

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1330 - L.D. 1779

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

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

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

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

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

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

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

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

Sec. 4. 21-A MRSA §739, first ¶, as amended by PL 2011, c. 258, §1, is further amended to read:

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

Sec. 5. 21-A MRSA §814, sub-§2 is enacted to read:

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

Sec. 6. 21-A MRSA §845, sub-§2 is enacted to read:

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