden shall have that person removed from the voting place. [PL 2003, c. 447, §22 (NEW).]

[PL 2003, c. 447, §22 (NEW).]

3. Advertising prohibited. A person may not display advertising material; operate an advertising medium, including a sound amplification device; or display or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate for an office or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches. [PL 2009, c. 253, §27 (AMD).]

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising. [PL 2003, c. 447, §22 (RPR).]

C. [PL 2003, c. 447, §22 (RP).]

[PL 2019, c. 371, §22 (AMD).]

4. Devices for audible communication. Party workers or others may not use cellular phones, voice pagers or similar devices to make audible voice communication within the voting place that is in violation of subsection 2.

[PL 2003, c. 447, §22 (NEW).]

5. Violation. A person who knowingly engages in activities prohibited by this section commits a Class E crime.

[PL 2003, c. 447, §22 (NEW).]

6. Public property limited. For purposes of this section, "public property" does not include a public right-of-way across privately owned property if it is an easement right-of-way.

[PL 2009, c. 253, §28 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §11 (AMD). PL 1991, c. 466, §20 (AMD). PL 1993, c. 473, §§19,20 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §§61,62 (AMD). PL 2001, c. 310, §37 (AMD). PL 2003, c. 447, §22 (RPR). PL 2005, c. 568, §§14,15 (AMD). PL 2009, c. 253, §§27, 28 (AMD). PL 2015, c. 447, §22 (AMD). PL 2019, c. 371, §§21, 22 (AMD).

ARTICLE 5

MARKING, COUNTING AND HANDLING OF BALLOTS

§691. Marking ballots; primary election

A voter shall mark the ballot at a primary election as instructed in the directions on the ballot. [PL 1993, c. 473, §21 (AMD); PL 1993, c. 473, §46 (AFF).]

1. Individual candidate method. The voter must mark the ballot as instructed in the directions on the ballot to indicate the name of each candidate for nomination for whom the voter wishes to vote. [PL 1993, c. 473, §21 (AMD); PL 1993, c. 473, §46 (AFF).]

2. Write-in vote. If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided at the end of the list of candidates for nomination to the office in question. The voter must then mark the ballot as instructed in the directions on the ballot to indicate a vote for the write-in candidate. A sticker may not be used to vote for a write-in candidate. [PL 2009, c. 253, §29 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §21 (AMD). PL 1993, c. 473, §46 (AFF). PL 2007, c. 455, §36 (AMD). PL 2009, c. 253, §29 (AMD).

§692. General election

A voter shall mark the ballot at a general election as instructed in the directions on the ballot. [PL 1993, c. 473, §22 (AMD); PL 1993, c. 473, §46 (AFF).]

1. Individual candidate method. The voter must mark the ballot as instructed in the directions on the ballot to indicate a vote for the name of each nominee for whom the voter wishes to vote, regardless of political designation, but must follow directions as to the number of nominees to be elected to each office.
[PL 1993, c. 473, §22 (AMD); PL 1993, c. 473, §46 (AFF).]

2. Write-in vote. If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided at the end of the list of nominees for the office in question. The voter must then mark the ballot as instructed in the directions on the ballot. A sticker may not be used to vote for a write-in candidate.
[PL 2009, c. 253, §30 (AMD).]

3. Referendum question. In voting on a referendum question, the voter shall mark the ballot as instructed in the directions on the ballot.
[PL 1993, c. 473, §22 (AMD); PL 1993, c. 473, §46 (AFF).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §22 (AMD). PL 1993, c. 473, §46 (AFF). PL 2009, c. 253, §30 (AMD).

§693. Spoiled ballots

If a voter spoils a ballot, the voter may obtain a replacement, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots. The warden, ward clerk or deputy warden shall write "Spoiled by voter" on the spoiled ballot and sign it. If a replacement ballot is issued to the voter, the warden, ward clerk or deputy warden shall also mark "Replacement ballot issued" on the spoiled ballot. The election official shall then segregate the spoiled ballot with any other spoiled ballots in an envelope labeled "Spoiled ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of spoiled ballots or a special envelope printed with this label and instructions. [PL 2003, c. 298, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §63 (AMD). PL 1997, c. 436, §99 (AMD). PL 2003, c. 298, §1 (AMD).

§694. Voting list signed

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 447, §15 (AMD). PL 2001, c. 310, §38 (RP).

§695. Counting of ballots

Except for elections determined by ranked-choice voting, the following provisions apply to the counting of ballots. The election clerks shall count the ballots under the supervision of the warden as soon as the polls are closed, except that if, in the opinion of the municipal clerk the public interests will best be served, referendum ballots may be counted on the day immediately following the election, as long as the count is completed within 24 hours after the polls are closed. If referendum ballots are counted under this exception, the municipal clerk is responsible for the security and safekeeping of the ballots until the count has been completed. [PL 2017, c. 316, §4 (AMD).]

1. Counted in public. The ballots must be counted publicly so that those present may observe the proceedings.
[PL 1985, c. 161, §6 (NEW).]

2. Separated into lots. In counting the ballots, the election clerks shall form into counting teams of 2 election clerks, each of whom has a different party affiliation. The counting teams shall separate the ballots into distinct lots. Each of these lots must consist of 50 ballots, except for one lot, which may have less than 50 ballots. Each counting team shall use one of the approved counting methods prescribed by the Secretary of State to produce 2 tally sheets for each lot that are in complete agreement as to the count for each candidate and question choice. They shall place with each lot one of the tally sheets for that lot that is signed by the election clerks who made the count. They shall wrap the tally sheet around the outside of the applicable lot of ballots. The 2nd tally sheet for each lot must be provided to the warden for use in completing a total tally of each office and question and for completing the election return.
[PL 2009, c. 253, §31 (AMD).]

3. Results declared. As soon as the ballots are counted, the warden shall declare the results publicly at the voting place.
[PL 1985, c. 161, §6 (NEW).]

4. Instructions. The Secretary of State may issue to each warden instructions on opening the ballot boxes, separating various types of ballots and giving priority in counting various types of ballots.
[PL 1985, c. 161, §6 (NEW).]

5. Uniformity. The Secretary of State shall design and print uniform tabulation sheets to be used by the workers at the polls. The Secretary of State shall write, print and distribute to wardens instructions on the use of that material and require the use of a uniform system of counting and tabulation.
[PL 1985, c. 161, §6 (NEW).]

6. Stickers.
[PL 2013, c. 131, §19 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §12 (AMD). PL 2001, c. 516, §10 (AMD). PL 2007, c. 455, §37 (AMD). PL 2009, c. 253, §31 (AMD). PL 2013, c. 131, §19 (AMD). PL 2017, c. 316, §4 (AMD).

§696. Challenged, defective or void ballots

The counting of ballots is governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Challenged ballot. A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the results of an election.

If the challenged ballot affects the result of an election, the envelope containing the challenge certificate and the signed affidavit under section 673, subsection 1 must be submitted to the Supreme Judicial Court and its validity must be determined, except when final determination of the election of a candidate is governed by the United States Constitution.
[PL 2003, c. 395, §5 (AMD).]

2. Invalid vote. A vote for an office, candidate or question held to be invalid by the warden, ward clerk or deputy warden may not be counted for that office, candidate or question as follows.

A. Except as provided in section 723-A for elections determined by ranked-choice voting, if a voter marks more names for an office than there are vacancies to be filled or more choices for a question than are permitted, the voter's vote for that office or question may not be counted. [PL 2019, c. 320, §5 (AMD).]

B. If a voter marks the voter's ballot in such a manner that it is impossible to determine the voter's choice, the voter's vote for the office or question concerned may not be counted. [PL 1997, c. 436, §101 (AMD).]

C. If a voter marks a write-in indicator for an office, but does not write the name of a declared write-in candidate in the blank space provided to the right of the write-in indicator, that vote for that office may not be counted, unless a determination of choice under subsection 4 is possible. [PL 2009, c. 253, §32 (AMD).]

D. If a voter writes in the name of a declared write-in candidate in the write-in space pursuant to section 691, but does not mark the write-in indicator, that vote for that office may not be counted. [PL 2009, c. 253, §32 (AMD).]

E. If a voter writes in a write-in space the name of a person who has not filed a declaration of write-in candidacy as provided by section 722-A, the vote for that office may not be counted. [PL 2017, c. 141, §1 (AMD).]

F. The warden, ward clerk or deputy warden shall write "Invalid vote" on the ballot and the reason the vote is invalid beside the office, candidate or question for which it is invalid and shall sign it and replace the ballot with the other ballots, to be counted for other offices or questions. [PL 2001, c. 310, §39 (AMD).]

[PL 2019, c. 320, §5 (AMD).]

3. Defective ballots. A ballot held to be defective by the warden, ward clerk or deputy warden may not be counted.

A. A ballot that is not prepared in accordance with the requirements of this Title is defective. [PL 2001, c. 310, §40 (AMD).]

B. The warden, ward clerk or deputy warden shall write "Defective ballot" and the reason that the ballot is defective on the ballot and shall sign it. The election official shall then segregate the defective ballot with any other defective ballots in an envelope labeled "Defective ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of defective ballots or a special envelope printed with this label and instructions. [PL 2003, c. 298, §2 (AMD).]

C. A ballot is not defective if the Secretary of State has given prior approval for its use at the election. [PL 2005, c. 404, §4 (NEW).]

[PL 2005, c. 404, §4 (AMD).]

4. Determination of choice possible. If a voter marks the voter's ballot in a manner that differs from the instructions at the top of the ballot but in such a manner that it is possible to determine the voter's choice, then the vote for the office or question concerned must be counted.

A. [PL 2001, c. 310, §41 (RP).]
[PL 2005, c. 404, §5 (AMD).]

5. Void ballots. A ballot held to be void by the warden, ward clerk or deputy warden may not be counted.

A. A ballot on which a voter has made a distinguishing mark is void. [PL 2005, c. 404, §6 (AMD).]

B. The warden, ward clerk or deputy warden shall write "Void ballot" and the reason that the ballot is void on the ballot and shall sign it. The election official shall then segregate the void ballot with any other void ballots in an envelope labeled "Void ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of void ballots or a special envelope printed with this label and instructions. [PL 2003, c. 298, §3 (AMD).]
[PL 2005, c. 404, §6 (AMD).]

6. Rules. The Secretary of State is authorized to adopt rules pursuant to Title 5, chapter 375, subchapter 2-A for determining voter intent based on relevant case law and provisions of this Title. These rules must be used by election officials in tabulating the results of state and local elections and in all recounts conducted pursuant to this Title. A copy of the rules must be included with the instructional materials provided to the clerk, registrar and election officials in each municipality pursuant to section 605-A, subsection 1 and must be used by the Secretary of State in the training of election officials pursuant to section 505. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 342, §25 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§4,19 (AMD). PL 1993, c. 473, §23 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §64 (AMD). PL 1997, c. 436, §§100-102 (AMD). PL 2001, c. 310, §§39-42 (AMD). PL 2003, c. 298, §§2,3 (AMD). PL 2003, c. 395, §5 (AMD). PL 2005, c. 404, §§3-7 (AMD). PL 2005, c. 568, §16 (AMD). PL 2007, c. 455, §38 (AMD). PL 2009, c. 253, §§32, 33 (AMD). PL 2011, c. 342, §25 (AMD). PL 2017, c. 141, §1 (AMD). PL 2019, c. 320, §5 (AMD).

§697. Use of red pens by election officials

An election official must use pens or pencils containing only red ink or red lead during the conduct of official election business on election day. [PL 2001, c. 310, §43 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 447, §15 (AMD). PL 1995, c. 459, §65 (AMD). PL 2001, c. 310, §43 (AMD).

§698. Packaging and return of ballots and lists

As soon as the election return has been prepared, the election officials shall perform the following duties. [PL 1985, c. 161, §6 (NEW).]

1. Paper ballots wrapped. The election clerks shall wrap the tabulation of the count for each lot of ballots around that lot and secure it. Referendum ballots must be wrapped separately with their own tabulations unless the referendum ballot is combined with the candidate ballot. The tabulations must be signed by the 2 election clerks who counted that ballot lot.

A. [PL 1997, c. 436, §103 (RP).]
[PL 2013, c. 131, §20 (AMD).]

2. Ballots replaced in containers.
[PL 1993, c. 473, §24 (RP); PL 1993, c. 473, §46 (AFF).]

2-A. Used ballots secured. The election officials shall use the tamper-proof ballot security containers described in section 609 to seal the used state ballots, wrapped with their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective ballots; void ballots; envelopes containing challenge certificates; and the official tally tape from the electronic tabulating system. The containers must be further secured as follows.

A. Each tamper-proof ballot security container must be secured with the security mechanism supplied or approved by the Secretary of State before leaving the voting place. Each sealed container must be recorded on a certificate identifying the container number, any unique numbers associated with the security mechanism and the person sealing the container and the time of sealing. [PL 2019, c. 371, §23 (AMD).]

B. Ballots and election materials for municipal elections conducted at the same time as a state election must be sealed separately from state ballots and other state election materials and may not be sealed in the state-supplied tamper-proof ballot security containers. If municipalities wish to use tamper-proof ballot security containers to seal municipal election materials, they must obtain the containers and security mechanisms at their own expense. [PL 2019, c. 371, §24 (AMD).]

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.
[PL 2019, c. 371, §§23, 24 (AMD).]

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.
[PL 2001, c. 310, §46 (AMD).]

3. Incoming voting lists packed separately. The warden and one election clerk from each of the major parties shall sign the incoming voting list certification as soon as the names of all persons who have voted, including persons who have voted by absentee ballot, have been checked off. The election clerks shall place the incoming voting list in a separate package outside the containers of used and unused ballots and seal the package with the signed incoming voting list certification. The incoming voting list includes any certificates entitling voters to be placed on the incoming voting list pursuant to section 122, subsection 7. The municipal clerk shall keep these incoming voting lists sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the incoming voting list and keep it in the clerk's office as a public record for the time required pursuant to section 23.
[PL 2015, c. 447, §23 (AMD).]

3-A. Absentee envelopes sealed in separate containers. The election officials shall seal the used absentee envelopes from which the voted ballots have been removed and counted, with the applicable applications attached, and shall also seal the unopened envelopes containing rejected absentee ballots

in one or more tamper-proof ballot security containers or other containers separate from the containers with the used or unused ballots. The municipal clerk shall keep these containers of used absentee envelopes and unopened envelopes sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the containers of used absentee envelopes and unopened envelopes and keep them in the clerk's office as a public record for the time required for retention of ballots under section 23.
[PL 2013, c. 131, §22 (AMD).]

4. Ballots and lists returned. The warden shall deliver the ballots and lists to the clerk immediately upon conclusion of the ballot count. In a municipality that has an island voting district, the warden must deliver the ballots and lists within 24 hours after the polls have closed.
[PL 1999, c. 426, §22 (AMD).]

5. Two or more voting districts. In municipalities having 2 or more voting districts where absentee ballots are counted at a place other than the voting district, all absentee ballots, applications and envelopes may be packed together in the same container, which shall then be sealed publicly.

A. The portions of subsections 2-A and 2-B that deal with absentee ballots do not apply to municipalities with 2 or more voting districts where absentee ballots are counted separately. [PL 2003, c. 584, §10 (AMD).]

[PL 2003, c. 584, §10 (AMD).]

6. Ballot security. The municipal clerk shall take appropriate measures to ensure the safety and security of all ballots before, during and after the election. Ballots and voting equipment must be secured in an area that is accessible only by the clerk or the clerk's designee.
[PL 2003, c. 447, §24 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§5,19 (AMD). PL 1985, c. 614, §19 (AMD). PL 1987, c. 188, §6 (AMD). PL 1993, c. 473, §§24-26 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §66 (AMD). PL 1997, c. 436, §103 (AMD). PL 1999, c. 426, §22 (AMD). PL 2001, c. 310, §§44-47 (AMD). PL 2001, c. 516, §11 (AMD). PL 2003, c. 447, §§23,24 (AMD). PL 2003, c. 584, §10 (AMD). PL 2005, c. 453, §56 (AMD). PL 2005, c. 568, §17 (AMD). PL 2007, c. 515, §6 (AMD). PL 2011, c. 342, §§26, 27 (AMD). PL 2013, c. 131, §§20-22 (AMD). PL 2015, c. 447, §23 (AMD). PL 2019, c. 371, §§23, 24 (AMD).

