



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 585

H.P. 409

House of Representatives, February 26, 2015

An Act Regarding the Processing of Absentee Ballots Prior to Election Day

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PICCHIOTTI of Fairfield.

Cosponsored by Representatives: FOLEY of Wells, GUERIN of Glenburn, HANINGTON of Lincoln, LOCKMAN of Amherst, WARD of Dedham, WINSOR of Norway.

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

2 **Sec. 1. 21-A MRSA §760-B**, as amended by PL 2013, c. 457, §4, is further
3 amended to read:

4 **§760-B. Procedures when clerk processes absentee ballots prior to election day**

5 Any municipality or jurisdiction that conducts its own elections may opt to process
6 absentee ballots on the 3rd day prior to election day or the day immediately prior to
7 election day, or both. The clerk shall use the following procedure when processing the
8 absentee ballots during this time.

9 **1. Time for processing.** In a municipality that has opted to process absentee ballots
10 on the 3rd day prior to election day or the day immediately prior to election day, or both,
11 the municipal clerk or the clerk's designees may process absentee ballots at the times
12 designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if an
13 inspection is requested pursuant to subsection 3, processing may not begin until after the
14 inspection period has concluded.

15 **2. Notice of early processing.** The clerk ~~must~~ shall give notice of the municipality's
16 intent to process absentee ballots prior to election day using the notice of election under
17 section 621-A, stating the time that the clerk intends to begin processing absentee ballots
18 and the inspection period provided in subsection 3. At least 60 days before election day,
19 the clerk shall provide a copy of the notice of election to the Secretary of State and the
20 chairs of each political party of the municipality indicating that early processing of
21 absentee ballots will occur. The notice to the political parties must be considered
22 sufficient as long as it is mailed to the last address of each municipal chair that is known
23 to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or
24 as a scanned attachment to an e-mail address established by the Secretary of State. If the
25 notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before
26 election day, the municipality may not process absentee ballots prior to election day.

27 **3. Inspection of absentee envelopes before processing.** A member of the public
28 may make a written request of the clerk to inspect absentee ballot applications and
29 envelopes before they are processed if the request is made by 9:00 a.m. on the day
30 immediately that the clerk will be processing the absentee ballots as specified on the
31 notice of election prior to election day. If the clerk will be processing on 2 days, the
32 request must be made by 9:00 a.m. on the first day of processing. The clerk shall make
33 the absentee ballot applications and envelopes received by that time available for public
34 inspection for one hour before the starting time specified in the notice of election for
35 processing the absentee ballots. The clerk may immediately proceed to process the
36 ballots after the one-hour inspection time has elapsed.

37 **4. Processing and other procedures.** The clerk shall use the procedure described in
38 this section when processing the absentee ballots during the designated times. Procedures
39 for handling full ballot boxes, pollwatching and challenging ballots are conducted in the
40 same manner as election day or as close as practicable.

