

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

Sec. 1. 21-A MRSA §671, sub-§1, as amended by PL 2019, c. 371, §20, is further amended to read:

1. Name announced. A voter who wishes to vote must present photographic identification and state the voter's name and residence address to an election clerk, who shall announce the name in a loud, clear voice. If the voter's stated residence address is different from the residence address listed on the incoming voting list, the voter must be directed to complete an updated voter registration application before voting.

Sec. 2. 21-A MRSA §671, sub-§9 is enacted to read:

9. Challenged ballots for voters without photographic identification. The following provisions govern voters who do not present photographic identification pursuant to subsection 1.

A. If a voter does not have or is unable to present photographic identification to an election clerk, an election official shall challenge the voter's right to vote under section 673 and the voter may cast a ballot pursuant to section 673.

B. Notwithstanding section 673, for a challenged ballot to be eligible to be counted when it is cast by an individual who does not have photographic identification because the individual has a religious objection to being photographed, the individual must complete an affidavit of religious objection. An election official shall attach the affidavit to the individual's challenged ballot envelope. If the individual does not complete the affidavit at the time of casting the challenged ballot, the individual may appear before the registrar within 4 days after the date of the election and complete the affidavit.

(1) The Secretary of State shall prescribe the form of the affidavit of religious objection, which must be substantially as follows:

"Affidavit of Religious Objection

I, (first and last name of individual),
declare under penalty of unsworn falsification that I do not have photographic
identification because I have a sincere religious objection to being photographed.

The last 4 digits of my Social Security number are:.....

.....

(Signature of individual)

WHOEVER COMMITS UNSWORN FALSIFICATION COMMITS A CLASS
D CRIME."

(2) Upon receiving a completed affidavit of religious objection, the registrar shall transmit the information in the affidavit to the Secretary of State. The Secretary of State shall consult the database of the Department of the Secretary of State, Bureau of Motor Vehicles to determine whether the Secretary of State issued a currently unexpired photographic identification to the individual and shall notify the registrar of the result.

(3) An affidavit of religious objection is not valid if the last 4 digits of the individual's social security number as provided on the affidavit are different from the last 4 digits of the individual's social security number in the statewide voter registration database or if the Secretary of State has issued a currently unexpired photographic identification to the individual.

C. Notwithstanding section 673 and except as provided under paragraph B, for a challenged ballot to be eligible to be counted when it is cast by an individual who does not have or is unable to present photographic identification to the election clerk, the individual who cast that ballot, within 4 days after the date of the election, must appear before the registrar and present photographic identification.

Sec. 3. 21-A MRSA §671, sub-§10 is enacted to read:

10. Provision of free nondriver identification cards for photographic identification. Notwithstanding Title 29-A, section 1410, the Secretary of State may not impose a fee for the issuance of a nondriver identification card when an individual does not have a valid Maine driver's license and will be at least 18 years of age by the next general, municipal or special election. The Secretary of State shall establish procedures through rulemaking for the issuance of nondriver identification cards pursuant to this subsection. Rules adopted pursuant to this subsection are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 4. 21-A MRSA §671, sub-§11 is enacted to read:

11. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Driver's license" means a license or permit issued by the Secretary of State under Title 29-A, chapter 11 that authorizes an individual to operate a motor vehicle. "Driver's license" includes a driver's license, commercial driver's license, restricted license, motorcycle operator's license or learner's permit.

B. "Interim identification form" means a document issued by the Secretary of State to an applicant for a driver's license or nondriver identification card that contains all of the information otherwise found on the license or card and that an applicant may use as a form of identification until the physical license or card arrives in the mail.

C. "Nondriver identification card" means a card issued by the Secretary of State under Title 29-A, section 1410.

D. "Photographic identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(1) A Maine driver's license, Maine nondriver identification card or Maine interim identification form;

(2) A United States passport or United States passport card; or

(3) A United States military identification card, Maine National Guard identification card or United States Department of Veterans Affairs identification card.