§699. Sealing of ballot container

When a container is required to be sealed, it shall be done so that the seal on the container must be broken before its contents can be examined. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§700. Posting unofficial results

As soon as practicable after the election return is prepared under section 711, if a secure place is available at the voting place or municipal office where the public may view a paper copy of the unofficial election results even when the voting place or municipal office is closed, an election official shall post a paper copy of the unofficial results of the election. For elections determined by ranked-choice voting, an election official shall post a paper copy of the results of the first choice votes cast. [PL 2019, c. 320, §6 (AMD).]

SECTION HISTORY

PL 2015, c. 146, §1 (NEW). PL 2019, c. 320, §6 (AMD).

ARTICLE 6

RETURNS

§711. Preparation of returns

As soon as the results of the election have been declared, the election return must be prepared. The warden at each ward or precinct shall fill out the election return form provided by the Secretary of State, showing the number of votes cast for each candidate or question and recording the total number of state ballots cast in that ward or precinct. For elections determined by ranked-choice voting, the warden shall report on the election return only the first choice votes cast. The warden and one other election official shall sign the return and immediately deliver it to the municipal clerk. The form provided by the Secretary of State must include the names of all candidates, including declared write-in candidates as determined by section 722-A. [PL 2019, c. 320, §7 (AMD).]

1. Single district municipality. In a municipality with a single voting district, the municipal clerk shall make an attested copy of the municipality return and immediately send it to the Secretary of State. [PL 2001, c. 310, §48 (RPR).]

2. Multidistrict municipality. In a municipality with multiple voting districts, the municipal clerk shall total the voting district returns and complete the total municipality return form provided by the Secretary of State. The clerk shall make an attested copy of each of the voting district returns and the total municipality return and immediately send them to the Secretary of State.
[PL 2001, c. 310, §48 (RPR).]

2-A. Clerk to correct obvious errors. In making the attested copies of either the voting district returns or the municipality return, the clerk shall correct any errors in either the tabulating or recording of the count that are obvious based on the tally sheets or copies of the tally tapes available to the clerk. The clerk may not change the totals recorded on the precinct return prepared by the warden but shall make the correction to the attested copy with a notation of the basis for the correction.
[PL 2001, c. 310, §48 (NEW).]

3. Clerk to record. The clerk shall record the attested copies of the election return with the Secretary of State within 3 business days after election day.
[PL 2007, c. 455, §39 (AMD).]

4. Authority to open tamper-proof ballot security containers. After giving notice to the state chair of each political party, the Secretary of State may authorize the municipal clerk, in the presence of one or more witnesses from each of the major parties, to open the sealed tamper-proof ballot security containers as described in section 609 holding used ballots to retrieve the incoming voting list or a copy of any election return forms that were improperly sealed in the containers. If there is a recount requested for a local election that was held at the same time as a state election, the Secretary of State may authorize these election officials to open the sealed tamper-proof ballot security containers to remove any local ballots that were sealed in the containers of state ballots, except that any requested state recount must be held prior to such authorization. The Secretary of State also may authorize these election officials to review and make copies of tabulation sheets that would assist in properly reporting or correcting the results recorded on election night, as well as to review machine-tabulated ballots that were hand counted because they were not read by the tabulator or because they contained write-in votes, and to correct errors in the hand tabulation. The clerk must reseal the containers and secure them for the remainder of the time required for retention of ballots under section 23.
[PL 2011, c. 534, §16 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 226 (AMD). PL 1991, c. 466, §21 (AMD). PL 2001, c. 310, §48 (RPR). PL 2001, c. 516, §12 (AMD). PL 2007, c. 455, §39 (AMD). PL 2009, c. 253, §34 (AMD). PL 2011, c. 342, §28 (AMD). PL 2011, c. 534, §16 (AMD). PL 2019, c. 320, §7 (AMD).

§712. Return not delivered

If an election return is not delivered to the Secretary of State by 5 p.m. on the 2nd business day after an election, the Secretary of State may send a courier to the municipality concerned, and the clerk shall give that courier a certified copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service. [PL 2019, c. 371, §25 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §27 (AMD). PL 1993, c. 473, §46 (AFF). PL 2015, c. 447, §24 (AMD). PL 2019, c. 371, §25 (AMD).

SUBCHAPTER 3

POST ELECTION PROCEDURE

ARTICLE 1

TABULATION AND RESULTS

§721. Reports of registration and enrollment

Within 15 business days after any statewide election, the registrar shall update all information in the central voter registration system for all voters in the municipality to reflect any voter registration activity after the incoming voting list was printed for that election and up until the close of the polls on election day. The registrar shall also enter any designations of challenged ballots in the applicable voter records in the central voter registration system. The registrar shall notify the Secretary of State as soon as these tasks are complete. [PL 2015, c. 447, §25 (AMD).]

After the registrar has completed the update of the central voter registration system, as required by this section, and no later than 45 business days after the election, unless a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election. The clerk shall notify the Secretary of State as soon as this task is completed. [PL 2015, c. 447, §25 (AMD).]

In a municipality in which a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election within 20 business days after receiving the incoming voting list that has been returned by the Secretary of State after the recount. The clerk shall notify the Secretary of State as soon as this task is completed. [PL 2015, c. 447, §25 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 466, §22 (AMD). PL 1993, c. 447, §16 (AMD). PL 2005, c. 453, §57 (AMD). PL 2009, c. 253, §35 (AMD). PL 2015, c. 447, §25 (AMD).

§722. Secretary of State to tabulate and print results

Within 20 days after an election, the Secretary of State shall tabulate the election returns and submit a certified copy of the tabulation to the Governor. The tabulation of a candidate or referendum election

is considered final as of the date the certified copy is submitted to the Governor, except for any contests in which a recount is pending. [PL 2019, c. 371, §26 (AMD).]

1. How tabulated. The Secretary of State shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For elections determined by ranked-choice voting, the Secretary of State shall tabulate the votes according to the ranked-choice voting method described in section 723-A. The Secretary of State shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate pursuant to section 722-A.
[PL 2019, c. 371, §26 (AMD).]

1-A. Form of tabulation. The tabulation must include the total votes for each question choice or candidate whose name appeared on the ballot. The tabulation also must include the total votes for any declared write-in candidates as follows.

A. For a write-in candidate who receives 5% or more of the votes cast for that office, the Secretary of State shall report the votes under the candidate's name. [PL 2009, c. 253, §36 (NEW).]

B. For a write-in candidate who receives less than 5% of the votes cast for that office, the Secretary of State shall report the votes under the designation "others." [PL 2009, c. 253, §36 (NEW).]
[PL 2019, c. 371, §26 (AMD).]

2. Correction of return. If it appears that an election return does not agree with the record of the vote at any voting place, the Secretary of State shall correct the tabulation by obtaining a certified copy of the record from the clerk.
[PL 1985, c. 161, §6 (NEW).]

3. Tabulation printed. The Secretary of State shall have copies of the tabulation printed and made available to the public.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 695, §30 (AMD). PL 1997, c. 436, §104 (AMD). PL 1999, c. 426, §23 (AMD). PL 2001, c. 516, §13 (AMD). PL 2009, c. 253, §36 (AMD). IB 2015, c. 3, §4 (AMD). PL 2017, c. 141, §2 (AMD). PL 2017, c. 316, §5 (AMD). PL 2019, c. 371, §26 (AMD).

§722-A. Determination of declared write-in candidate

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the Secretary of State, on a form approved by the Secretary of State, on or before 5 p.m. on the 60th day prior to the election. The candidate must meet all the other qualifications for that office.
[PL 2015, c. 447, §26 (AMD).]

SECTION HISTORY

PL 1999, c. 426, §24 (NEW). PL 2007, c. 455, §40 (AMD). PL 2009, c. 253, §37 (AMD). PL 2015, c. 447, §26 (AMD).

§723. Determination of election

The determination of an election or referendum question is governed by the following provisions.
[PL 1985, c. 161, §6 (NEW).]

1. Primary election. In a primary election, the person who receives a plurality of the votes cast for nomination to any office, as long as there is at least one vote cast for that office, is nominated for that office, except for write-in candidates under paragraph A and elections determined by ranked-choice voting under section 723-A.

A. A write-in candidate who complies with section 722-A and who fulfills the other qualifications under section 334 may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5 on a primary petition for a candidate for that office. [PL 2017, c. 248, §5 (AMD).]

B. The Secretary of State shall immediately certify by mail the nomination of each person nominated by the primary election. [PL 1985, c. 161, §2 (NEW).]

[PL 2019, c. 320, §8 (AMD).]

2. Other elections. In any other election except for those determined by ranked-choice voting, the person who receives a plurality of the votes cast for election to any office, as long as there is at least one vote cast for that office, is elected to that office, except that a write-in candidate must also comply with section 722-A.

[PL 2017, c. 316, §7 (AMD).]

3. More than one vacancy. In any election, if there is more than one vacancy in an office, as many persons are nominated or elected as there are vacancies to be filled in decreasing order of the plurality of votes received by them.

[PL 1985, c. 161, §6 (NEW).]

4. Referendum question. A referendum question is determined by majority vote.

[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 146 (AMD). PL 1991, c. 244 (AMD). PL 1999, c. 426, §§25,26 (AMD). PL 2001, c. 310, §49 (AMD). PL 2001, c. 516, §§14,15 (AMD). PL 2009, c. 253, §§38, 39 (AMD). PL 2017, c. 248, §§5, 6 (AMD). PL 2017, c. 316, §7 (AMD). PL 2019, c. 320, §8 (AMD).

§723-A. Determination of winner in election for an office elected by ranked-choice voting

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected. [IB 2015, c. 3, §5 (NEW).]

B. "Continuing ballot" means a ballot that is not an exhausted ballot. [IB 2015, c. 3, §5 (NEW).]

C. "Continuing candidate" means a candidate who has not been defeated. [IB 2015, c. 3, §5 (NEW).]

D. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking. [IB 2015, c. 3, §5 (NEW).]

E. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate. [IB 2015, c. 3, §5 (NEW).]

F. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked-choice voting count. [PL 2019, c. 320, §9 (AMD).]

G. "Mathematically impossible to be elected," with respect to a candidate, means either:

(1) The candidate cannot be elected because the candidate's vote total in a round of the ranked-choice voting count plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or

(2) The candidate has a lower vote total than a candidate described in subparagraph (1). [PL 2019, c. 320, §9 (AMD).]

H. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking. [IB 2015, c. 3, §5 (NEW).]

H-1. "Ranked-choice voting count" means the ranked-choice counting process described in this section and in rules adopted by the Secretary of State. [PL 2019, c. 320, §10 (NEW).]

I. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number 2 is the next-highest ranking and so on. [IB 2015, c. 3, §5 (NEW).]

J. "Round" means an instance of the sequence of vote counting steps established in subsection 2 and in rules adopted by the Secretary of State. [PL 2019, c. 320, §11 (AMD).]

K. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking. [IB 2015, c. 3, §5 (NEW).]

[PL 2019, c. 320, §§9-11 (AMD).]

2. Procedures. Except as provided in subsections 3 and 4, the following procedures are used to determine the winner of an election determined by ranked-choice voting. The ranked-choice voting count must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election. [IB 2015, c. 3, §5 (NEW).]

B. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins. [IB 2015, c. 3, §5 (NEW).]

[PL 2019, c. 320, §12 (AMD).]

3. Ties. A tie under this section between last-place candidates in any round must be decided by lot, and the candidate chosen by lot is defeated. The result of the tie resolution must be recorded and reused in the event of a recount. A tie between candidates for the most votes in the final round must be decided as provided in section 732.

[PL 2019, c. 320, §13 (AMD).]

4. Modification of ranked-choice voting ballot and ranked-choice voting count. Modification of a ranked-choice voting ballot and ranked-choice voting count is permitted in accordance with the following.

A. The number of allowable rankings may be limited to no fewer than 5. [PL 2019, c. 320, §14 (AMD).]

B. Two or more candidates may be defeated simultaneously by batch elimination in any round of counting. [PL 2019, c. 320, §14 (AMD).]

[PL 2019, c. 320, §14 (AMD).]

5. Effect on rights of political parties. For all statutory and constitutional provisions in the State pertaining to the rights of political parties, the number of votes cast for a party's candidate for an office determined by ranked-choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection 2.

[PL 2017, c. 316, §9 (AMD).]

5-A. Rules. The Secretary of State shall adopt rules for the proper and efficient administration of elections determined by ranked-choice voting. At a minimum, rules required under this subsection

must include procedures, as determined appropriate by the Secretary of State, for requesting and conducting recounts of the results as determined in the rounds of counting described in subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 320, §15 (AMD).]

6. Application. This section applies to elections held on or after January 1, 2018.
[IB 2015, c. 3, §5 (NEW).]

SECTION HISTORY

IB 2015, c. 3, §5 (NEW). PL 2017, c. 316, §§8-10 (AMD). PL 2019, c. 320, §§9-15 (AMD).

§724. Election certificate issued

Within a reasonable time after an election, the Secretary of State shall prepare and the Governor shall sign an election certificate, in accordance with Title 5, section 84, for each person elected to office according to the tabulation submitted under section 722. If the result of an election is being appealed to the Supreme Judicial Court, or referred to the appropriate legislative body, after a recount pursuant to section 737-A, subsection 10, the certificate must be issued to the apparent winner of the election based on the final recount tabulation. [PL 2019, c. 371, §27 (NEW).]

1. Ineligible person.
[PL 2009, c. 253, §40 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §28 (AMD). PL 1993, c. 473, §46 (AFF). PL 2009, c. 253, §40 (AMD). PL 2019, c. 371, §27 (RPR).

§724-A. Written notice to Legislature

At the time the Governor publicly proclaims the result of the vote on any measure referred to the people for approval under the Constitution of Maine, Article IV, Part Third, Section 17 or 18, he shall also provide written notice of the result of that vote to the President of the Senate, the Speaker of the House and the Revisor of Statutes. [PL 1987, c. 188, §7 (NEW).]

SECTION HISTORY

PL 1987, c. 188, §7 (NEW).

§725. Commencement of term of office

County officials elected at the general election take office on January 1st directly following election day. The terms of other officials commence on the day provided in the Constitution of the State of Maine or the Constitution of the United States. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

ARTICLE 2

TIE VOTES

§731. Tie defined

There is a tie vote when 2 or more persons receive an equal number of votes, which number would entitle each one to nomination or election, except for the tie. There is a tie vote in a referendum, when a question receives an equal number of affirmative and negative votes. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§732. Procedure

When there is a tie vote, the following provisions apply. [PL 1985, c. 161, §6 (NEW).]

1. Primary election. In a primary election, the Secretary of State shall notify each person involved in the tie to be present at his office at a certain time. At that time, the Secretary of State shall select the nominee publicly by lot.
[PL 1985, c. 161, §6 (NEW).]

2. Other elections. In any other election, the Governor shall issue a proclamation under section 366 declaring the tie and ordering a special election between the persons tied.

A. If there is a tie vote for presidential electors, the Governor shall convene the Legislature by proclamation. The Legislature by joint ballot of the members assembled in convention shall determine which are elected. [PL 1985, c. 161, §6 (NEW).]

B. This subsection does not apply to the election of the following offices which are governed by the Constitution of the State of Maine or the Constitution of the United States: United States Senator, Representative to Congress, Governor and members of the Legislature. [PL 1985, c. 161, §6 (NEW).]

C. If there is a tie vote for State Senator or Representative to the Legislature as finally determined by the proper House under the Constitution of Maine, Article IV, Part Third, Section 3, the Governor shall issue a proclamation under section 366 declaring the tie and ordering a special election between the persons tied. [PL 1985, c. 161, §6 (NEW).]
[PL 1985, c. 161, §6 (NEW).]

