



TO: The Honorable Louis Luchini
The Honorable Chris Caiazzo, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 21, 2021

RE: LD 1363 - An Act To Amend the Laws Governing Elections

My name is Will Hayward. I'm here today as the Advocacy Program Coordinator for the League of Women Voters of Maine. We are testifying in favor of LD 1363 - An Act To Amend the Laws Governing Elections.

LWVME is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

LD 1363 has many routine "housekeeping" provisions which we support but will not specifically address. We have been in touch with the Secretary of State and are aware of the relatively minor changes, clarifications, and updates that need to be made this year. We support those sections of the bill, and commend Secretary Bellows for continuing the legacy of good stewardship of this area of our election laws.

We would like to focus briefly on two parts of LD 1363.

Drop Boxes. First, Section 13 of the bill addresses drop boxes as a way to enhance options for a voter to deliver their ballot. Current law refers to the municipalities' option of having a drop box but does not provide much guidance and also seems to limit each municipality to one drop box. Section 13 of the bill specifies many protective measures designed to ensure the integrity of the chain of custody of ballots between the time they leave the voters' hands to when they are opened and counted in municipal offices. We welcome these measures, such as the requirement to securely affix the drop box so as to prevent unauthorized removal; the specification of signage for the information of voters; guidance on how to remove ballots for processing; and the details about the process for locking the drop box upon the close of the polls.

Maine deployed scores of drop boxes in the 2020 elections, and we received no reports of problems with the process of voting using drop boxes or with the chain of custody of the ballots. This is attributed to the cooperation of voters and to the diligence and good sense of local officials. What we learned this year should be incorporated into law so that future elections go just as smoothly. The main question we received in 2020 was regarding the location of drop boxes. Having a drop box at the municipal office

makes sense, but in many towns having one or more additional drop boxes in another part of town would also enhance convenience for voters. LD 1363 allows those additional drop boxes, but only with the approval of the Secretary of State. We believe that such approval should be readily granted provided the municipality adheres to the protections in this provision, and also provided that additional drop boxes are located in a way to benefit as many voters as possible and as equitably as possible. We would not want to see drop boxes located in ways that disproportionately favor any one group, party, or issue.

Two other brief points. First, standardization of design might be valuable over the long term. Also, publicizing the location of all ballot boxes would also be helpful, but must be done in a way to ensure that voters do not use a box outside of their municipality.

We will provide further testimony on drop boxes separately when you hear LD 1276.

Allowing Voters to Fix Ballot Envelope Errors. Second, we support the provisions of LD 1363 specifying the procedures for enhancing the ability of voters to fix envelope errors that would otherwise cause their ballot to be rejected. These provisions apply only to absentee ballots and to errors in the information written by the voter on the outside of the envelope – not to erroneous marks on the actual ballots. We believe that every aspect of an election system should be designed to enhance the right to vote to ensure the maximum effective participation by registered voters, consistent with the seriousness of voting in our democracy and the obligation of the individual to take due care. We also respect that there are limits on the resources of local officials. But considering those factors, where possible, technical deficiencies should be brought to the attention of the voter who should be given a reasonable chance to fix the problem before their ballot is rejected and their vote nullified. The so-called cure guidance that was provided to municipal election officials for the 2020 elections was a significant step forward for Maine elections, and we support writing this into the law. That said, we understand that town clerks and staff already do a tremendous service by going out of their way to fix problems, and we all should appreciate that effort.

Thank you for the opportunity to testify in support of LD 1363. I would be happy to answer any questions from the Committee.