Sec. 5. 21-A MRSA §673, sub-§1, ¶A, as corrected by RR 2011, c. 2, §21, is amended by amending subparagraph (8) to read:

(8) Communicated with someone as prohibited by section 754-A, ~~subsection 1, paragraph B or~~ subsection 3, paragraph B or D;

Sec. 6. 21-A MRSA §673, sub-§1, ¶A, as corrected by RR 2011, c. 2, §21, is amended by amending subparagraph (11) to read:

(11) Committed any other specified violation of this Title; ~~or~~

Sec. 7. 21-A MRSA §673, sub-§1, ¶A, as corrected by RR 2011, c. 2, §21, is amended by amending subparagraph (12) to read:

(12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable;

Sec. 8. 21-A MRSA §673, sub-§1, ¶A as corrected by RR 2011, c. 2, §21, is amended by enacting a new subparagraph (13) to read:

(13) Did not present photographic identification, as defined in section 671, subsection 11, paragraph D;

Sec. 9. 21-A MRSA §673, sub-§1, ¶A as corrected by RR 2011, c. 2, §21, is amended by enacting a new subparagraph (14) to read:

(14) Submitted an absentee ballot with a signature that does not correspond with the person's registration signature; or

Sec. 10. 21-A MRSA §673, sub-§1, ¶A as corrected by RR 2011, c. 2, §21, is amended by enacting a new subparagraph (15) to read:

(15) Submitted an absentee ballot without the identification required under section 754-A, subsection 1-A.

Sec. 11. 21-A MRSA §752-B, sub-§2, as enacted by PL 2021, c. 273, §12, is amended to read:

2. Secured drop boxes authorized. A municipality may obtain and install a secured drop box that meets the requirements of this section. The secured drop box may be used by voters ~~who are authorized~~ to return absentee ballots in a secured drop box pursuant to section 754-A, subsection ~~1-A~~, paragraph ~~D~~ C.

Sec. 12. 21-A MRSA §752-B, sub-§3, as enacted by PL 2021, c. 273, §12, is amended to read:

3. Location and number of secured drop boxes. The secured drop box must be located outside the ~~municipal office building or the building where in-person absentee voting takes place before an election~~ of the registrar, on the property on which the office of the registrar is located. If the secured drop box is positioned within or against an outside wall of the municipal office building, it must be bolted or otherwise securely fastened to the wall or to the deck or landing to prevent its removal by an unauthorized person. Otherwise, the secured drop box must be securely affixed to a post that is sunk into the ground, affixed to a post that is set into a concrete pad or bolted or otherwise securely affixed to a platform or other structure in a manner that prevents removal of the drop box by an unauthorized person.

~~A municipality may seek approval from the Secretary of State to obtain and install an additional secured drop box or boxes at other locations within the municipality by~~

~~certifying to the Secretary of State at least 90 days before the election that the additional secured drop box or boxes meet all of the requirements of this section, other than the requirement that the secured drop box be located outside of the municipal office building or the building where in-person absentee voting takes place before an election have only one secured drop box.~~

Sec. 13. 21-A MRSA §752-B, sub-§7, as enacted by PL 2021, c. 273, §12, is amended to read:

7. Use and access during absentee voting period. The secured drop box must be used only for the return of absentee ballots and not for the deposit of other municipal office filings during the absentee voting period. During the absentee voting period, only the ~~municipal clerk or designees~~ bipartisan team of election officials under subsection 8 may possess the key to the secured drop box or have access to the contents of the secured collection box. If items other than returned absentee ballots are deposited in the secured drop box during the absentee voting period, the ~~municipal clerk or designees~~ bipartisan team of election officials shall deliver those items to the appropriate municipal official.

Sec. 14. 21-A MRSA §752-B, sub-§8, as enacted by PL 2021, c. 273, §12, is amended to read:

8. Periodic retrieval of ballots. During the absentee voting period, ~~the municipal clerk or a team of 2 people designated by the clerk~~ a bipartisan team of election officials shall periodically remove absentee ballots from each secured drop box and deliver the absentee ballots to the clerk's office to be stored in a secure manner. At a minimum, absentee ballots must be removed from each secured drop box by the ~~clerk or team of 2 designees~~ bipartisan team of election officials:

- A. At least once on each day that the clerk's office is open during the absentee voting period;
- B. At all additional times necessary to ensure that additional absentee ballots deposited in the secured drop box fit within the secured collection box and are not accessible to unauthorized persons; and
- C. At 8 p.m. on election day.

The identity of the persons who remove the absentee ballots from each secured drop box and the date and time that the absentee ballots are removed must be recorded on a form designed by the Secretary of State and initialed or signed by the ~~clerk or team of 2 designees~~ bipartisan team of election officials who removed the absentee ballots.

Sec. 15. 21-A MRSA §752-B, sub-§9, as enacted by PL 2021, c. 273, §12, is amended to read:

9. Locking of secured drop boxes when polls close. The ~~municipal clerk or team of 2 designees~~ bipartisan team of election officials under subsection 8 shall lock the secured drop box at 8 p.m. on election day to prevent the deposit of additional absentee ballots in the secured drop box.