3. Referendum. In a referendum, other than on a liquor local option question, the negative vote prevails.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

ARTICLE 3

INSPECTION AND RECOUNT

§736. Candidate's inspection of ballots and incoming voting list

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §8 (AMD). PL 1987, c. 258, §§1,2 (AMD). PL 1993, c. 473, §29 (RP). PL 1993, c. 473, §46 (AFF).

§737. Recount

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §13 (AMD). PL 1987, c. 188, §9 (AMD). PL 1987, c. 258, §3 (AMD). PL 1991, c. 466, §23 (AMD). PL 1993, c. 473, §30 (RP). PL 1993, c. 473, §46 (AFF).

§737-A. Recount

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 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. [PL 2019, c. 371, §28 (AMD).]

The Secretary of State shall store and maintain exclusive control over the ballots and other materials pending and during the recount and until the courier, or the State Police if requested, retrieves the materials for return to the municipalities. [PL 2019, c. 371, §29 (AMD).]

A candidate who is the apparent loser and who desires a recount must file with the Secretary of State a written request for a recount within 5 business days after the election, except that in an election determined by ranked-choice voting, only a candidate who received one of the top 3 rankings at the end of the penultimate round of ranked-choice counting may request a recount. The recount is held under the supervision of the Secretary of State, who shall allow the candidate's representatives or counsel to recount the ballots. The candidate may not act as a counter of ballots. [PL 2019, c. 320, §16 (AMD).]

If, after the official tabulation is submitted to the Governor, the apparent winner is determined the losing candidate, that candidate may request a recount within 3 business days after the date the Governor receives the tabulation. [PL 2015, c. 447, §28 (AMD).]

1. Deposit for legislative or single county office recount. This subsection applies to a recount 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. All deposits required by this section must be made with the Secretary of State when a recount is requested by a losing candidate or an undeclared write-in candidate. Once the courier, or the State Police if requested, has taken custody of the ballots and other election materials from the municipalities, the deposit made by the candidate requesting the recount is forfeited to the State if the resulting count fails to change the outcome of the election. If the recount reverses the election, the deposit must be returned to the candidate requesting the recount. The amount of the deposit is calculated as follows.

A. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is 1.5% or less of the total votes cast for that office, a deposit is not required. [PL 2015, c. 447, §29 (AMD).]

B. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1.5% and less than or equal to 4% of the total votes cast for that office, the deposit is $500. [PL 2015, c. 447, §29 (AMD).]

C. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 4% and less than or equal to 6% of the total votes cast for that office, the deposit is $1,000. [PL 2003, c. 447, §25 (AMD).]

D. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 6% and less than or equal to 8% of the total votes cast for that office, the deposit is $2,500. [PL 2003, c. 447, §25 (NEW).]

E. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 8% and less than or equal to 10% of the total votes cast for that office, the deposit is $5,000. [PL 2003, c. 447, §25 (NEW).]

F. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 10% of the total votes cast for that office, the deposit is $10,000. [PL 2003, c. 447, §25 (NEW).]

[PL 2019, c. 371, §30 (AMD).]

1-A. Deposit for statewide or multicounty office recount. This subsection applies to a recount for an office not described by subsection 1. A losing candidate who requests a recount must pay the deposit required by this subsection when the recount is requested. The amount of the deposit is calculated as follows.

A. If the difference shown by the official tabulation between the leading candidate and the requesting candidate is 1% or less of the total votes cast for that office or not more than 1,000 votes, whichever is less, a deposit is not required. A candidate who is not required to pay a deposit pursuant to this subsection may not be charged for the recount regardless of whether the procedure changes the result of the election. [PL 2017, c. 141, §5 (NEW).]

B. If the difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1% of the total votes cast for that office or more than 1,000 votes, whichever is less, the deposit is $5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the actual cost of the procedure, which must be paid by the requesting candidate. If the deposit is greater than the actual cost, the overpayment must be refunded to the candidate. If the actual cost is greater than the deposit, the candidate shall pay the remainder of the actual cost to the State. Once the courier, or the State Police if requested, has taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the candidate requesting the recount is forfeited to the State even if the candidate withdraws from the recount before the recount begins. If a recount reverses the election, the deposit must be returned to the candidate requesting the recount. [PL 2019, c. 371, §31 (AMD).]

[PL 2019, c. 371, §31 (AMD).]

2. Recount request. If a ballot contains the names of state and local candidates or questions, the Secretary of State shall determine which requests for recount must be honored first when more than one request is presented. If a recount is requested for more than one office or referendum question that is included on the same ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both offices or questions simultaneously.

[PL 2017, c. 141, §6 (AMD).]

2-A. Recount for write-in candidates. For the purposes of this section, a declared write-in candidate who has complied with the requirements of section 722-A is treated the same as any candidate whose name is printed on the ballot.

[PL 2017, c. 141, §7 (AMD).]

3. Notice of recount. The Secretary of State shall send written notice of a recount to the candidates for the office in question, stating the time and place of the recount.

[PL 1993, c. 473, §31 (NEW); PL 1993, c. 473, §46 (AFF).]

4. Time of recount and designated recount candidates. The recount must be held as soon as reasonably possible at a time and place that affords the designated recount candidates a reasonable opportunity to be present. For purposes of this section, "the designated recount candidates" means the leading candidate and each candidate who has requested a recount and paid the applicable fee in accordance with this section. The recount involves a new count of the results for the designated recount

candidates only. Once a candidate has requested a recount, the other candidates for that elective office must be notified of the request as soon as possible. Candidates for that elective office whose vote totals fall between the totals of the leading candidate and the requesting candidate must be provided with an opportunity to be included in the recount as a designated recount candidate by making a written request to join the recount and paying the applicable fee, either within 5 business days after the election or, if the recount request is made on the last day of that period, by the close of business on the next business day. Candidates for that elective office other than the designated recount candidates may be present to observe the recount but are not included in the recount, and their vote totals remain as indicated in the official results reported by the municipalities.
[PL 2003, c. 447, §26 (AMD).]

5. Persons prohibited from working at recount. Confidential state employees, employees of the Legislature, candidates and elected state officials may not participate in ballot recounts in any capacity. This subsection does not prohibit employees within the Department of the Secretary of State, election officials and staff of the Department of the Attorney General and the Judicial Department from performing their duties with respect to a recount.
[PL 1993, c. 473, §31 (NEW); PL 1993, c. 473, §46 (AFF).]

6. List of recount personnel. The Secretary of State shall maintain a list of recount personnel for 2 years after the recount.
[PL 1993, c. 473, §31 (NEW); PL 1993, c. 473, §46 (AFF).]

7. Disputed ballots segregated. At the recount, the Secretary of State shall segregate disputed ballots. Disputed ballots that are not resolved must be photocopied by a representative of the Secretary of State. The photocopy of the ballot is not a public record and must be kept separate from the original ballots.

When a recount is requested by a write-in candidate who did not receive the minimum number of votes required, if the write-in candidate is the only candidate at the recount and it appears from the recount that a sufficient number of votes for that candidate has been received at the election, then all ballots from that election are considered "disputed."
[PL 1993, c. 473, §31 (NEW); PL 1993, c. 473, §46 (AFF).]

8. Final recount tabulation. If the final recount tabulation as defined by rule is different than the results shown on the tabulation submitted to the Governor pursuant to section 722, the Secretary of State shall submit a certified copy of a corrected tabulation to the Governor.
[PL 2019, c. 371, §32 (AMD).]

9. Package resealed and marked. After a recount, if the election remains in dispute, the Secretary of State shall copy the incoming voting list, before proceeding to reseal the packages of ballots and incoming voting lists, noting the fact and date of the recount on the packages. The Secretary of State shall immediately send or deliver the copy of the incoming voting list to the clerk for the purpose of updating voter participation history in the central voter registration system. The clerk shall immediately send a receipt to the Secretary of State noting the date and time of delivery of the copy. All challenged and disputed ballots must be packaged separately. The challenged and disputed ballots must be kept until released to the court or to the Senate or the House of Representatives, if applicable, in case of an appeal.
[PL 2009, c. 253, §45 (AMD).]

10. Appeals. For all elections, except for the offices of United States Senator, United States Representative, State Senator and State Representative, if there are enough challenged or disputed ballots to affect the result of an election, the Secretary of State shall forward the ballots and all related records for that election to the clerk of the Supreme Judicial Court. The Supreme Judicial Court shall determine the result of the election pursuant to procedures adopted by court rule. The decision of the Supreme Judicial Court is final and must be certified to the Governor by the Chief Justice.

If there are enough challenged or disputed ballots to affect the result of an election to the office of United States Senator, United States Representative, State Senator or State Representative, the Secretary of State shall notify the appropriate officials according to the rules and procedures adopted by each of those legislative bodies.
[PL 2019, c. 371, §33 (AMD).]

11. Withdrawal from recount. A candidate who requests and receives a recount may withdraw from the recount at any time while the recount shows that candidate to be the loser. If, during the recount, the candidate requesting the recount overtakes and passes the candidate who initially appeared to win the election, the candidate requesting the recount may not withdraw the request and the recount must be completed.
[PL 1993, c. 473, §31 (NEW); PL 1993, c. 473, §46 (AFF).]

12. Authority to adopt rules. The Secretary of State is authorized to adopt rules governing the conduct and procedures for a recount. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 253, §46 (NEW).]

SECTION HISTORY

PL 1993, c. 473, §31 (NEW). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §§67,68 (AMD). PL 1999, c. 426, §§27,28 (AMD). PL 2003, c. 447, §§25-27 (AMD). PL 2005, c. 453, §58 (AMD). PL 2007, c. 515, §§7-9 (AMD). PL 2009, c. 253, §§41-46 (AMD). PL 2015, c. 447, §§27-29 (AMD). PL 2017, c. 141, §§3-7 (AMD). PL 2019, c. 320, §16 (AMD). PL 2019, c. 371, §§28-33 (AMD).

§738. Statewide referendum ballots

Except as provided by this section, the method of conducting a recount of a statewide referendum is governed by section 737-A. Appeal of challenged or disputed ballots is to the Supreme Judicial Court. [PL 2017, c. 141, §8 (NEW).]

1. Recount request. To request a recount of a statewide referendum, a petition signed by 200 or more registered voters must be submitted to the Secretary of State within 8 business days after the election. The Secretary of State shall provide a petition form for this purpose to any registered voter in the State who requests it within 2 days of receiving the request.
[PL 2017, c. 141, §8 (NEW).]

2. Deposit for recount. A representative of the recount petitioners shall pay the deposit required by this section when the petition is submitted to the Secretary of State. The amount of the deposit is calculated as follows.

A. If the difference shown by the official tabulation between the yes and the no votes is 1% or less of the total votes cast for that question or not more than 1,000 votes, whichever is less, a deposit is not required. Petitioners who are not required to pay a deposit pursuant to this subsection may not be charged for the recount regardless of whether the procedure changes the result of the election. [PL 2017, c. 141, §8 (NEW).]

B. If the difference shown by the official tabulation between the yes and the no votes is more than 1% of the total votes cast for that question or more than 1,000 votes, whichever is less, the deposit is $5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After the completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the cost of the procedure, which must be paid by the petitioners. If the deposit is greater than the actual cost, the overpayment must be refunded to the petitioners. If the actual cost is greater than the deposit, the petitioners shall pay to the State the remainder of the actual cost. Once the courier, or the State Police if requested, has taken custody of the ballots and other election materials for the first stage of the

recount, the deposit made by the petitioners is forfeited to the State even if the petitioners withdraw from the recount before the recount begins. If a recount reverses the result of the election, the deposit must be returned to the petitioners. [PL 2019, c. 371, §34 (AMD).]

[PL 2019, c. 371, §34 (AMD).]

3. Order of recounts. If a ballot contains state and local candidates or questions and a recount is requested, the Secretary of State shall determine which requests for recount must be honored first when more than one request is presented. If recounts are requested for more than one office or referendum question that is included on the same state ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both offices or questions simultaneously.

[PL 2017, c. 141, §8 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §10 (AMD). PL 1993, c. 473, §32 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 506, §1 (AMD). PL 1995, c. 506, §3 (AFF). PL 2017, c. 141, §8 (RPR). PL 2019, c. 371, §34 (AMD).

§739. Ballots and incoming voting lists available for inspection

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. 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. [PL 2011, c. 258, §1 (AMD).]

After the time for completion of recounts following any election has elapsed, and on request of any person, the clerk of any municipality or the Secretary of State, or both, shall produce any incoming voting lists in the clerk's or Secretary of State's custody. [PL 2011, c. 258, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §33 (AMD). PL 1993, c. 473, §46 (AFF). PL 2011, c. 258, §1 (AMD).

ARTICLE 4

DETERMINATION OF DISPUTED ELECTIONS

§741. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §34 (RP). PL 1993, c. 473, §46 (AFF).

§742. Appeal to commission

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §34 (RP). PL 1993, c. 473, §46 (AFF).

§743. Investigations

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §34 (RP). PL 1993, c. 473, §46 (AFF).

§744. Procedure

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §34 (RP). PL 1993, c. 473, §46 (AFF).

§745. Questions of law

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §34 (RP). PL 1993, c. 473, §46 (AFF).

§746. Judicial determination of disputed county office

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §34 (RP). PL 1993, c. 473, §46 (AFF).

SUBCHAPTER 4

ABSENTEE VOTING

ARTICLE 1

REGULAR ABSENTEE VOTING

§751. Proper at any election

Absentee ballots may be cast at any election by any voter who requests an absentee ballot as provided under this subchapter. The voter need not specify a reason to receive an absentee ballot. [PL 1999, c. 645, §4 (RPR).]

1. Absence.

[PL 1999, c. 645, §4 (RP).]

2. Incapacity.

[PL 1999, c. 645, §4 (RP).]

3. Religious belief.

[PL 1999, c. 645, §4 (RP).]

4. Confinement.

[PL 1999, c. 645, §4 (RP).]

5. Distance from polls.

[PL 1999, c. 645, §4 (RP).]

6. At registrar's office.

[PL 1985, c. 357, §6 (RP).]

6-A. Working when polls are open.

[PL 1999, c. 645, §4 (RP).]

7. Residence in certain facilities.

[PL 1999, c. 645, §4 (RP).]

8. Citizens outside the United States.

[PL 1999, c. 645, §4 (RP).]

9. Marginal literacy.

[PL 1999, c. 645, §4 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§6,7,19 (AMD). PL 1987, c. 188, §§11-13 (AMD). PL 1991, c. 466, §§24,25 (AMD). PL 1995, c. 459, §69 (AMD). PL 1995, c. 670, §A1 (AMD). PL 1995, c. 670, §D5 (AFF). PL 1997, c. 436, §105 (AMD). PL 1999, c. 426, §29 (AMD). PL 1999, c. 645, §4 (RPR).

§752. Materials furnished

At least 3 months before any election, the Secretary of State shall furnish each municipality with a reasonable number of dated absentee ballot applications. A reasonable time, not less than 30 days unless an emergency exists, before any election, the Secretary of State shall furnish each municipality with a reasonable number of absentee ballots and return envelopes. [PL 1985, c. 357, §8 (AMD).]

1. Absentee ballots to be identical. Absentee ballots must be identical to the regular ballots used at an election, except as provided in paragraph A for uniformed service voters or overseas voters.

A. At least 3 months before the election to which they pertain, the Secretary of State shall furnish each municipality with a reasonable number of blank write-in absentee ballots for use by uniformed service voters or overseas voters who have met the qualifications in section 751. These ballots must be similar to regular ballots, except that no candidate names may be printed. The Secretary of State shall prepare a ballot listing all offices to be selected with a space after each office to write in the voter's preference. The Secretary of State shall design the form of the ballot, including any instructions to the voters in marking the ballot. [PL 2003, c. 407, §20 (AMD).]

B. The Secretary of State shall provide a reasonable number of absentee ballots for township residents who are registered or enrolled in a municipality outside their electoral divisions under section 156. These ballots must contain the names of the nominees or candidates for offices in the electoral divisions in which the voters reside. [PL 1991, c. 466, §26 (AMD).]

[PL 2003, c. 407, §20 (AMD).]

2. Content of application. The Secretary of State shall design or approve the form of the application to be used to request an absentee ballot.

