

Voting & Elections Working Group Consensus Recommendations
April 6, 2020

AARP of Maine, ACLU of Maine, Maine AFL-CIO, League of Women Voters of Maine, Maine Conservation Alliance, Maine Education Association, Maine People's Alliance, Maine Service Employees Association - SEIU Local 1989, Maine Center for Economic Policy, Maine Equal Justice, Maine Women's Lobby Education Fund, NextGen Maine, Planned Parenthood of Northern New England

Registration and Issuance of Ballots:

- 1. Allow voters to submit voter registration documents electronically:** With shelter-in-place orders in effect and services limited, many households do not have a way to print voter registration documents or have access to postage. For this upcoming election, voters should be permitted to complete digital registration forms like the EAC universal registration form and submit attached pictures of supporting documentation and their signature. These voters could be marked "signature deficient" and asked to provide a wet signature at a later date. Registration information submitted by email should be acknowledged and confirmed by email within two business days. Relax the ID requirements so that recently-expired government-issued documents are accepted.
- 2. Waive 21-day mail registration deadline:** Given the rapidly changing procedures for the next election and the difficulty of registering to vote at either the town clerk's office or the BMV, the 21-day deadline to register by mail represents an onerous limit on the ability of voters to be registered in time for the June election. The 21-day deadline should be waived and registration applications should be processed up until Election Day, as long as they include proof of identity and proof of residence.
- 3. Mail absentee ballot request form to all registered voters:** All voters should proactively be given the option to vote absentee and avoid having to visit in-person polling places on Election Day. Sending every registered voter an absentee ballot request form will make it easier for voters to participate in the election while protecting their own health and their community's health. Consider how to streamline party enrollment through that process.
- 4. Include postage for voter registration documents, absentee ballot request forms, and absentee ballots:** Many households may not have access to postage during this crisis. This should not be an obstacle to registration, ballot requests, or voting. Whether they are mailed centrally from the Secretary of State's office or by the towns, we should ensure that any of these documents sent to voters include prepaid postage so they may be returned without the need to leave a household.
- 5. Waive the Thursday deadline on issuance of no-excuse absentee ballots:** Maintaining the Thursday deadline for issuing no-excuse absentee ballots will increase the amount of traffic at in-person polling places on Election Day. The deadline should be waived for this upcoming election so more voters are able to vote from home or otherwise avoid having to vote in person on Election Day.

Administration by Clerks and the Secretary of State's Office

- 1. Take additional steps to minimize variation in the way that any new registration and voting procedures are explained and implemented at the municipal level.** Maine has generally done surprisingly well at achieving uniformity in election

administration considering how much local control is built into our system. But the current crisis makes it especially important, and especially challenging, to reduce variations. All material used by local officials to explain changes in election procedures to the public should be uniform and should originate with the Secretary of State's office. Without centralized language from the Secretary of State's Office, town clerks may vary in their understanding and explanation of new election procedures. The Secretary of State's Office should create and publish education material for town officials to share with the public so that no confusion arises concerning how individual town clerks choose to convey this information to the public; town officials making their own signs and flyers should be strongly discouraged.

2. **Use resources made available to increase staff:** The Secretary of State's Office and town clerks should anticipate a large surge in mailed forms and ballots to be processed, and plan to increase staff accordingly. As more financial resources to administer elections are made available, staff increases at all levels should be made a top priority. Moreover, a small number of key personnel in the Secretary of State's office are mission-critical to the successful accomplishment of state elections. Those resources should be enhanced. Resources added for the June primary may well be needed for the general election in November.
3. **Develop emergency plans in the event that a town clerk or other key staff are unable to perform their duties around Election Day:** If the spread of COVID-19 renders a town clerk and/or their staff unable to perform their duties, a town may be effectively unable to administer its own election. Emergency plans should be proactively designed for resiliency to allow for towns to assist other towns with election administration in the event that staff is unable to work around Election Day or that a polling place needs to be closed unexpectedly. The Secretary of State's office should also be empowered and prepared to perform essential functions such as registering voters or giving absentee ballots.
4. **Maximize public outreach from the Secretary of State's Office and town clerks to inform the public about any changes to election procedures:** While many groups will be working to inform the public about any changes to the upcoming elections, public outreach directly from the Secretary of State's Office and the town clerks tends to be most effective in informing the maximum number of voters about an election. The public outreach that the SOS did for the roll-out of Ranked Choice Voting was an excellent example of an effective, multi-channel communication program.

Polling Place Procedures

1. **Maintain an in-person voting option to the maximum extent possible:** Voting should be treated as an essential activity like food and pharmacy shopping. It is critical that an option to vote in person is maintained. Some people may be unable to vote by mail, and eliminating all in-person voting could disenfranchise many voters. Additionally, maintaining in-person voting will allow the state to continue offering same-day registration as it is legally obligated to.
2. **Recruit low-risk individuals to serve as poll workers:** As many current poll workers fall into high-risk categories for COVID-19, recruiting poll workers for the June election poses a unique challenge. Town clerks should immediately begin proactively recruiting individuals from low-risk groups to work as poll workers.
3. **Find and move polling places as necessary to develop safe locations for in-person voting:** While maintaining customary polling places encourages voter turnout, some current polling places will not be able to safely host in-person elections with current safety restrictions in place. Town clerks should actively work to find new polling places

that have the space and facilities necessary to ensure proper sanitation and social distancing procedures can be followed for in-person voting. The Secretary of State should publish guidelines informed by the current recommendations of the CDC.

4. **Early Voting:** Insofar as it is already permitted for town clerks to process ballots through scanners beginning on the Friday before the election, and since we are recommending extending that early-processing window, we should provide for true early voting during this extended period and allow the voters themselves to deposit their ballots in the ballot box or scanner. Early voting protocols have already been developed and could be deployed.
5. **Special arrangements** may have to be made for registration and voting for eligible voters who are group living, in nursing homes, or prisons.

Tabulation of Ballots

1. **Begin tabulation of ballots earlier:** In anticipation of an unprecedented number of absentee ballots in June, the Secretary of State should extend the permissible tabulation period for all ballots for this election. Tabulation of absentee ballots already begins on the Friday before Election Day; the tabulation period could be extended by another few days.
2. **Count all ballots that are postmarked by Election Day:** With disruptions to mail service possible and the difficulties of implementing a system for voters to track their mailed ballots, voters should be able to submit mail-in ballots with confidence they will be counted up to Election Day. Any ballot postmarked by Election Day should be permitted to be counted as long as it is received by the Thursday after the election.
3. **Implement a short cure period after Election Day:** With the increase in mail-in absentee ballots, an increase in signature discrepancies and deficiencies is likely. A cure period of a few days after Election Day should be implemented so that town clerks can reach out to voters to attempt to correct these deficiencies. Notice of rejection should be provided to voters within one business day. Ballots should be counted that are cured by the Friday after the election.

Things to Preserve

1. Preserve the right to observe the process in polling places and in ballot tabulation.
2. Preserve access to same-day voter registration.
3. Preserve signature match for the purpose of absentee ballot validation, as long as immaterial irregularities do not “invalidate the name or signature if the identity of the person named is clear to the public official charged with reviewing that document.” 21-A MRS 3.