Sec. 16. 21-A MRSA §753-A, sub-§3, as amended by PL 2021, c. 273, §13, is repealed and the following enacted in its place:

3. Request for absentee ballot. Except as otherwise provided in chapter 3, subchapters 2 and 3 and in section 780, a voter desiring an absentee ballot for an election shall deliver a written application for that ballot, either in person or by mail, to the registrar of the municipality in which the voter's voting residence is located.

A. Except as otherwise permitted under section 780, the application must be on a form prescribed by the Secretary of State and must contain all of the following:

(1) The voter's name;

(2) The voter's signature;

(3) The address at which the voter is registered to vote;

(4) The voter's date of birth;

(5) One of the following:

(a) The voter's Maine driver's license or nondriver identification card number; or

(b) A copy of the voter's photographic identification as defined in section 671, subsection 11, paragraph D;

(6) A statement identifying the election for which an absentee ballot is requested;

(7) A statement that the person requesting the absentee ballot is a voter;

(8) If the request is for an absentee ballot for a primary election, the voter's party affiliation; and

(9) If the voter desires an absentee ballot to be mailed to the voter, the address to which that absentee ballot must be mailed.

B. If the voter needs assistance pursuant to subsection 5, the following information, in addition to the information required in paragraph A, must be provided in order for the application or written request to be accepted by the clerk:

(1) The printed name and signature of the person who helped the voter; and

(2) A statement that the aide helped the voter by either reading or signing the application, or both.

C. If the voter wishes to have the ballot delivered or returned by a 3rd person, the following information, in addition to the information required in paragraph A, must be provided in order for the application or written request to be accepted by the clerk:

(1) The name of the 3rd person whom the voter has designated. A 3rd person may only be designated in an application or written request that is signed by the voter.

D. Notwithstanding paragraph A, if a voter is certified by the Secretary of State as a program participant in the Address Confidentiality Program, as described in Title 5, section 90-B and Title 21-A, section 753-C, that voter may provide the voter's program participant designated address instead of the address at which the voter is registered to vote.

E. An application to receive an absentee ballot must be delivered to the registrar not earlier than the first day of January of the year of the election for which the absentee ballot is requested or not earlier than 90 days before the day of the election at which

the absentee ballot is to be cast, whichever is earlier, and not later than the close of business on the 7th day before the day of the election at which the absentee ballot is to be cast.

F. The Secretary of State shall adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 17. 21-A MRSA §753-A, sub-§4, as amended by PL 2003, c. 447, §29, is repealed.

Sec. 18. 21-A MRSA §753-A, sub-§6, as amended by PL 2021, c. 273, §14, is further amended to read:

6. Application by electronic means. A municipal clerk shall accept absentee ballot applications by the electronic means authorized by the Secretary of State. The Secretary of State shall design or approve the form of the absentee ballot application to be submitted by electronic means, and the form must require all of the information required under subsection 3.

A voter may make an application for the voter's own ballot by electronic means using the form designed or approved by the Secretary of State. The voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. An electronic application must be accepted by the clerk if it contains ~~the voter's name, the voter's date of birth, the voter's residence address or other address sufficient to identify the voter and, if applicable, a different address to which the applicant requests the ballot be sent or delivered~~ all of the information required under subsection 3. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address ~~and~~ and date of birth and identification information provided under subsection 3, paragraph A, subparagraph (5) with the information in the voter's record. The clerk shall print the electronically submitted application and write "electronic request" on the application.

Sec. 19. 21-A MRSA §753-A, sub-§8, as amended by PL 2023, c. 304, Pt. A, §24 and affected by §§37 and 39 and amended by c. 404, §1 and affected by §2, is repealed.

Sec. 20. 21-A MRSA §753-B, sub-§1, as amended by PL 2021, c. 398, Pt. UUUU, §5 and affected by PL 2023, c. 304, Pt. A, §37, is repealed and the following enacted in its place:

1. Issuance of absentee ballots. If a clerk receives an application for an absentee ballot that does not contain all of the required information or is not submitted on an appropriate form, the clerk promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application, direct the applicant to use an appropriate form, or both, as applicable.

A. Upon receipt by the clerk of an application for an absentee ballot that contains all of the required information and is submitted on an appropriate form, as provided by section 753-A, the clerk, if the clerk finds that the applicant is a voter, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail or regular mail, an absentee ballot. The clerk shall deliver or mail with the

absentee ballot an unsealed identification envelope upon the face of which must be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I (Name of voter), declare under penalty of unsworn falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.