[PL 2001, c. 310, §50 (RPR).]

3. Form of envelope. The Secretary of State shall design or approve the form of the absentee ballot envelope.

[PL 2001, c. 310, §51 (RPR).]

4. Delivery of materials; insufficient quantity. The Secretary of State shall send the voting materials to the clerk of each municipality. If the clerk believes that a larger number should be furnished, the clerk must notify the Secretary of State who shall determine whether the additional materials are needed and, if so, shall furnish them as promptly as possible.

[PL 2003, c. 407, §21 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§8,9,19 (AMD). PL 1985, c. 363, §3 (AMD). PL 1987, c. 188, §14 (AMD). PL 1989, c. 166, §5 (AMD). PL 1991, c. 466, §§26-28 (AMD). PL 1995, c. 459, §§70,71 (AMD). PL 1997, c. 436, §106 (AMD). PL 2001, c. 310, §§50,51 (AMD). PL 2003, c. 407, §§20,21 (AMD).

§752-A. Federal absentee ballot

The federal write-in absentee ballot may be used in primary, general and special elections for state and federal offices by uniformed service voters or overseas voters who are qualified pursuant to section 751. [PL 2003, c. 407, §22 (AMD).]

SECTION HISTORY

PL 2001, c. 516, §16 (NEW). PL 2003, c. 407, §22 (AMD).

§753. Procedure for obtaining

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§10,19 (AMD). PL 1985, c. 614, §20 (AMD). PL 1987, c. 62, §§1,2 (AMD). PL 1987, c. 188, §15 (AMD). PL 1991, c. 466, §29 (AMD). PL 1991, c. 862, §6 (AMD). PL 1993, c. 473, §§35,36 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 695, §31 (AMD). PL 1995, c. 459, §§72-74 (AMD). PL 1995, c. 670, §A2 (AMD). PL 1995, c. 670, §D5 (AFF). PL 1997, c. 120, §1 (AMD). PL 1997, c. 436, §§107-111 (AMD). PL 1999, c. 426, §30 (AMD). PL 1999, c. 645, §5 (RP).

§753-A. Procedure for requesting an absentee ballot

1. Applications available. On request, the clerk shall furnish a reasonable number of absentee ballot applications to any person, except that an application may not be furnished more than 3 months before the election for which the application will be used. This subsection does not apply to a uniformed service voter or an overseas voter who requests an absentee ballot under this subchapter.
[PL 2003, c. 407, §23 (AMD).]

2. Application for state and municipal ballots at same time. If a municipal election is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued in response to the same application unless the municipal ballots are not ready to be issued at the time the statewide ballot is available. The clerk may not delay the issuance of a statewide absentee ballot in order to include a municipal ballot pursuant to this subsection.
[PL 1999, c. 645, §6 (NEW).]

3. Request in writing. A voter may complete an application or make a written request for the voter's own ballot by mail, in person or by facsimile. The voter may designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. An immediate family member of a voter may also make an application or written request for an absentee ballot for the voter.

A. An application or a written request for an absentee ballot must be accepted by the clerk if it contains the following information:

(1) The voter's name;

(2) The voter's residence address or other address sufficient to identify the voter;

(3) The signature of the voter or the voter's immediate family member who is making the application or written request. If an immediate family member is either making the application or written request or is designated in the application or written request to deliver or return the ballot to the voter, then the family relationship to the voter must also be provided; and

(4) If applicable, a different address to which the applicant requests the ballot be sent or delivered. [PL 2003, c. 447, §28 (NEW).]

B. If the voter needs assistance pursuant to subsection 5, then in addition to the information required in paragraph A, the following information must be provided in order for the application or written request to be accepted by the clerk:

(1) The printed name and signature of the person who helped the voter; and

(2) A statement that the aide helped the voter by either reading or signing the application, or both. [PL 2003, c. 447, §28 (NEW).]

C. If the voter wishes to have the ballot delivered or returned by a 3rd person, then in addition to the information required in paragraph A, the following information must be provided in order for the application or written request to be accepted by the clerk:

(1) The name of the 3rd person whom the voter has designated. A 3rd person may only be designated in an application or written request that is signed by the voter. [PL 2003, c. 447, §28 (NEW).]

[PL 2003, c. 447, §28 (AMD).]

4. Application by telephone. A voter may make a telephone application for the voter's own ballot. In this case, the voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The clerk shall ask the voter for the information required and complete the application, with the exception of the voter's signature, and shall write "telephone request" on the application. The clerk shall also obtain the voter's birth date and write it on the application. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address and birth date with the information in the voter's record. A telephone application must be accepted by the clerk if it contains the voter's name, the voter's date of birth, the voter's residence address or other address sufficient to identify the voter and, if applicable, a different address to which the applicant requests the ballot be sent or delivered.

[PL 2003, c. 447, §29 (AMD).]

5. Assistance to certain voters. A voter who is unable to read, sign or complete an application because of physical disability, illiteracy or religious faith may request another person, other than the voter's employer or agent of that employer or an officer or agent of the voter's union, to assist the voter in reading, signing or completing the application. If an aide assists a voter by reading or signing the application, the aide shall complete and sign the certificate on the application stating that the aide has assisted the voter.

[PL 1999, c. 645, §6 (NEW).]

6. Application by electronic means. A municipal clerk shall accept absentee ballot applications by the electronic means authorized by the Secretary of State. The Secretary of State shall design or approve the form of the absentee ballot application to be submitted by electronic means.

A voter may make an application for the voter's own ballot by electronic means using the form designed or approved by the Secretary of State. The voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address and birth date with the information in the voter's record. The clerk shall print the electronically submitted application and write "electronic request" on the application.

[PL 2009, c. 563, §1 (AMD).]

SECTION HISTORY

PL 1999, c. 645, §6 (NEW). PL 2003, c. 407, §23 (AMD). PL 2003, c. 447, §§28,29 (AMD). PL 2007, c. 515, §10 (AMD). PL 2009, c. 253, §47 (AMD). PL 2009, c. 563, §1 (AMD).

§753-B. Procedure for issuing absentee ballot

1. Application or written request received. Upon receipt of an application or written request for an absentee ballot that is accepted pursuant to section 753-A, the clerk shall immediately issue an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter, except as provided in subsection 2. The clerk shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope.
[PL 2011, c. 399, §22 (AMD).]

2. Restrictions on issuing ballot. The clerk may not issue an absentee ballot:

A. To any 3rd person who is a candidate or a member of a candidate's immediate family; [PL 2011, c. 399, §23 (NEW).]

B. To an immediate family member or to a 3rd person if the absentee ballot was requested by telephone or by electronic means; [PL 2011, c. 534, §17 (AMD).]

C. To a 3rd person who already has been issued 5 absentee ballots for voters in the municipality, until the 3rd person has returned one of those ballots; or [PL 2011, c. 399, §23 (NEW).]

D. To any voter, immediate family member or 3rd person whose request was received in the municipal office after the 3rd business day before election day, unless the voter signs an application, designed by the Secretary of State, stating one of the following reasons for requesting an absentee ballot after the deadline:

(1) Unexpected absence from the municipality during the entire time the polls are open on election day;

(2) Physical disability;

(3) Inability to travel to the polls if the voter is a resident of a coastal island ward or precinct; or

(4) An incapacity or illness that has resulted in the voter's being unable to leave home or a treatment facility. [PL 2011, c. 534, §18 (AMD).]

[PL 2011, c. 534, §§17, 18 (AMD).]

3. Return of ballot by 3rd person. A 3rd person shall, unless good cause is shown, return an absentee ballot to the clerk's office within 2 business days of the date that ballot was provided to the 3rd person or by the close of the polls on election day, whichever is earlier. The clerk shall inform the 3rd person of the deadline for the return of the ballot.
[PL 2001, c. 310, §52 (AMD).]

4. Duplicate ballot. The clerk may issue a duplicate state absentee ballot to an applicant if the initially issued ballot has not already been marked and returned to the clerk, the applicant requests one by an acceptable method outlined in this subchapter and:

A. The applicant states good cause, including, but not limited to, loss of, spoiling of or damage to the first absentee ballot. Good cause does not include an applicant's decision to change the applicant's vote after the applicant has returned the ballot to the clerk; or [PL 2011, c. 40, §1 (AMD).]

B. An absentee ballot for the applicant that was furnished to a designated 3rd person was not returned to the clerk's office within the time limit provided in subsection 3. If a ballot for an applicant is not returned to the clerk within that time limit, the clerk shall mail or hand deliver a ballot to that applicant and may not issue another ballot to the applicant except for good cause as provided in this subsection. This paragraph does not affect the deadline for delivery of absentee ballots under section 755. [PL 2003, c. 447, §31 (AMD).]

The clerk may issue a 2nd state absentee ballot to a voter from whom the clerk has received a return envelope apparently containing a state absentee ballot when the State has provided the clerk with replacement ballots to reflect the removal of a candidate's name or the addition of a new candidate's name or the correction of an error or when the absentee ballot envelope has a defect in the affidavit that would cause the ballot to be rejected. When a 2nd state absentee ballot is issued to a voter under this section, the clerk must write the words "second ballot issued" on the return envelope.
[PL 2011, c. 534, §19 (AMD).]

5. Alternate method of balloting by residents of certain licensed facilities. The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664; and licensed assisted living program with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each licensed facility of the date and time when absentee voting will be conducted. The notice must state that the licensed facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each licensed facility must provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.
[PL 2019, c. 371, §35 (RPR).]

6. Clerk to keep list of absentee voters. The clerk shall create and maintain, in the central voter registration system, an alphabetical list, by district, of the persons who requested or were furnished absentee ballots, including the persons who voted in the presence of the clerk under subsection 8 and the persons whose ballots were issued to a 3rd person under subsection 1. The clerk shall maintain a copy of the lists required under this subsection for a period of 2 years as a public record.

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the ballot was requested, issued and received; and a notation of whether the application and the ballot were accepted or rejected. The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted or rejected and the reasons for such rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. [PL 2013, c. 457, §3 (AMD).]

B. The clerk creates the list of absentee voters as required in paragraph A by marking the records of registered voters in the central voter registration system. The clerk must sign and date each official printed copy of the list of absentee voters that is created for public inspection, certifying

that the list is a true and accurate list of absentee voters for the applicable election. No additional certification is required by the registrar of voters. [PL 2005, c. 568, §18 (RPR).]

C. The clerk shall also keep a list of the 3rd persons designated in applications or written requests to whom absentee ballots are sent or delivered under subsection 1 and of the number of absentee ballots sent or delivered to them. This list of 3rd person ballot carriers must include telephone numbers for contacting the 3rd persons. [PL 2001, c. 310, §54 (NEW).]

D. [PL 2005, c. 364, §7 (RP).]

E. Within 5 business days after each election, the clerk shall update the central voter registration system to include the changes required by paragraph A. The clerk also must update the central voter registration system to reflect any absentee ballots received after the polls have closed on election day by changing the rejection reason. When all updates have been made in the central voter registration system, the clerk shall certify this to the Secretary of State and make a final list of absentee ballots available for public inspection. [PL 2007, c. 515, §11 (AMD).]

[PL 2013, c. 457, §3 (AMD).]

7. Registration verified. If the applicant is registered and enrolled when necessary, the ballot must be sent to the applicant. If the applicant has registered and enrolled when necessary under section 155 and will attain 18 years of age on or before the date of the election, the registrar or clerk shall so certify on the application. If not, the registrar or clerk shall write "not registered" or "not enrolled" on the face of the application and sign the registrar's or clerk's name. Whenever an application for an absentee ballot is denied, the municipal clerk shall immediately notify the applicant in writing of the reason for the denial.

[PL 1999, c. 645, §6 (NEW).]

8. Absentee voting in presence of clerk. A person who wishes to vote by absentee ballot may, without completing an application, vote by absentee ballot in the presence of the clerk, except as provided in subsection 2. The method of voting is otherwise as prescribed in this article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or question on the ballot for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the building in which the clerk's office is located.

This subsection does not apply to the display or distribution of any campaign advertising material on private property that is within 250 feet of the entrance to the building in which the clerk's office is located. For purposes of this section, "private property" includes privately owned property subject to a public right-of-way that is an easement right-of-way.

This subsection does not apply to campaign advertising material on automobiles traveling to and from the municipal office or parked on municipal property while the occupants are visiting the municipal office to conduct municipal business. It does not prohibit a person who is at the municipal office for the purpose of conducting municipal business or for absentee voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

[PL 2011, c. 399, §24 (AMD).]

9. Restrictions on absentee voting in presence of clerk. Except as allowed by subsection 5, a municipal clerk may not remove absentee ballots from the municipal office for the purpose of conducting absentee voting in the presence of the clerk except upon receipt of an application or written request from the voter. The clerk may not be assisted in delivering or providing an absentee ballot by any person who is a candidate or a member of a candidate's immediate family. Assistance includes, but

is not limited to, providing transportation to a clerk who is delivering absentee ballots to a voter who is not marking the absentee ballot in the municipal clerk's office.
[PL 2011, c. 342, §29 (NEW).]

SECTION HISTORY

PL 1999, c. 645, §6 (NEW). RR 2001, c. 2, §A28 (COR). PL 2001, c. 310, §§52-54 (AMD). PL 2003, c. 407, §§24,25 (AMD). PL 2003, c. 447, §§30,31 (AMD). PL 2005, c. 364, §7 (AMD). PL 2005, c. 568, §§18,19 (AMD). PL 2007, c. 455, §41 (AMD). PL 2007, c. 515, §11 (AMD). PL 2009, c. 253, §48 (AMD). PL 2009, c. 563, §2 (AMD). PL 2011, c. 40, §1 (AMD). PL 2011, c. 342, §29 (AMD). PL 2011, c. 399, §§22-24 (AMD). PL 2011, c. 534, §§17-20 (AMD). PL 2013, c. 457, §3 (AMD). PL 2017, c. 248, §7 (AMD). PL 2017, c. 433, §1 (AMD). PL 2019, c. 371, §35 (AMD).

§753-C. Absentee ballots for program participants in Address Confidentiality Program

Any registered voter who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B is entitled to receive an absentee ballot for every election during the period of the voter's participation in the program. The clerk shall mail the absentee ballot to the voter at the voter's designated address as soon as possible after the regular ballots are available in the municipality. The voter shall mark the absentee ballot in accordance with the procedures set forth in section 754-A and shall return the ballot to the registrar in the manner provided in section 754-A, except that the voter may sign the voter's voter code under the Address Confidentiality Program on the absentee ballot envelope instead of the voter's name. [PL 2005, c. 364, §8 (NEW).]

SECTION HISTORY

PL 2005, c. 364, §8 (NEW).

§754. Method of voting

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§11,19 (RP).

§754-A. Method of voting

Except as provided in section 753-B, subsection 8 and section 753-C, the method of voting by absentee ballot is as follows. [PL 2005, c. 364, §9 (AMD).]

1. Ballot delivered to voter or immediate family member. When a voter or an immediate family member of a voter obtains a ballot from the clerk in person or by mail and returns that ballot to the clerk in person or by mail and receives no assistance in marking the ballot, the following procedures apply.

A. The voter shall mark that ballot according to section 691 or 692 so that it is impossible for anyone present at the time to see how the voter voted. [PL 1997, c. 436, §112 (AMD).]

B. While the voter is marking the ballot, there may be no communication between the voter and any other individual as to the person or question for which the voter is to vote. [PL 1985, c. 357, §§12, 19 (NEW).]

C. After the voter has completed marking the ballot, the voter shall then seal the ballot in its return envelope and complete the affidavit on the envelope. A notary or witness certification is not required unless the voter is assisted pursuant to subsection 3. [PL 2009, c. 253, §49 (AMD).]

D. The voter or an immediate family member of the voter shall return the sealed envelope containing the voted ballot to the clerk of the municipality where the voter resides by mail, by personal delivery or by depositing it into a secured drop box accessible by only the municipal clerk.

The voter shall send a completed voter registration or absentee ballot application, if necessary, in a separate envelope. [PL 2019, c. 371, §36 (AMD).]

