U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Although the term "over-vote" is not defined explicitly in statute, 21-A MRSA §696(2)(A) indirectly addresses over-votes as follows: "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". Note: underlined text was added in 2009.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined in statute.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined in statute.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

21-A MRSA §696(5)(A) provides that "A ballot on which a voter has made a distinguishing mark is void". 21-A MRSA §1(13) defines a distinguishing mark as follows:
"'Distinguishing mark' means a mark on a ballot of a type or in a place not specifically permitted by this Title, which indicates the apparent intent of the voter to make the voter's ballot distinguishable in a manner that is fraudulent or inconsistent with an honest purpose. A stray mark on the ballot or mark made on or in the voting indicator or near the candidate's name or space for a write-in candidate that differs from the instructions at the top of the ballot is not a distinguishing mark unless it is of such a character or is made in such a manner that it manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose.
Marking the write-in space on a ballot with the name of a fictitious person, a deceased person or a person from outside the State who could not be a candidate for that office is not a distinguishing mark unless it is made in such a manner that manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose."

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

21-A MRSA §1(7) defines a challenged ballot as follows: "Challenged ballot means a ballot cast by one whose eligibility to vote has been questioned during election day." All challenged ballots are initially counted in the same manner as regular ballots. No further determination is made on the challenge unless a recount occurs and it is determined that the challenged ballot could affect the outcome of the election. If there are enough challenged ballots to affect the outcome of an election, then the challenged ballots in that district will be segregated, and the basis for each challenge may be determined by the appropriate authority designated by statute or by state or federal constitution.

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "absentee" is not defined in statute.
21-A MRSA §1(1) defines an absentee voter as follows: "Absentee voter means a person who qualifies under section 751 to cast an absentee ballot".
Maine has no-reason absentee voting – the voter need not specify a reason to receive an absentee ballot, but must request the ballot in one of the methods provided in statute. There are multiple methods a voter may use to request an absentee ballot, including by application or written request, telephone or electronic request, or in-person. Regardless of the request method, non UOCAVA voters must seal the voted ballot in a return envelope and sign an affidavit that is printed as part of the envelope. UOCAVA voters may return their ballots by mail, fax, or scanned attachment to an email. Note: starting with the November 2010 general election, all municipalities are required to accept absentee ballot requests received through the State's online Absentee Ballot Request (ABR) service.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not currently allowed under Maine law for candidate elections. Maine has conducted 2 pilot programs to study early voting in statewide referendum elections (in November 2007 and 2009) and describes early voting as "a time period before an election during which voters have the opportunity to cast a ballot at a designated voting place within their municipality, in the same manner as on Election Day".

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined in statute.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined in statute.

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No significant changes since 2012.

2016 Response:

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Top-down. Maine's central voter registration system (CVR) is a web-browser based, realtime system, with the software application and database hosted and maintained by the State on a single platform. The state system is accessed by municipal election officials from 504 municipalities to add or update individual voter data, with some central data cleanup functions performed by the state.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

N/A

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A voter's status is designated as "inactive" after the voter has failed to respond to an NVRA 8(d)2 notice, or the notice is returned by the USPS as undeliverable. A voter is removed from "inactive" status, and designed as "active" when the voter votes or attempts to vote, signs a petition, changes his/her address within the municipality, responds to a change of address confirmation card, or otherwise makes his/her residence known to an election official. The same procedure is used for UOCAVA voters.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Voters' names are removed from the voter list (status changed to "cancelled") due to death, change of address outside the jurisdiction (municipality) or at the request of the voter. A voter's name may also be removed from the voter list (status changed to "cancelled"), if after being designated as "inactive", the voter does not vote or otherwise contact an election official for 2 federal general elections. The same procedure is used for UOCAVA voters.

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maine does not have a direct link to any other databases. With respect to the Maine Bureau of Motor Vehicles driver license data, the CVR application receives a weekly data file for purposes of matching and verifying data. Maine's CVR has a real-time driver-license lookup function (to the data in the weekly extract) for matching a new voter's ID, and verifying voters' names and addresses. CVR also contains a batch process for identifying potential voter record changes of address based on the data in the weekly extract. No voters' names are removed from the list based on a system-to-system match of data. Rather, the potential matched records are presented to the registrar of voters, via a screen in CVR, for review and determination of whether there is a true match. The registrar will then designate the voter's status as "cancelled" (i.e. removed from the list), or update the record to reflect a change of address within the jurisdiction.
As required by HAVA, the CVR uses the Maine Bureau of Motor Vehicle's connection, via AAMVA, to the Social