My voting residence in Maine is

.....

(Street and Number, if any, or Rural Route and Number)

of (City, Town, or Township), Maine.

If I have a confidential voter registration record, I am providing my program participant designated address instead of my residence address:

.....

The primary election ballots, if any, within this envelope are primary election ballots of the Party.

Ballots contained within this envelope are to be voted at the (general, special, or primary) election to be held on the day of

My date of birth is (Month and Day), (Year).

(Voter must provide one of the following:)

My Maine driver's license or nondriver identification card number is (Driver's license or nondriver identification card number).

..... In lieu of providing a driver's license or nondriver identification card number, I am enclosing a copy of my photographic identification in the return envelope in which this identification envelope will be mailed.

I hereby declare, under penalty of unsworn falsification, that the statements above are true, as I verily believe.

.....

(Signature of Voter)

WHOEVER COMMITS UNSWORN FALSIFICATION COMMITS A CLASS D CRIME."

B. The clerk shall mail with the absentee ballot and the unsealed identification envelope an unsealed return envelope upon the face of which must be printed the address of the clerk. In the upper left corner on the face of the return envelope, several blank lines must be printed upon which the voter may write the voter's name and return address. The return envelope must be of such size that the identification envelope can be placed within it for returning the identification envelope to the clerk.

A public office, or public official or employee who is acting in an official capacity, may not prepay the return postage for an absentee ballot.

Except as otherwise provided in this subsection and in section 672, an election official may not fill out any portion of an identification envelope statement of a voter or an absentee ballot on behalf of a voter. A clerk may preprint only a voter's name and address on an identification envelope statement of a voter before mailing an absentee ballot to a voter, except that if the voter is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B, the clerk may not preprint the voter's address on the identification envelope statement of the voter.

The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 21. 21-A MRSA §754-A, sub-§1, as amended by PL 2019, c. 371, §36, is repealed.

Sec. 22. 21-A MRSA §754-A, sub-§1-A is enacted to read:

1-A. Ballot delivered to voter. The following provisions govern the receipt and return of an absentee ballot.

A. When a voter receives an absentee ballot pursuant to the voter's application or request, the voter shall, before placing any marks on the ballot, note whether there are any voting marks on it. If there are any voting marks, the ballot must be returned immediately to the clerk; otherwise, the voter shall cause the ballot to be marked, folded in a manner that the stub on it and the indorsement and facsimile signature of the registrar on the back of it are visible, and placed and sealed within the identification envelope received from the clerk for that purpose. Then, the voter shall cause the statement of the voter on the outside of the identification envelope to be completed and signed, under penalty of unsworn falsification, as provided in Title 17-A, section 453. The voter shall provide one of the following:

(1) The voter's Maine driver's license or nondriver identification card number on the statement of the voter on the identification envelope; or

(2) A copy of the voter's photographic identification as defined in section 671, subsection 11, paragraph D in the return envelope with the identification envelope.

B. The voter may mail the identification envelope to the clerk in the return envelope, the voter may personally deliver it to the clerk or an immediate family member may personally deliver it to the clerk. The return envelope must be returned by no other person, in no other manner, and to no other location, except as otherwise provided in subsection 3, paragraph F.

C. If the clerk maintains multiple offices in the municipality, the clerk may designate any of its offices for the return of absentee ballots under this subsection, as long as the clerk designates only one office to which absentee ballots must be returned under this section. The clerk may place not more than one secured drop box outside the office of the clerk, on the property on which the office of the clerk is located, for the purpose of receiving absentee ballots under this section. For purposes of this paragraph, "secured drop box" has the same meaning as in section 752-B, subsection 1, paragraph B.

Sec. 23. 21-A MRSA §754-A, sub-§2, as amended by PL 1999, c. 645, §7, is repealed.

Sec. 24. 21-A MRSA §754-A, sub-§2-A is enacted to read:

2-A. Timely delivery of absentee ballots. All envelopes containing marked absentee ballots must be delivered to the clerk not later than the close of the polls on the day of an election. As provided in section 755, an absentee ballot must be delivered to the clerk at any time before the polls are closed in order for the absentee ballot to be valid.

A. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 25. 21-A MRSA §754-A, sub-§3, as amended by PL 1999, c. 645, §7, is further amended to read:

3. Assistance in reading or marking ballot. A voter who is unable to read or mark the ballot because of the voter's physical disability, illiteracy or religious faith must vote according to the procedures in this subsection instead of the procedures in subsection ~~1-A or 2~~.