E. If an immediate family member of the voter returns an absentee ballot that was requested by the voter or another immediate family member of the voter, in writing or in person, the clerk shall accept the ballot. The clerk shall have the immediate family member who returned the ballot sign the application or written request and shall indicate that the ballot was returned by that person. [PL 1999, c. 645, §7 (NEW).]

[PL 2019, c. 371, §36 (AMD).]

2. Ballot delivered by 3rd person or returned by 3rd person. When a ballot is delivered to the voter by a person other than the clerk or an immediate family member of the voter or is returned to the clerk by a person other than the voter, the clerk or an immediate family member of the voter and the voter receives no assistance in marking the ballot, the following procedures apply.

A. The voter must mark the ballot in the presence of the following witness or witnesses: One notary public, clerk of a municipality or clerk of courts or 2 other individuals. The voter, before marking the ballot, must show it to the witness or witnesses who must examine it to be certain it is unmarked. [PL 1999, c. 645, §7 (AMD).]

B. While the voter is marking the ballot, there may be no communication between the voter and any other individual as to the person or question for which the voter is to vote. [PL 1985, c. 357, §§12, 19 (NEW).]

C. The voter must mark the ballot according to section 691 or 692 so that it is impossible for anyone present at the time to see how the voter voted. The voter must then seal the ballot in its return envelope and complete the affidavit on the envelope in the presence of the witness or witnesses, who shall sign the witness certification. [PL 1999, c. 645, §7 (AMD).]

D. The voter must then complete the address on the envelope and mail or deliver it personally or by the 3rd person who was designated in the application to the clerk of the municipality of which the voter is a resident. The voter must send a completed voter registration or absentee ballot application, if necessary, in a separate envelope. [PL 1999, c. 645, §7 (AMD).]

[PL 1999, c. 645, §7 (AMD).]

3. Assistance in reading or marking ballot. A voter who is unable to read or mark the ballot because of the voter's physical disability, illiteracy or religious faith must vote according to the procedures in this subsection instead of the procedures in subsection 1 or 2.

A. A voter who needs assistance may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist the voter in reading or marking the ballot. [PL 1985, c. 357, §§12, 19 (NEW).]

B. The voter or the aide must mark the ballot in the presence of one of the following witnesses: Notary public, clerk of a municipality, clerk of courts or another individual. [PL 1987, c. 736, §42 (AMD).]

C. The voter or the aide, before marking the ballot, must show it to the witness who must examine it to be certain it is unmarked. [PL 1985, c. 357, §§12, 19 (NEW).]

D. While the voter or the aide is marking the ballot, there may be no communication between the voter and any individual, other than the aide who must mark the ballot as the voter indicates, as to the person or question for which the voter is to vote. [PL 1985, c. 357, §§12, 19 (NEW).]

E. The voter or the aide must mark the ballot according to section 691 or 692 so that it is impossible for anyone else present to see how the voter voted, then seal the ballot in its return envelope. The voter, or the aide at the voter's request, shall complete and sign the affidavit in the presence of the

witness, who shall sign the witness certification. The aide must complete and sign the certification for aides on the outside of the envelope. [PL 1985, c. 357, §§12, 19 (NEW).]

F. The voter or the aide must then complete the address on the envelope and mail or deliver it personally or by the 3rd person who was designated in the application to the clerk of the municipality of which the voter is a resident. The voter must send a completed voter registration or absentee ballot application, if necessary, in a separate envelope. [PL 1999, c. 645, §7 (AMD).]

[PL 1999, c. 645, §7 (AMD).]

SECTION HISTORY

PL 1985, c. 357, §§12,19 (NEW). PL 1987, c. 736, §§41,42 (AMD). PL 1997, c. 436, §112 (AMD). PL 1999, c. 645, §7 (AMD). PL 2005, c. 364, §9 (AMD). PL 2009, c. 253, §49 (AMD). PL 2019, c. 371, §36 (AMD).

§755. Deadline

In order to be valid, an absentee ballot must be delivered to the municipal clerk at any time before the polls are closed. [PL 1991, c. 622, Pt. X, §9 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 624 (AMD). PL 1991, c. 622, §X9 (AMD).

§756. Procedure on receipt

When the clerk receives a return envelope apparently containing an absentee ballot, the clerk shall observe the following procedures. [PL 2009, c. 538, §9 (AMD).]

1. Time of receipt noted. The clerk shall note the date and time of delivery on each return envelope. On request, the clerk shall give the person who delivers the ballot a receipt, stating the exact time of delivery.

[PL 2009, c. 538, §9 (AMD).]

2. Clerk to examine signatures and affidavit. The clerk shall compare the signature of the voter on the application, where required, with that on the corresponding return envelope. The clerk shall examine the affidavit on the return envelope. If the signatures appear to have been made by the same person and if the affidavit is properly completed, the clerk shall write "OK" and the clerk's initials on the return envelope. Otherwise, the clerk shall note any discrepancy on the return envelope.

A. If the signatures do not appear to have been made by the same person, but this discrepancy is apparently the result of the voter's having properly obtained assistance under either section 753-A, subsection 5, or section 754-A, subsection 3, or both, then the clerk shall note the discrepancy on the return envelope, but shall also write "OK" and the clerk's initials on the return envelope. [PL 1999, c. 645, §8 (AMD).]

[PL 2009, c. 538, §9 (AMD).]

3. Application attached. The clerk shall attach each application, where required, to the corresponding envelope. The clerk may not open any return envelope.

[PL 2009, c. 538, §9 (AMD).]

4. Lists prepared.

[PL 2001, c. 310, §55 (RP).]

5. Envelopes and lists delivered. On election day, the clerk shall deliver or have delivered the return envelopes prescribed by section 752, subsection 3, with the applications, when required, attached and a copy of the list required by section 753-B, subsection 6, to the warden of the voting district in which the voter is registered, except in those municipalities where the clerk or the clerk's designee processes the absentee ballots centrally. In those municipalities where the absentee ballots are processed centrally, the clerk shall deliver or have delivered the materials described in this subsection

to the person authorized by the clerk to process absentee ballots at the designated central location. After processing the absentee ballots, the warden or the clerk shall attach the copy of the list of absentee voters to the incoming voting list and seal it as provided in section 698.
[PL 2003, c. 447, §32 (AMD).]

6. Procedure when duplicate envelopes received from same voter. If more than one return envelope is received from the same voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope marked "second ballot issued" or bearing the latest date and time and shall reject and keep sealed the first absentee envelope. If more than one return envelope is received from the same voter who was not authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope bearing the earliest date and time. If only one return envelope is received from a voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count that ballot for all offices or questions for which the voter was entitled to vote.
[PL 2003, c. 447, §33 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§13,14,19 (AMD). PL 1999, c. 645, §8 (AMD). PL 2001, c. 310, §§55,56 (AMD). PL 2003, c. 447, §§32,33 (AMD). PL 2009, c. 538, §9 (AMD).

§757. Challenges

An absentee ballot may be challenged the same as a regular ballot under section 673. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§758. Personal vote required when possible

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§15,19 (AMD). PL 1991, c. 466, §30 (RP).

§759. Counting procedure

The following counting procedure must be observed at each voting place. [PL 1995, c. 459, §75 (AMD).]

1. Warden to review notes of clerk. Unless a request to inspect applications and envelopes is made pursuant to subsection 8, the warden shall review the notes of the clerk on each return envelope according to the schedule posted under subsection 7.
[PL 1995, c. 459, §76 (AMD).]

2. Accepted if correct. If the warden finds that the affidavit is properly completed, that the clerk has verified that the signature on the envelope matches the signature on the application where applicable, that the person is registered and enrolled where necessary, the warden shall then examine the incoming voting list to determine whether the voter voted in person at the election. The warden shall then announce the name of each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk from a political party different from that of the warden mark the letters "AV" beside the name of each absentee voter on the incoming voting lists and place a check mark or horizontal line in red ink on the list beside the voter's name, the warden shall accept the ballot.
[PL 2007, c. 455, §42 (AMD).]

3. Rejected if incorrect. The warden may not open the envelope and shall write "Rejected" on it, the reason why and the warden's initials if the warden finds that:

A. The signatures do not appear to have been made by the same person and the discrepancy is not the result of the voter's having obtained assistance under section 753-A, subsection 5 or section 754-A, subsection 3, in cases where an application is required; [PL 1999, c. 645, §9 (AMD).]

B. The affidavit is not properly completed; [PL 1985, c. 161, §6 (NEW).]

C. The person is not registered or enrolled where necessary; [PL 1985, c. 161, §6 (NEW).]

D. The voter has voted in person; or [PL 1985, c. 161, §6 (NEW).]

E. The ballot was received by the clerk after the deadline. [PL 1985, c. 161, §6 (NEW).]
[PL 2009, c. 538, §10 (AMD).]

4. Warden to check absentee ballot for correct party or district. At a primary election when the warden removes a ballot from its envelope, the warden shall check its color to be sure it is the ballot of the party in which the voter is enrolled. If it is not, the warden shall immediately replace it in its envelope, reseal the envelope and write "Rejected" on it, the reason why and the warden's initials. At a primary or general election, in a municipality that has more than one voting district, when the warden removes a ballot from its envelope, the warden shall check its color to be sure it is the ballot of the district in which the voter is registered. If it is not, the warden shall challenge the ballot according to section 673.
[PL 2007, c. 455, §43 (AMD).]

5. Rejected ballots separate. The warden shall place the return envelopes containing rejected ballots in an envelope marked "Rejected ballots." Rejected ballots may not be counted.
[PL 1995, c. 459, §78 (AMD).]

6. Ballots counted. As soon as the absentee ballots are processed, they are counted the same as regular ballots.
[PL 1995, c. 459, §78 (AMD).]

7. Processing before close of polls. A notice signed by the municipal clerk must be posted at least 7 days before election day in the same manner as posting the notice of election, under section 621-A, stating each specific time that the clerk intends to begin processing absentee ballots on election day. The warden shall follow the procedures required by subsections 1 to 6 to process absentee ballots before the close of the polls. The clerk shall notify the chairs of each political party of the municipality, in writing, that this procedure is to occur. This notice must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk.
[PL 1997, c. 436, §113 (AMD).]

8. Inspection of absentee envelopes before processing. If a member of the public notifies the clerk before 5 p.m. on the day before election day that the person wishes to inspect absentee ballot applications and envelopes before they are processed, the warden or clerk shall allow the requestor to inspect the applications and envelopes of ballots before they are processed or for 30 minutes after the time specified in the notice for processing on election day. The warden may immediately proceed to process the ballots after the person has completed the review.

If the municipality processes absentee ballots only after the polls close on election day, then a member of the public who wishes to inspect absentee materials must notify the warden by 5 p.m. on election day that the person wishes to inspect absentee ballot applications and envelopes after the polls close. The warden shall allow the requestor to inspect the applications and envelopes for 30 minutes after the polls close. The warden may immediately proceed to process the ballots after the person has completed the review.
[PL 2009, c. 538, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§16,17,19 (AMD). PL 1991, c. 466, §§31,32 (AMD). PL 1991, c. 862, §7 (AMD). PL 1993, c. 447, §17 (AMD). PL 1993, c. 583, §§1,2 (AMD). PL 1995, c. 459, §§75-80 (AMD). PL 1997, c. 436, §§113,114 (AMD). PL 1999, c. 645, §§9,10 (AMD). PL 2007, c. 455, §§42, 43 (AMD). PL 2009, c. 538, §10, 11 (AMD).

§760. Procedures when counting to be by the clerk

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 313 (AMD). PL 1995, c. 459, §81 (RP).

§760-A. Procedures when clerk processes absentee ballots centrally

The clerk shall use the following procedure when processing the absentee ballots at a central location. [PL 1995, c. 459, §82 (NEW).]

1. Envelopes retained. The clerk shall retain possession of return absentee envelopes with the applications attached, where required, and the list required by section 753-B, subsection 6.
[PL 2001, c. 310, §57 (AMD).]

2. Ballot boxes provided. The municipality shall provide an official ballot box to be used by the clerk in all state elections.
[PL 1995, c. 459, §82 (NEW).]

3. Incoming voting list to be marked. The clerk shall have the incoming voting list marked to denote absentee voters prior to processing the absentee ballots.

A. The municipal clerk shall use one of the following procedures to mark the incoming voting list for absentee ballots received prior to election day, except that a clerk who is in a contested election for the office of clerk must follow the procedures specified in subparagraph (2) when marking the incoming voting list for absentee ballots received prior to election day.

(1) On the day immediately preceding, the municipal clerk shall mark the incoming voting list with an "AV" beside the name of each voter who has voted by absentee ballot as of that date. The municipal clerk shall keep the marked list and shall send a copy of the marked list to the polls with the incoming voting list; or

(2) On election day, at or prior to the times the municipal clerk has designated under section 759, subsection 7 for processing absentee ballots, the municipal clerk shall make a separate list, by voting place, of all absentee ballots received to date. The clerk shall deliver each list, in duplicate, to the warden at the appropriate voting place. The warden and an election clerk shall compare the list of absentee voters with the incoming voting list and shall mark the incoming voting list with an "AV" beside the name of each voter who has voted by absentee ballot.

The warden and the election clerk shall then certify on each copy of the absentee voting list that they marked the incoming voting list as described in this paragraph. The warden shall then retain one copy of the absentee voter list with the incoming voting list and deliver the 2nd copy to the municipal clerk. The municipal clerk shall follow this process on election day as often as needed to mark the incoming voting lists to account for all absentee ballots. [PL 1995, c. 459, §82 (NEW).]

B. In a municipality that has an island voting district, the municipal clerk may communicate the information required to process the absentee ballots by telephone to the island warden and notify the island warden of the names of the absentee voters so that the incoming voting list may be marked in accordance with this subchapter. [PL 2005, c. 453, §59 (AMD).]

[PL 2005, c. 453, §59 (AMD).]

4. Counting procedure. After the incoming voting list has been marked according to the procedures in subsection 3, the municipal clerk shall then proceed to process the absentee ballots using the procedures set forth in sections 759 and 762 at the next time scheduled under section 759, subsection 7. The ballots must be processed publicly so that all those present may observe the proceedings.
[PL 2007, c. 455, §44 (AMD).]

SECTION HISTORY

PL 1995, c. 459, §82 (NEW). PL 2001, c. 310, §57 (AMD). PL 2005, c. 453, §59 (AMD). PL 2007, c. 455, §44 (AMD).

§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 beginning on the 4th day immediately prior to election day. The clerk shall use the following procedure when processing the absentee ballots during this time. [PL 2019, c. 371, §37 (AMD).]

1. Time for processing. In a municipality that has opted to process absentee ballots on 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.
[PL 2015, c. 406, §1 (AMD).]

2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using a notice of early processing form provided by the Secretary of State, stating the 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 early processing 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.
[PL 2019, c. 371, §38 (AMD).]

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 each day that the clerk will process absentee ballots as specified on the notice of early processing under subsection 2. 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 early processing for processing the absentee ballots. The clerk may immediately proceed to process the ballots after the one-hour inspection time has elapsed.
[PL 2019, c. 371, §38 (AMD).]

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.
[PL 2009, c. 538, §13 (AMD).]

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 and receives results

at the completion of the ballot scanning may not view the results until after the polls close on election day.
[PL 2015, c. 406, §1 (AMD).]

6. Security of processed ballots and tabulating equipment. At the conclusion of absentee ballot processing on any day 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.
[PL 2015, c. 406, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 455, §45 (NEW). PL 2009, c. 253, §§50, 51 (AMD). PL 2009, c. 538, §§12, 13 (AMD). PL 2013, c. 131, §23 (AMD). PL 2013, c. 457, §4 (AMD). PL 2015, c. 406, §1 (AMD). PL 2019, c. 371, §§37, 38 (AMD).

§761. Deceased voter; ballot rejected

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2007, c. 455, §46 (RP).

§762. Irregularities disregarded

An absentee ballot may not be rejected for any immaterial irregularity in completing the application or affidavit on the return envelope. The following information must be on the envelope for the ballot to be accepted: [PL 1985, c. 161, §6 (NEW).]