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The State of Maine managed a statewide voter list maintenance process with NCOA in the summer of 2007. The State sent its entire voter list to an NCOA vendor and received a number of potential matches indicating changes of address. These voters were sent an NVRA 8(d)2 notice. The voters who submitted a reply confirming a move out of the jurisdiction had their voter status designated as "cancelled" (removed from the voter list). If a voter's notice was returned as undeliverable by the USPS or the voter failed to respond to the notice (after NCOA has indicated a potential move outside the municipality) the voter was designated as "inactive". In 2009, 2011 and 2013, Maine performed a statewide voter list maintenance process to match the records of voters who did not vote at the previous November federal General Election, about 30% of the statewide voter list in each instance, against the NCOA file and received a number of potential matches indicating changes of address. These voters were sent an NVRA 8(d)2 notice. Voter records were either designated as "inactive" or

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maine has no restrictions on felons registering to vote or voting.

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maine does not allow Internet voter registration. Maine does not currently offer a Maine voter registration application that can be filled out online to be printed and then signed. In July 2009, the State launched a new webpage for UOCAVA voters: http://www.maine.gov/sos/cec/elec/voter_info/uocava.htm This web page includes a "fillable" .pdf version of the Federal Postcard Application (FPCA), which UOCAVA voters can fill, print and sign, and submit to the Secretary of State, Division of Elections by mail, fax or scanned attachment to an email.

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Ballots for all non-UOCAVA voters are counted at the precincts of their respective municipalities. However, beginning with the November 2010 general election, absentee ballots for UOCAVA voters are issued centrally by the Maine Secretary of State, Elections Division. Voted ballots are returned to the Elections Division and will be centrally processed during Election Day and counted after the polls close at 8 p.m.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No, the centrally counted UOCAVA absentee ballots will be aggregated and reported as a statewide, central precinct, and added to the statewide tabulation and reported as a separate result.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Reported as a single number.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA ballots must be received by the Elections Division of the Secretary of State by the close of polls on Election Day (8 p.m.) and will be centrally tabulated and reported as a statewide UOCAVA ballots precinct.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No excuse is needed for requests made through the third business day before the election. After that date, a voter must have 1 of 4 allowable reasons for requesting an absentee ballot after the deadline.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maine allows in-person absentee voting at the municipal clerk's office starting between 30 - 45 days before an election (or as soon as ballots are received). Voted ballots are required to be sealed in absentee ballot envelope on which the voter signs an affidavit. Ballots are not cast until Election Day.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

21-A MRSA §673 provides the reasons that a ballot may be challenged.
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:
(1) Is not enrolled in the proper party, if voting in a primary election;
(2) Is not qualified to be a registered voter because the challenged person does not meet the age requirements as specified in sections 111, subsection 2 and section 111-A; is not a citizen of the United States; or is not a resident of the municipality or appropriate electoral district within the municipality;
(3) 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 (only an election official may challenge for this reason);
(4) Did not properly apply for an absentee ballot;
(5) Did not properly complete the affidavit on the absentee return envelope;

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All challenged ballots are initially counted in the same manner as regular ballots. No further determination is made on the challenge unless a recount occurs and it is determined that the challenged ballot could affect the outcome of the election. If there are enough challenged ballots to affect the outcome of the election, then the challenged ballots in that district will be segregated, and the basis for each challenge may be determined by the appropriate authority designated by statute or by state or federal constitution.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A losing candidate in any election may request a recount within 5 business days after the election. Recounts are conducted at a single central location under the supervision of the Secretary of State.

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The clerk and registrar of each municipality must attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections. The Secretary of State shall encourage municipalities to provide training biennially to all election officials.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Each precinct reports a Total Ballots Cast figure which can be compared to individual office totals to determine the under-vote counts. Over-vote counts are not captured.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Pursuant to HAVA, first-time voters who register by mail must provide proof of identification prior to voting for the first time. All persons registering to vote for the first time in the State of Maine must provide proof of identification and residency. Maine allows the voter to provide the actual document or the identification can be matched against databases maintained by the Maine Bureau of Motor Vehicles or federal Social Security Administration.

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No proof of identification is required after a person is registered to vote. At the time of check-in at the polls, voters are asked to provide their names, and may be asked to provide their addresses, to the election official at the voting list.

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No proof of identification is required after a person is registered to vote. The voter signs an affidavit on the absentee ballot envelope, which election officials may use to compare to the signature on file.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No proof of identification is required after a person is registered to vote.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
21-A MRSA §627(4) provides that "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". 21-A MRSA §681(4) provides that "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".	

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below