A. A voter who needs assistance may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist the voter in reading or marking the ballot.

B. The voter or the aide must mark the ballot in the presence of one of the following witnesses: Notary public, clerk of a municipality, clerk of courts or another individual.

C. The voter or the aide, before marking the ballot, must show it to the witness who must examine it to be certain it is unmarked.

D. While the voter or the aide is marking the ballot, there may be no communication between the voter and any individual, other than the aide who must mark the ballot as the voter indicates, as to the person or question for which the voter is to vote.

E. The voter or the aide must mark the ballot according to section 691 or 692 so that it is impossible for anyone else present to see how the voter voted, then seal the ballot in its return envelope. The voter, or the aide at the voter's request, shall complete and sign the affidavit in the presence of the witness, who shall sign the witness certification. The aide must complete and sign the certification for aides on the outside of the envelope.

F. The voter or the aide must then complete the address on the envelope and mail or deliver it personally or by the 3rd person who was designated in the application to the clerk of the municipality of which the voter is a resident. The voter must send a completed voter registration or absentee ballot application, if necessary, in a separate envelope.

Sec. 26. 21-A MRSA §756-A, sub-§4, as enacted by PL 2021, c. 273, §23, is amended to read:

4. Aide or witness certification incomplete. If an aide-executed affidavit or aide or witness certification on a return envelope that is required under section 754-A, ~~subsection 1, paragraph C, subsection 2, paragraph C or~~ subsection 3, paragraph E is unsigned, incomplete or improperly completed, the following procedures apply.

A. The voter may contact the voter's aide or witness and request that the aide or witness cure the defect by appearing in person at the clerk's office and properly

completing the affidavit or witness certification. If the aide or witness corrects the affidavit or witness certification as provided in this paragraph before the deadline for returning absentee ballots under section 755, the clerk shall accept the absentee ballot without challenge.

B. The voter may cure the defect by telephone by self-identifying by name, date of birth and residence address, confirming that the voter requested an absentee ballot and explaining whether a 3rd person other than the voter's immediate family member delivered or returned the absentee ballot or whether the voter received the assistance of an aide as described in section 754-A, subsection 3 in reading, marking or placing the ballot in the return envelope. If the voter provides the information required by this paragraph, by telephone, before the deadline for returning absentee ballots under section 755, the clerk shall accept the ballot but challenge it pursuant to section 673, subsection 1.

C. If the voter does not cure the defect under the procedures in paragraph A or B before the deadline for returning absentee ballots under section 755, the clerk shall reject the ballot in accordance with section 759, subsection 3.

Sec. 27. 21-A MRSA §759, sub-§2, as amended by PL 2021, c. 273, §24, is further amended to read:

2. Accepted if correct. If the warden finds that the affidavit and the aide and witness certification, if required, are properly completed, that the clerk has verified that the signature on the envelope matches the signature on the application or that the voter confirmed that the voter personally signed the return envelope pursuant to section 756-A, subsection 2 when applicable, that the voter is registered and enrolled when necessary and that it contains the voter's Maine driver's license or nondriver identification card number or a copy of the voter's photographic identification, the warden shall then examine the incoming voting list to determine whether the voter voted in person at the election. The warden shall then announce the name of each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk from a political party different from that of the warden mark the letters "AV" beside the name of each absentee voter on the incoming voting lists and place a check mark or horizontal line in red ink on the list beside the voter's name, the warden shall accept the ballot.

Sec. 28. Effective date. This Act takes effect January 1, 2026.

SUMMARY

This initiated bill requires the presentation of photographic identification for in-person and absentee voting. Acceptable forms of photographic identification include an unexpired Maine driver's license, nondriver identification card, interim identification form issued by the Secretary of State, United States passport or United States passport card, United States military identification card, Maine National Guard identification card and United States Department of Veterans Affairs identification card. The bill directs the Secretary of State to provide free nondriver identification cards for photographic identification. The bill allows voters without photographic identification to complete a challenged ballot and within 4 days after the date of the election appear before the registrar of voters and present photographic identification. The bill also provides an

exception for voters with religious objections to being photographed. The bill removes provisions of law that allow voters to make telephone applications for absentee ballots and that allow voters to automatically receive absentee ballots for each election without submitting a separate request for each election. It also provides that a municipality may have only one secured drop box for the return of absentee ballots.