1. Name and address. The voter's name and residence address typed or written in ink by the clerk in the designated section of the return envelope;
[PL 2007, c. 455, §47 (AMD).]

2. Signature. The voter's signature; and
[PL 1991, c. 466, §33 (AMD).]

3. Reason.

[PL 1991, c. 466, §34 (RP).]

4. Witness signatures. The witness or other certifying official's signature, when required.
[PL 1995, c. 459, §83 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 466, §§33,34 (AMD). PL 1995, c. 459, §83 (AMD). PL 2007, c. 455, §47 (AMD).

§763. Return of election materials

As soon as the ballots have been counted, the applications, where required, absentee ballots, return envelopes, lists required by sections 753-B and 756 and other election materials must be repacked, in accordance with section 698, and returned to the clerk. The clerk shall keep them in the clerk's office for the time required by section 23. [PL 1999, c. 645, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §21 (RPR). PL 1999, c. 645, §11 (AMD).

§764. Applications and envelopes as public records

Absentee ballot applications and absentee ballot return envelopes are public records until the close of voting on election day, or until the ballots have been processed on election day, if the municipality processes absentee ballots before 8:00 p.m. After that time, except as provided in section 759, subsection 8, the applications and envelopes are not public records and may be inspected only in accordance with this Title. [PL 1997, c. 436, §115 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 466, §35 (AMD). PL 1997, c. 436, §115 (AMD).

ARTICLE 2

VOTING BY MEMBERS OF THE ARMED FORCES

§776. Applicability of provisions

This article applies to uniformed service voters or overseas voters who are covered by the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 United States Code, Section 1973ff (2001). The Secretary of State is responsible for carrying out the State's duties under that Act. [PL 2003, c. 407, §26 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §26 (AMD).

§777. Methods of registration and enrollment

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 695, §32 (AMD). PL 2003, c. 407, §27 (RP).

§777-A. Registration and enrollment

Notwithstanding the registration deadline in section 121-A, uniformed service voters or overseas voters may register or enroll at any time prior to 5 p.m. on election day by completing a federal or state voter registration application form and filing it with the registrar or the Secretary of State in person, by mail or by electronic means authorized by the Secretary of State. [PL 2015, c. 447, §30 (AMD).]

SECTION HISTORY

PL 2003, c. 407, §28 (NEW). PL 2009, c. 563, §3 (AMD). PL 2011, c. 534, §21 (AMD). PL 2015, c. 447, §30 (AMD).

§778. Duty of registrar

On receipt of an application under section 777-A, the registrar or the Secretary of State in consultation with the registrar shall register the applicant, unless it appears that the applicant is not qualified. If the applicant is not qualified, the registrar or the Secretary of State shall notify the applicant of the reason for rejection of the application. [PL 2009, c. 563, §4 (AMD).]

1. Member specially designated. The registrar or the Secretary of State shall designate a uniformed service voter in the central voter registration system with the letter "S".
[PL 2009, c. 563, §4 (AMD).]

2. Overseas voter specially designated. The registrar or the Secretary of State shall designate an overseas voter in the central voter registration system with the letter "O".
[PL 2009, c. 563, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §29 (AMD). PL 2005, c. 453, §§60,61 (AMD). PL 2009, c. 563, §4 (AMD).

§779. Name may be added at any time

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §30 (RP).

§780. Absentee ballots; application

A uniformed service voter or an overseas voter may request an absentee ballot as provided in section 753-A or by submitting a federal application or form requesting an absentee ballot as provided in section 783. With respect to any election for federal office, a clerk or the Secretary of State may not refuse to accept or process any otherwise valid voter registration application or absentee ballot application submitted by a uniformed service voter or an overseas voter on the grounds that the voter submitted the application more than 3 months before the election for which the application will be used. An application or request for an absentee ballot for a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783 remains valid for 18 months from the date of receipt of the application and entitles the voter to receive absentee ballots for all federal and state elections during that period. [PL 2013, c. 131, §24 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §31 (RPR). PL 2009, c. 563, §5 (AMD). PL 2013, c. 131, §24 (AMD).

§780-A. Use of blank write-in absentee ballot

Prior to the time when regular absentee ballots are available, if an applicant requests a blank write-in absentee ballot or indicates that it takes more than 6 weeks to receive and return mail to the applicant's location, the Secretary of State shall send a blank write-in absentee ballot to the voter or shall transmit the regular absentee ballot by an authorized electronic means if the voter has designated that the voter wishes to receive that ballot by that means. [PL 2009, c. 563, §6 (AMD).]

SECTION HISTORY

PL 2003, c. 407, §32 (NEW). PL 2009, c. 563, §6 (AMD).

§781. Absentee ballots; procedure on receipt

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §33 (RP).

§781-A. Absentee ballot application; procedure on receipt

Notwithstanding the absentee ballot application deadline in section 753-B, subsection 2, paragraph D, upon receipt of an application or written request for an absentee ballot prior to 5 p.m. on election day from a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783, the clerk or the Secretary of State shall immediately issue an absentee ballot and return envelope by the authorized means designated by the voter in the application. If the ballot is to be transmitted to the voter by mail, the clerk or the Secretary of State shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The Secretary of State shall provide a return envelope that moves free of postage under federal law. [PL 2015, c. 447, §31 (AMD).]

SECTION HISTORY

PL 2003, c. 407, §34 (NEW). PL 2009, c. 563, §7 (AMD). PL 2011, c. 534, §22 (AMD). PL 2015, c. 447, §31 (AMD).

§782. Absentee ballots; procedure on return

On receipt of a return envelope apparently containing an absentee ballot, the clerk or the Secretary of State shall follow the procedures for regular absentee voting under this subchapter. [PL 2009, c. 563, §8 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §35 (AMD). PL 2009, c. 563, §8 (AMD).

§783. Authority of Secretary of State

The Secretary of State may act administratively to facilitate voting by uniformed service voters and overseas voters and may use federal or other facilities available for this purpose. These administrative actions may include, but are not limited to: [PL 2009, c. 563, §9 (AMD).]

1. Central issuance of absentee ballots. Issuing absentee ballots to uniformed service voters and overseas voters from a central location in order to ensure expedited delivery of absentee ballots;
[PL 2009, c. 563, §9 (NEW).]

2. Central receipt of absentee ballots. Receiving absentee ballots from uniformed service voters and overseas voters at a central location in order to ensure that the ballots are received by the statutory deadline;
[PL 2009, c. 563, §9 (NEW).]

3. Central counting of absentee ballots. Counting absentee ballots from uniformed service voters and overseas voters at a central location and including the count of these votes in the statewide tabulation of the vote;
[PL 2009, c. 563, §9 (NEW).]

4. Electronic transmission of absentee ballots. Authorizing the electronic transmission of absentee ballots to uniformed service voters or overseas voters; and
[PL 2009, c. 563, §9 (NEW).]

5. Electronic receipt of absentee ballots. Authorizing the electronic receipt of voted absentee ballots from uniformed service voters or overseas voters by a method authorized by the Secretary of State.
[PL 2015, c. 350, §1 (AMD).]

The Secretary of State shall adopt rules to administer the central issuance and processing of absentee ballots, including rules that provide for the examination, counting and storage of ballots in the same manner as regular absentee ballots. Rules adopted in accordance with this section are routine technical rules as described by Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 563, §9 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2003, c. 407, §35 (AMD). PL 2009, c. 563, §9 (AMD). PL 2015, c. 350, §1 (AMD).

ARTICLE 3

VIOLATIONS AND PENALTIES

§791. Violations and penalties

1. Class E crime. The commission of any act described as follows in this subsection is a Class E crime:

A. [PL 1991, c. 466, §36 (RP).]

B. A municipal clerk who, when a person has voted by absentee ballot in the clerk's presence under section 753-B, subsection 8, signs the clerk's name to an affidavit on the absentee ballot return envelope when the affidavit is not properly completed; or [PL 1999, c. 645, §12 (AMD).]

C. A 3rd person, designated in an application or request for an absentee ballot, who receives an absentee ballot from the clerk in accordance with that application or request, and who, without good cause, fails to return that absentee ballot to the clerk's office within the time limit provided in section 755. [PL 1985, c. 161, §6 (NEW).]

[PL 1999, c. 645, §12 (AMD).]

2. Class D crime. A person commits a Class D crime if that person:

A. Delivers, receives, accepts, notarizes or witnesses an absentee ballot for any compensation. This paragraph does not apply to a governmental employee handling ballots in the course of that employee's official duties or a person who handles absentee ballots before the unvoted ballots are delivered to the municipality or after the voted ballots are returned to the clerk. [PL 1993, c. 473, §37 (RPR); PL 1993, c. 473, §46 (AFF).]

B. [PL 1993, c. 473, §37 (RP); PL 1993, c. 473, §46 (AFF).]

C. [PL 1993, c. 473, §37 (RP); PL 1993, c. 473, §46 (AFF).]

[PL 1993, c. 473, §37 (RPR); PL 1993, c. 473, §46 (AFF).]

3. Class C crime. A person commits a Class C crime if that person:

A. Forges the name of another on an absentee ballot, the return envelope or the application for an absentee ballot; or [PL 1993, c. 473, §38 (NEW); PL 1993, c. 473, §46 (AFF).]

B. Is a candidate who, notwithstanding this subchapter, delivers, receives, accepts, notarizes, assists or witnesses an absentee ballot, other than the candidate's own absentee ballot, furnished by the clerk of a municipality in this State. This paragraph does not apply to an elected municipal clerk who is a candidate for reelection to the office of municipal clerk, where there is no other candidate for that office. In a contested election for the office of clerk, a clerk may not be exempted from the provisions of this paragraph but shall instead appoint a deputy or an assistant to whom the municipality shall pay all associated costs for the duration of the deputy's or assistant's temporary employment in that capacity. [PL 2009, c. 253, §52 (AMD).]

[PL 2009, c. 253, §52 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§18,19 (AMD). PL 1987, c. 364 (AMD). PL 1987, c. 572 (AMD). PL 1991, c. 466, §36 (AMD). PL 1993, c. 473, §§37,38 (AMD). PL 1993, c. 473, §46 (AFF). PL 1999, c. 645, §12 (AMD). PL 2009, c. 253, §52 (AMD).

SUBCHAPTER 5

PRESIDENTIAL ELECTORS

§801. Election

In a presidential election year, the presidential electors shall be chosen at the general election. [PL 1985, c. 161, §6 (NEW).]

1. Vote for presidential candidate construed. A vote for the candidate for President is a vote for the presidential electors nominated by the candidate's political party or by petition.
[PL 2001, c. 516, §17 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2001, c. 516, §17 (AMD).

§802. Representation

One presidential elector shall be chosen from each congressional district and 2 at large. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§803. Duties of Governor

As soon as possible after the presidential electors are chosen, the Governor shall send a certificate of the determination of the electors to the Archivist of the United States under the state seal. The certificate shall state the names of the electors and the number of votes which each received. The Governor shall deliver 6 certificates under the state seal to the electors on or before the first Monday after the 2nd Wednesday of December, following their election. [PL 1989, c. 166, §6 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 166, §6 (AMD).

§804. Meeting in convention

The presidential electors shall convene in the House Chamber in Augusta at 2 p.m. on the first Monday after the 2nd Wednesday of December following their election. If any electors are not present, the electors present shall fill the vacancy by majority vote. [PL 1993, c. 447, §18 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 447, §18 (AMD).

§805. Convention duties

The duties of the presidential electors in convention are as follows. [PL 1985, c. 161, §6 (NEW).]

1. Separate ballots. When convened as required by section 804, the presidential electors shall each cast separate ballots for President and Vice President, at least one of whom must not be a resident of this State.
[PL 1985, c. 161, §6 (NEW).]

2. Presidential electors. The presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State. The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in each respective congressional district.
[PL 1985, c. 161, §6 (NEW).]

3. Certificate prepared and sent. The presidential electors shall make and subscribe to 6 certificates containing the number of votes cast separately for President and Vice President. They shall attach one of the lists of electors furnished them by the Governor to each certificate. They shall seal each certificate and attached list in an envelope stating that a certificate of the votes of this State for President and Vice President is contained inside.
[PL 1985, c. 161, §6 (NEW).]

4. Envelope sent immediately.

[PL 1989, c. 166, §7 (RP).]

4-A. Certificates sent immediately. The presidential electors shall send immediately by registered mail one certificate to the President of the Senate of the United States and 2 certificates to the Archivist of the United States in Washington, D.C. The presidential electors shall deliver 2 certificates to the Secretary of State, who shall hold one of them subject to the order of the President of the Senate of the United States and shall retain the other for public inspection for one year. The presidential electors shall deliver one certificate to the Chief Judge of the United States District Court for the District of Maine.
[PL 1989, c. 166, §8 (NEW).]

5. Envelope sent next day.
[PL 1989, c. 166, §9 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 166, §§7-9 (AMD).

§806. Compensation of electors and employees

The presidential electors shall be paid $10 a day for each day actually and necessarily employed in the performance of their duties and necessary expenses, including travel expenses, at the same rate as that paid to members of the Legislature. The presidential electors may hire necessary clerical employees who shall be paid a reasonable compensation established by the electors. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

SUBCHAPTER 6

VOTING DEVICES

§808. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 347, §5 (NEW).]

1. Automatic tabulating equipment. "Automatic tabulating equipment" means any apparatus that automatically examines and counts votes recorded on paper ballots and tabulates the results.
[PL 2001, c. 310, §58 (AMD).]

1-A. Accessible voting system. "Accessible voting system" means a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.
[PL 2007, c. 455, §48 (NEW).]

2. Ballot or paper ballot. "Ballot" or "paper ballot" means the printed paper ballot on which votes may be recorded in the layout and format required to conform to the electronic voting system in use.
[PL 1991, c. 347, §5 (NEW).]

3. Ballot card.
[PL 2001, c. 310, §59 (RP).]

4. Ballot labels. "Ballot labels" means the pages, cards or other material containing the names of offices and candidates and the referendum questions to be voted on that are placed on the voting device to conform with the voting system in use.

[PL 1991, c. 347, §5 (NEW).]

5. Counting center. "Counting center" means one or more locations selected by the municipal officers for the automatic counting of ballots.
[PL 1991, c. 347, §5 (NEW).]

5-A. Direct recording electronic voting machine. "Direct recording electronic voting machine" means a system that records votes by means of a ballot display provided with mechanical, electro-optical or electro-audio components that can be activated by the voter, that processes data by means of a computer program and that records voting data in memory components. A direct recording electronic voting machine produces a tabulation of the voting data stored in a removable memory component and on a printed copy.
[PL 2003, c. 651, §1 (NEW).]

6. Electronic tabulating system. "Electronic tabulating system" means a mark-sense voting system where the paper ballots are subsequently counted and tabulated by an electronic tabulating device at one or more counting centers. "Electronic tabulating system" includes all the software and firmware required to program and control the equipment in the respective system.
[PL 2001, c. 310, §60 (AMD).]

7. Marking device. "Marking device" means any special marking implements or fluorescent or opaque inks that are required for marking paper ballots, depending on the type of system in use.
[PL 2001, c. 310, §61 (AMD).]

8. Mark-sense voting system. "Mark-sense voting system" means a system in which votes are recorded on paper ballots by making marks in special voting response locations using a marking device. The votes on the paper ballots are subsequently counted and tabulated by an electronic tabulating device at one or more counting centers.
[PL 1995, c. 459, §84 (AMD).]

8-A. Mechanical lever voting machine. "Mechanical lever voting machine" means a machine that directly records a voter's choices via mechanical lever-actuated controls into a counting mechanism that tallies the votes without using a physical ballot.
[PL 2003, c. 651, §2 (NEW).]

8-B. Punch card voting machine. "Punch card voting machine" means a machine that transmits a voter's choices onto either a prescored or unscored ballot via mechanically punched holes that are then read and tallied by the machine.
[PL 2003, c. 651, §2 (NEW).]

9. Punch card voting system.
[PL 2001, c. 310, §62 (RP).]

10. Voting device. "Voting device" means the voting machine or electronic tabulating system apparatus that the voters use to record their votes on paper ballots or on a tabulating card.
[PL 1995, c. 459, §84 (AMD).]

11. Voting machine. "Voting machine" means an apparatus on which voters cast their votes that records each vote by means of mechanical or electronic counters and furnishes a total of the number of votes cast for each candidate and for and against each referendum measure.
[PL 2001, c. 310, §63 (AMD).]

12. Voting system. "Voting system" means the total combination of mechanical, electromechanical or electronic equipment, including the software, firmware and documentation required to program, control and support the equipment, that is used to define or produce ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information.

[PL 2007, c. 455, §49 (NEW).]

SECTION HISTORY

PL 1991, c. 347, §5 (NEW). PL 1995, c. 459, §84 (AMD). PL 2001, c. 310, §§58-63 (AMD). PL 2003, c. 651, §§1,2 (AMD). PL 2007, c. 455, §§48, 49 (AMD).

§809. Approval of voting devices

1. Rules. The Secretary of State and the Attorney General together may adopt rules governing approval of voting machines under section 813 and electronic tabulating systems under section 844. The Secretary of State may adopt rules requiring independent testing of voting machines and electronic tabulating systems in use or proposed for use in the State and indicating which voting machines and electronic tabulating systems are approved for use by municipalities.
[PL 1995, c. 459, §85 (AMD).]

2. Use of approved voting machines and systems. Voting machines and systems approved and recommended pursuant to rules adopted under subsection 1 may be used by any municipality in a state election. Voting machines and electronic tabulating systems that have not been approved for use may not be used by any municipality.
[PL 1995, c. 459, §85 (AMD).]

3. Publication of list.
[PL 1995, c. 459, §86 (RP).]

3-A. Proscribed voting machines. The following types of voting machines may not be used in the conduct of state elections:

A. Mechanical lever voting machines; and [PL 2003, c. 651, §3 (NEW).]

B. Punch card voting machines. [PL 2003, c. 651, §3 (NEW).]
[PL 2003, c. 651, §3 (NEW).]

4. Application. This section applies only to those voting devices in use by the municipality after October 1, 1987.
[PL 1991, c. 347, §5 (NEW).]

SECTION HISTORY

PL 1991, c. 347, §5 (NEW). PL 1995, c. 459, §§85,86 (AMD). PL 2003, c. 651, §3 (AMD).

§809-A. Certain electronic connections and Internet voting prohibited

1. Electronic connections prohibited. Connections of any voting devices, as defined by section 808, via the Internet to centralized vote collection equipment may not be employed by election officials of the State. Networking of voting machines, Internet-enabled or otherwise, is prohibited.
[PL 2003, c. 651, §4 (NEW).]

1-A. Prohibition not applicable. For the purpose of providing a voting system equipped for individuals with disabilities as required by section 812-A, subsection 1 and the federal Help America Vote Act of 2002, Public Law 107-252, the prohibition in subsection 1 does not apply to the connection of individual voting devices to a central server when the central server is operated or managed by the Secretary of State.
[PL 2015, c. 350, §2 (AMD).]

2. Electronic returns. A vote total that is transmitted electronically is not considered an official return. The official return of votes cast must be prepared in accordance with section 711. Nothing in this section may be construed to prevent the electronic filing of unofficial returns.
[PL 2003, c. 651, §4 (NEW).]

3. Internet voting. Use of the Internet for the casting of votes online is prohibited. This subsection does not apply to a ballot-marking system or software that is used for voters with disabilities, uniformed service voters or overseas voters to mark a ballot online and securely transmit the marked ballot to a central server operated or managed by the Secretary of State, as long as the system does not tabulate the votes marked on those ballots.
[PL 2015, c. 350, §3 (AMD).]

SECTION HISTORY

PL 2003, c. 651, §4 (NEW). PL 2005, c. 683, §L1 (AMD). PL 2007, c. 455, §50 (AMD). PL 2015, c. 350, §§2, 3 (AMD).

ARTICLE 1

VOTING MACHINES

§810. Approval of voting devices

(REPEALED)

SECTION HISTORY

PL 1987, c. 96, §1 (NEW). PL 1991, c. 347, §6 (RP).

§811. Obtaining and using

A municipality may obtain and use voting machines according to the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Purchased or rented. The municipality may either purchase or rent voting machines.
[PL 1985, c. 161, §6 (NEW).]

2. Use authorized. The voting machines shall be used at each type of election authorized by the legislative body of the municipality. Once authorization has been given for use of the machines at any type of election, that authorization continues until specifically revoked by the legislative body.
[PL 1985, c. 161, §6 (NEW).]

3. Use in one or more districts. A municipality which has more than one voting district may use voting machines in one or more of the districts as determined by its legislative body.
[PL 1985, c. 161, §6 (NEW).]

4. Provided by municipality. In those municipal voting districts using voting machines, the municipal officers of each municipality must provide at least one voting machine for each 450, or fraction exceeding 1/2 of that number, of the voters qualified to vote at each voting place.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§812. Requirements for machines

A voting machine used in the conduct of state elections must meet the following requirements. [PL 2003, c. 651, §5 (AMD).]

1. Secrecy. It must be constructed so that each voter may vote in secrecy.
[PL 1985, c. 161, §6 (NEW).]

2. Voting limited. It must permit a voter to vote once and only once for each candidate and each question for whom or on which he is entitled to vote. It must prevent a voter from voting for more persons for an office than there are offices to be filled.
[PL 1985, c. 161, §6 (NEW).]

3. Write-in vote. It must permit a voter to vote for a write-in candidate.
[PL 1985, c. 161, §6 (NEW).]

4. Form and content of ballot label. The titles of offices may be arranged horizontally with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically with the names of candidates for an office arranged horizontally opposite the title of the office, or the titles of offices and the names of candidates for an office may be arranged in any horizontal and vertical combination as may be determined advisable by the Secretary of State.

The names of candidates must be printed in the order provided by law and, in general elections, the party designation of each candidate, which may be abbreviated, must be printed following the candidate's name. If there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label must be clearly marked that the list of candidates is continued on the following column or page and, so far as possible, the same number of names must be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and on each measure.
[PL 1995, c. 459, §87 (AMD).]

4-A. Ballot labels for separate elections.

[PL 2003, c. 651, §6 (RP).]

5. Voting restricted at primary. It must prevent a voter from voting for the nomination of candidates of more than one party at a primary election.
[PL 1985, c. 161, §6 (NEW).]

6. Unauthorized voting prohibited. It must prevent a voter from voting for any office or upon any question for whom or on which he is not entitled to vote.
[PL 1985, c. 161, §6 (NEW).]

7. Change of vote permitted. It must permit a voter to change or retract a vote he has attempted to cast for any person, or on any question, before his vote has been completed and registered.
[PL 1985, c. 161, §6 (NEW).]

8. Device for printing or photographing candidate or question counters. It may be provided with a device or devices for printing and photographing candidate and question counters which will provide a record before the polls open and after the polls close.
[PL 1985, c. 161, §6 (NEW).]

9. Official approval required. It must be of an identical type approved by the Secretary of State and the Attorney General.
[PL 1985, c. 161, §6 (NEW).]

10. Paper audit trail. Except for an accessible voting system that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002 as provided in section 812-A, subsection 1, it must produce or employ permanent paper records of the votes cast that are able to be verified by individual voters before their votes are cast and that provide a manual audit capacity for the machine. In the case of direct recording electronic voting machines, those records must also identify the individual machines that produced them without revealing the identities of the voters who cast the ballots. In all cases, these records must be reviewed in the event of a recount and considered in conjunction with the machine-produced tally.
[PL 2007, c. 455, §51 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §§87,88 (AMD). PL 2003, c. 651, §§5-7 (AMD). PL 2005, c. 445, §1 (AMD). PL 2007, c. 455, §51 (AMD).

§812-A. Accessible voting system

1. Accessible voting system at each polling place. The Secretary of State, in compliance with the voting accessibility requirements of the federal Help America Vote Act of 2002, shall provide one direct recording electronic voting machine, or other accessible voting system equipped for individuals with disabilities, for use at each polling place used in the conduct of state elections. Such machines must produce permanent paper records that provide a manual audit capacity for the machines and must also provide voters with audio functions that enable the voters to verify their ballots aurally before the votes are cast, and all such machines must meet the requirements of section 812, subsection 10 unless the Secretary of State is unable to procure machines that the Secretary of State determines are adequate to meet the requirements of this section and section 812 in time to comply with the Help America Vote Act of 2002.

Additional accessible voting machines may be used in the conduct of state elections, but those machines must meet the requirements set forth in section 812.
[PL 2007, c. 455, §52 (AMD).]

2. Moratorium.

[PL 2003, c. 651, §8 (NEW); MRSA T. 21-A §812-A, sub-§2 (RP).]

3. Accessible feature for casting write-in vote. As an accommodation for persons with disabilities, the audio ballot for the accessible voting system under subsection 1 may be programmed to provide an aural presentation of the names of any declared write-in candidates at the end of the list of candidates whose names were listed on the printed ballot so that the voter may cast a vote for a declared write-in candidate in the same manner as voting for a listed candidate. If there is no declared write-in candidate for an office, the audio ballot may provide aural instructions to that effect.
[PL 2009, c. 253, §53 (NEW).]

SECTION HISTORY

PL 2003, c. 651, §8 (NEW). PL 2005, c. 445, §2 (AMD). PL 2007, c. 455, §52 (AMD). PL 2009, c. 253, §53 (AMD).

§813. Rules on use

The Secretary of State may make reasonable rules governing the use of voting machines in accordance with the Maine Administrative Procedure Act. [PL 1991, c. 347, §7 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 347, §7 (AMD).

§814. Custody

The municipal clerk has custody of a voting machine used by the municipality. [PL 1985, c. 161, §6 (NEW).]

1. Storage and maintenance. He is responsible for the proper storage and maintenance of each machine.

A. He shall have each machine locked, sealed and stored in a safe, dry building. [PL 1985, c. 161, §6 (NEW).]

B. He shall have each machine kept in proper operating condition. [PL 1985, c. 161, §6 (NEW).]
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§815. Expense of storage and maintenance

The municipality shall pay reasonable expenses for the storage and maintenance of the machines as authorized by the clerk. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§816. Operating instructions

The clerk must hold a meeting before an election whenever it is necessary to instruct election officials in the operation of voting machines. [PL 1985, c. 161, §6 (NEW).]

1. Permission to use machines refused. The clerk may not permit a voting machine to be used at any voting place, unless he is satisfied that the election officials at that voting place know how to operate the machine properly and how to instruct a voter in operating it.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§817. Ballot labels

The Secretary of State shall furnish the ballot labels for all except municipal elections. [PL 1985, c. 161, §6 (NEW).]

1. Content of label. The ballot label must contain the names of the candidates or nominees of each political party arranged as nearly as practicable in accordance with the requirements for paper ballots, except that the voting square shall be in the position required by the construction of the machine and subject to section 812, subsection 4.
[PL 1985, c. 161, §6 (NEW).]

2. Referendum question. A referendum question must be arranged so that the voter may vote for or against it.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§817-A. Test of voting machines

The clerk shall test the voting machines using a sample of the ballot cards furnished by the Secretary of State in the same manner as set forth in section 854 regarding the testing of electronic tabulating equipment. [PL 1995, c. 459, §89 (NEW).]

SECTION HISTORY

PL 1995, c. 459, §89 (NEW).

§818. Arrangement of voting place

The municipal officers shall arrange each voting place in compliance with section 627, except that voting booths need not be furnished. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§819. Secrecy preserved

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1999, c. 645, §13 (RP).

§820. Warden to post specimen ballots or labels

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1997, c. 436, §116 (RP).

§821. Delivery

The municipal clerk shall perform the following duties concerning the delivery of voting machines. [PL 1985, c. 161, §6 (NEW).]

1. Delivery. The municipal clerk shall have the voting machines delivered to each voting place at least 12 hours before the polls are opened on election day. At the time of delivery, the ballot labels must be in place on each machine.
[PL 1995, c. 459, §90 (AMD).]

2. Arrangements of machines. The clerk shall arrange each voting machine so that each ballot label, when not in use, and the exterior of the machine are completely visible to the election officials.
[PL 1985, c. 161, §6 (NEW).]

3. Machines locked. After the voting machines have been placed in the proper position at the voting place, the clerk shall make certain that each machine is ready for use when the polls open and he shall then lock each machine.
[PL 1985, c. 161, §6 (NEW).]

4. Keys to voting machines. At least 1/2 hour before the polls are opened on election day, the clerk shall deliver the keys to each machine in a sealed envelope to the warden at the voting place.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §90 (AMD).

§822. Preparation for voting

When it is time for the polls to open, the warden shall open the envelope containing the keys to the voting machines in the presence of an election clerk from a political party other than that of the warden. The warden shall ensure that the correct ballot labels were delivered by comparing them with the sample ballot. [PL 1997, c. 436, §117 (AMD).]

1. Counters exposed. If the number on the seal agrees with the number on the envelope, the warden shall open the doors concealing the counters, inspect the machine and sign a certificate provided by the Secretary of State showing that all counters are set at "000," that the number of the public counter agrees with the number on the envelope and that all parts of the machine and the ballot labels are in proper condition for voting.

A. If the machine is provided with a device or devices for printing or photographing candidate and question counters, it is not necessary to open the door concealing the counters. The warden and the election clerk shall proceed to operate the mechanism provided to produce one "before election inspection record" showing whether the candidate and question counters register "000" and sign the certificate as prescribed by the Secretary of State. [PL 1985, c. 161, §6 (NEW).]

[PL 2009, c. 253, §54 (AMD).]

2. Machine satisfactory. If the machine is in satisfactory condition for voting, the warden shall immediately permit its use, after closing the doors concealing the counters.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §91 (AMD). PL 1997, c. 436, §117 (AMD). PL 2009, c. 253, §54 (AMD).

§823. Directions for voting

A voter must follow the same procedure before voting as if paper ballots were being used. He is entitled to the same assistance in voting by machine as by paper ballot. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§824. Challenge of right to vote

A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting his vote, but must use an official paper ballot. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§825. Activation of machines

The voting machines shall be activated by the warden or an election clerk designated by him. [PL 1985, c. 161, §6 (NEW).]

1. Primary election. In a primary election, the warden or, in his absence, a designated election clerk must activate each voting machine so that a voter can vote only for the candidates of the political party in which he is enrolled.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§826. Procedure for tabulating votes

The following regulations outline the procedure for tabulating votes at an election in which voting machines are used. [PL 1985, c. 161, §6 (NEW).]

1. Counters exposed. As soon as the polls are closed, the warden shall unlock each machine to prevent further voting. He shall then open the counters on each voting machine so that anyone present can see the totals. If the machine is provided with a device for printing or photographing candidate and question counters, it is not necessary to open the door concealing the counters. The warden and an election clerk from a political party other than that of the warden shall proceed to operate the mechanism provided to produce a record of the votes cast on the candidate and question counters. This record may be considered an official statement or certificate of returns for that machine and may be endorsed, delivered and filed as required by the Secretary of State.
[PL 1985, c. 161, §6 (NEW).]

2. Totals announced. The warden shall announce the total for each candidate in the order shown on the ballot label, for each referendum question and for each declared write-in candidate. As each total is read, it must be recorded by an election clerk from a political party other than that of the warden.
[PL 2009, c. 253, §55 (AMD).]

3. Totals checked. When all the totals for a voting machine have been read and recorded, the election clerk shall check the totals recorded by him with those appearing on the machine. If the totals do not agree, the election clerk shall record the number of the machine at the top of the column of totals recorded from it.
[PL 1985, c. 161, §6 (NEW).]

4. Machine locked. After allowing any person to compare the record with the totals shown on the machine, the warden shall close and lock it with the totals remaining on it and proceed to tabulate the next machine in the same manner.
[PL 1985, c. 161, §6 (NEW).]

5. Paper ballots counted. After the totals for all voting machines have been recorded and checked, all absentee and other official paper ballots shall be counted.
[PL 1985, c. 161, §6 (NEW).]

6. Total announced. As soon as the paper ballots have been counted, the total vote for each candidate and on each referendum question shall be tabulated and the result announced by the warden.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2009, c. 253, §55 (AMD).

§827. Procedure after election

The following procedure shall be observed after an election at which voting machines are used.
[PL 1985, c. 161, §6 (NEW).]

1. Keys sealed in envelope. In the presence of an election clerk from a political party other than that of the warden, the warden shall enclose the keys to each voting machine in separate envelopes furnished by the municipal clerk. The warden shall write the number of each machine, the location of the voting place in which it was used, the number on the seal and the numbers registered on the public counter on the outside of each envelope.
[PL 2009, c. 253, §56 (AMD).]

2. Envelopes signed. After sealing each envelope securely, the warden and the election clerk shall sign their names on it and the warden shall have it immediately returned to the municipal clerk.
[PL 1985, c. 161, §6 (NEW).]

3. Counter totals preserved. The totals shown on the counters of a voting machine must be retained for 22 months after the election at which the machine is used.

A. If the occurrence of another election requires the removal of the counter totals within 22 months after an election, the municipal clerk must have them photographed in his presence and in the presence of the warden and an election clerk of a party other than that of the warden. The warden must make a statement showing the number and counter totals of each machine as it is photographed. He must sign the statement, have it attested and deliver it to the municipal clerk who shall record it. As soon as the photographs are printed legibly, the municipal clerk shall remove the totals and retain the photographs for the balance of the 22-month period. If the machines were equipped with a device or devices which had produced a printed or photographed record of the vote shown on the candidate and question counters, the municipal clerk shall remove the totals and retain the printed or photographed record for the balance of the 22-month period.

Notwithstanding the requirements of this paragraph, counter totals for municipal elections conducted under this Title, referenda elections or special legislative elections shall be kept for 2 months. [PL 1985, c. 614, §22 (AMD).]
[PL 1985, c. 614, §22 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §22 (AMD). PL 2009, c. 253, §56 (AMD).

§828. Security for keys

The municipal clerk shall keep the keys to each voting machine in a vault or safe that is kept securely locked when the keys are not being removed from or replaced in it. The municipal clerk may not allow any unauthorized person to have possession of the keys to any voting machine. [PL 2009, c. 538, §14 (AMD).]

1. Keys returned. A person who is authorized to have possession of the keys to a voting machine must return them to the clerk when the person no longer needs them for the authorized purpose.
[PL 2009, c. 538, §14 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2009, c. 538, §14 (AMD).

§829. Violation and penalty

1. Altering voting machine. A person may not alter, adjust, operate, move, unlock or unseal a voting machine or any part of a voting machine with the intent of changing the outcome of any election.
[PL 2003, c. 447, §34 (NEW).]

2. Attempting to alter voting machine. A person may not attempt to alter, adjust, operate, move, unlock or unseal a voting machine or any part of a voting machine with the intent of changing the outcome of an election.
[PL 2003, c. 447, §34 (NEW).]

3. Penalty. A person who violates this section commits a Class B crime.
[PL 2003, c. 447, §34 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §39 (AMD). PL 1993, c. 473, §46 (AFF). PL 2003, c. 447, §34 (RPR).

§830. Application of provisions to voting by machine

The provisions of this Title which are not inconsistent with this Article apply to all elections where voting machines are used. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

ARTICLE 2

ELECTRONIC TABULATING SYSTEMS

§841. Definitions

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 96, §2 (AMD). PL 1991, c. 347, §8 (RP).

§842. Obtaining and using

A municipality may obtain and use electronic tabulating systems according to the following provisions. [PL 1995, c. 459, §93 (AMD).]

1. Purchased or rented. The municipality may either purchase or rent voting devices.

[PL 1985, c. 161, §6 (NEW).]

2. Use authorized. The voting devices may be used at each type of election authorized by the legislative body of the municipality. Once authorization has been given for use of the devices at any type of election, that authorization continues until specifically revoked by the legislative body.
[PL 1985, c. 161, §6 (NEW).]

3. Use in one or more districts. A municipality which has more than one voting district may use voting devices in one or more of the districts as determined by its legislative body.
[PL 1985, c. 161, §6 (NEW).]

4. Provided by municipality.

[PL 1995, c. 459, §94 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §§93,94 (AMD).

§843. Requirements for devices

An electronic tabulating system purchased or rented by a municipality must meet the following requirements. [PL 1995, c. 459, §95 (AMD).]

1. Secrecy. It must be used so that each voter may vote in secrecy.
[PL 1985, c. 161, §6 (NEW).]

2. Voting limited. It must permit each voter to vote at any election for all persons and offices for whom and for which the voter is entitled to vote; to vote for as many persons for an office as the voter is entitled to vote for; to vote for or against any question upon which the voter is entitled to vote; and the electronic tabulating equipment must reject choices recorded on the voter's ballot, if the number of choices exceeds the number for which the voter is entitled to vote for the office or on the measure.
[PL 1995, c. 459, §96 (AMD).]

3. Write-in vote. It must permit a voter to vote for a write-in candidate.
[PL 1985, c. 161, §6 (NEW).]

4. Voting restricted at primary. It must prevent a voter from voting for the nomination of candidates of more than one party at a primary election.
[PL 1985, c. 161, §6 (NEW).]

5. Unauthorized voting prohibited. It must prevent a voter from voting for any office or upon any question for whom or on which he is not entitled to vote.
[PL 1985, c. 161, §6 (NEW).]

6. Change of vote permitted. It must permit a voter to change or retract a vote the voter has attempted to cast, in accordance with section 693, before the voter's ballot has been deposited in the electronic tabulating device.
[PL 1995, c. 459, §96 (AMD).]

7. Official approval required. It must be of an identical type approved by the Secretary of State and the Attorney General.
[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §§95,96 (AMD).

§844. Regulations of Secretary of State

The Secretary of State may make reasonable rules governing the use of electronic tabulating systems in accordance with the Maine Administrative Procedure Act. [PL 1995, c. 459, §97 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1991, c. 347, §9 (AMD). PL 1995, c. 459, §97 (AMD).

§845. Custody

The municipal clerk has custody of voting devices used by the municipality. [PL 1985, c. 161, §6 (NEW).]

1. Storage and maintenance. The municipal clerk is responsible for the proper storage and maintenance of each device.

A. The municipal clerk shall store each device in a safe, dry building. [PL 1995, c. 459, §98 (AMD).]

B. The municipal clerk shall keep each device in proper operating condition. [PL 1995, c. 459, §98 (AMD).]

[PL 1995, c. 459, §98 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §98 (AMD).

§846. Expense of storage and maintenance

The municipality shall pay reasonable expenses for the storage and maintenance of the devices as authorized by the clerk. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§847. Operating instructions

The clerk must hold a meeting before an election whenever it is necessary to instruct election officials in the operation of voting devices. [PL 1985, c. 161, §6 (NEW).]

1. Permission to use devices refused. The clerk may not permit a voting device to be used at any voting place unless he is satisfied that the election officials at that voting place know how to operate the device properly and how to instruct a voter in operating it.

[PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§848. Ballot format for electronic tabulating systems

The Secretary of State shall furnish all ballot materials for all elections conducted under this Title. Ballots furnished for use with electronic tabulating systems must be arranged as nearly as practicable in accordance with the requirements for candidate ballots under section 601 and for referendum ballots under section 906. For ballots that are double sided, each side of the ballot must include a clearly printed message at the bottom of the ballot reminding the voter to mark both sides of the ballot. [PL 2001, c. 310, §64 (RPR).]

1. Ballot format.

[PL 2001, c. 310, §64 (RP).]

2. Content of label.

[PL 1995, c. 459, §101 (RP).]

3. Ballot labels for separate elections.

[PL 1995, c. 459, §101 (RP).]

4. Referendum question.

[PL 2001, c. 310, §64 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §§99-101 (AMD). PL 2001, c. 84, §1 (AMD). PL 2001, c. 310, §64 (RPR).

§849. Arrangement of voting place

The municipal officers shall arrange each voting place in compliance with section 627. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§850. Secrecy preserved

The warden at each voting place may not remain or allow any other person to remain where the warden or person can see how anyone votes, except that a proper official may remain when the official's assistance has been requested by a voter. [PL 2009, c. 538, §15 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 2009, c. 538, §15 (AMD).

§851. Preparation for elections

The municipal clerk shall perform the following duties in preparing for an election. [PL 1985, c. 161, §6 (NEW).]

1. Ballots and supplies. The municipal clerk shall have the electronic tabulating devices prepared for the election and shall deliver the tabulating devices, voting booths, tamper-proof ballot boxes, ballots, secrecy ballot envelopes, marking devices and other records and supplies as required to conform with the tabulating system in use and applicable laws.
[PL 1995, c. 459, §102 (AMD).]

2. Ballot cards.

[PL 1995, c. 459, §103 (RP).]

3. Write-in ballots.

[PL 1995, c. 459, §103 (RP).]

4. Voting booths.

[PL 1995, c. 459, §103 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §§102,103 (AMD).

§852. Procedure at the polling place

The following governs the procedure for the conduct of elections in which an electronic tabulating system is used. [PL 1995, c. 459, §104 (AMD).]

1. Preparation for voting. Before the polls are opened, the election officials shall arrive at the polling place and place the voting devices in position for voting. The officials shall ensure that the devices are in proper working order and that the correct ballots were delivered. They shall open and check the ballots, supplies, records and forms and post the sample ballots and instructions to voters.
[PL 1997, c. 436, §118 (AMD).]

2. Instruction of voters. If requested, election officials shall instruct a voter on how to operate the electronic tabulating system before the voter enters the voting booth. If the voter needs additional instruction after entering the voting booth, election officials may, if necessary, enter the booth and give the voter additional instructions in accordance with section 672.
[PL 1995, c. 459, §104 (AMD).]

3. Depositing ballots in electronic voting device. After the voter has marked the ballot, the voter may place the ballot inside the secrecy envelope provided to maintain the voter's confidentiality and deposit the ballot in the electronic tabulating device. A voter may request the assistance of an election official if the voter has difficulty placing the ballot into the electronic tabulating device.
[PL 1995, c. 459, §104 (AMD).]

4. Spoiled ballots. If a voter spoils a ballot, the procedures set forth in section 693 must be followed.
[PL 1995, c. 459, §104 (AMD).]

5. Closing of polls. As soon as the polls have closed and the last qualified voter has voted, the warden shall proceed to supervise the counting of the ballots under the observation of the public. The warden shall run the official tally tape from each electronic tabulating device and shall record the total votes from the tape on the tally sheet provided by the Secretary of State. The official tally tape must be signed by the warden and one election clerk from each of the major parties and must be packed in a tamper-proof ballot box with the other election materials pursuant to section 698, subsection 2-A. The warden shall run an additional copy of the tally tape to provide to the clerk with the tally sheets and the return of votes cast and may run additional copies of the tally tape to post for public review. All unused ballots must be packaged and sealed pursuant to section 698, subsection 2-B for return to the municipal clerk. The ballot box for the electronic voting device must be opened at the polling place. The regular counted ballots are placed in the tamper-proof ballot boxes and all unread or red-lined ballots requiring hand counting or ballots containing write-in votes that must be recorded on a write-in tally sheet are counted by the election clerks. The election clerks count in teams of 2, consisting of one election clerk from each of the major parties. If it appears that any ballot is damaged so that it can not be properly counted by the electronic tabulating device, the ballot must be counted manually. Once all of the hand counting has been completed, the election clerks shall complete the tally sheets. The tabulations must be signed by the warden and the 2 election clerks who counted the ballots. The election officials shall complete and sign the other election forms as provided in this Title, and shall return the ballots and other materials to the clerk packed pursuant to section 698, subsections 2-A and 2-B and the incoming voting list packed pursuant to section 698, subsection 3.
[PL 2001, c. 516, §18 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §104 (AMD). PL 1997, c. 436, §118 (AMD). PL 2001, c. 310, §65 (AMD). PL 2001, c. 516, §18 (AMD).

§853. Delivery of ballots or ballot cards to the counting center

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §105 (RP).

§854. Test of electronic tabulating equipment

The clerk shall have the electronic tabulating equipment tested prior to the polls opening to ascertain that it accurately counts the votes cast for all offices and on all measures. The test must be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure. In the presence of one or more witnesses, the clerk

shall clearly mark each ballot used for testing with the word "TEST" across the front side of the ballot in black or blue indelible ink. The test must include one or more ballots that have votes for each office in excess of the number allowed by law in order to test the ability of the electronic tabulating equipment to reject those votes. In this test, valid votes must be assigned to each candidate for an office and for and against each measure. If any error is detected, the cause for the error must be ascertained and corrected and an errorless count must be made and certified by the clerk before the polls open on election day. The test ballots, the hand tally and the tapes generated as a result of the tests must be packed and sealed in a container labeled "Test Ballots." The container must remain sealed for at least 2 months after the election, unless needed for recount purposes. The tests provided for in this section must be open to the public. [PL 2011, c. 342, §30 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §106 (AMD). PL 2011, c. 342, §30 (AMD).

§855. Proceedings at the counting center

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §107 (RP).

§855-A. Proceedings after the close of the polls

(REPEALED)

SECTION HISTORY

PL 1995, c. 459, §108 (NEW). PL 2001, c. 310, §66 (RP).

§856. Official returns

Copies of the election results must be open to the public as soon as the count is completed. The warden shall prepare the official return pursuant to section 711. The official return of each voting district is derived from the totals from the official tally tape, the totals from the hand-tallies of all red-lined or unread ballots and the tally sheets used to record all valid write-in votes. Once the clerk has made the attested copies of the precinct returns, if applicable, and the total municipality return and filed these attested copies with the Secretary of State, the return becomes the official return for that municipality. [PL 2001, c. 310, §67 (RPR).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §109 (AMD). PL 2001, c. 310, §67 (RPR).

§857. Manual counting authorized

If for any reason it becomes impracticable to count all or a part of the ballots with electronic tabulating equipment, the clerk shall have them counted manually following the provisions governing the counting of paper ballots. [PL 1995, c. 459, §109 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §109 (AMD).

§858. Absentee votes

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 447, §19 (RP).

§858-A. Counting procedure for absentee ballots

The procedure for processing absentee ballots for use with electronic voting systems is the same as for processing absentee ballots as provided in section 759. [PL 1995, c. 459, §110 (NEW).]

1. Warden to review notes of clerk.

[PL 1995, c. 459, §110 (RP).]

2. Accepted if correct.

[PL 1995, c. 459, §110 (RP).]

3. Rejected if incorrect.

[PL 1995, c. 459, §110 (RP).]

4. Primary election provisions.

[PL 1995, c. 459, §110 (RP).]

5. Rejected ballots separate.

[PL 1995, c. 459, §110 (RP).]

6. Ballots counted.

[PL 1995, c. 459, §110 (RP).]

7. Processing before close of polls.

[PL 1995, c. 459, §110 (RP).]

8. Inspection after polls close.

[PL 1995, c. 459, §110 (RP).]

SECTION HISTORY

PL 1993, c. 447, §20 (NEW). PL 1995, c. 459, §110 (RPR).

§859. Recounts

(REPEALED)

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §111 (RP).

§860. Violation and penalty

1. Tampering with voting device. Before, during or after an election, a person may not intentionally or knowingly:

A. Tamper with or injure a voting device, ballot or other record or equipment used in the election or interfere with the correct operation of such a device or equipment or the secrecy of voting; or [PL 2003, c. 447, §35 (NEW).]

B. Attempt to interfere with the correct operation of a voting device or equipment or the secrecy of voting. [PL 2003, c. 447, §35 (NEW).]

[PL 2003, c. 447, §35 (NEW).]

2. Penalty. A person who violates subsection 1 commits a Class B crime.

[PL 2003, c. 447, §35 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §40 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §112 (AMD). PL 2003, c. 447, §35 (RPR).

§861. Application of provisions to voting by electronic voting system

The provisions of this Title which are not inconsistent with this Article apply to all elections where an electronic voting system is used. [PL 1985, c. 161, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW).

§862. Punch card voting systems

(REPEALED)

SECTION HISTORY

PL 1995, c. 459, §113 (NEW). PL 1999, c. 645, §14 (RP).

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