

Town Meeting & Elections

Chapter 9

Preparation of secret ballots & related materials

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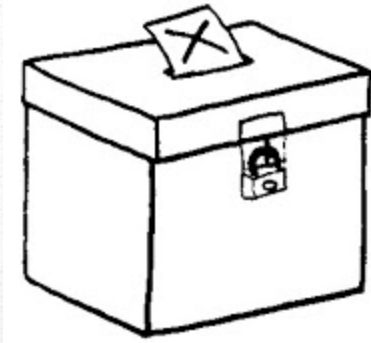


- Town Meeting & Elections Manual, revised 2015
- Voter Registration & Election Manual
- Your town's attorney
- Clerk mentors



resources





- Preparation of ballots
- Ensuring an adequate supply of ballots
- Making absentee ballots available 30 days prior to election day
- Preparing specimen ballots and voting instruction cards

clerk's responsibilities





- Ballots in a municipal election may be any size, so long as they are all the same size
- Offices to be filled are the first items on the ballot, referendum questions can be printed below the candidate elections, or can be on a completely different ballot.

the secret ballot



- After the header, which includes the office and the term, nominated candidates are listed alphabetically by last name, followed by first name, and middle name or initial in a single vertical column. Only a candidate's legal name can be printed on the ballot, without any titles (Dr. Mr. etc.).

preprinted names of candidates



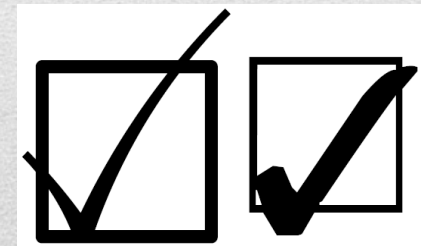


- At the end of the list of candidates for each office, there must appear as many blank spaces as there are vacancies to fill.
- Write-in votes for all offices except municipal officers and school committee members require the voter to include the write-in candidates' municipality of residence, so it may help the voters if each write-in line also includes separately designated spaces for the write-in candidates residence municipality.

space for write-ins



- A square must be printed to the left of the name of each candidate and next to each line for a write-in candidate
- For referendum questions, two squares must be printed, one next to the pre-printed word “yes” and one next to “no”
- Words of explanation such as “vote for one” or “vote for not more than 3”, which give the voter guidance in properly marking the ballot, but does not give explanation or a recommendation on an issue
- If the ballot is two sided, include a message at the bottom of the ballot to direct the voter to turn the ballot over.
- Somewhere on the ballot must appear:
 - 1) “Official ballot of the Town of -----”
 - 2) The date of the election
 - 3) A facsimile of the clerk’s signature



ballot design details



- When a state and municipal election fall on the same day, separate ballots should be used, even though state law allows the ballots to be combined.
- For towns that use voting machines, the clerk must furnish ballots that comply with the provisions found in 21A Sections 808-861.

combined state and municipal ballots



- The clerk is responsible for preparing at least 10 specimen ballots, which must be in substantially the same form as the official ballots, except:
- Must be a different color from the official ballots
- Do not contain the clerk's signature
- Good idea to label as "Specimen Ballot"

specimen ballots

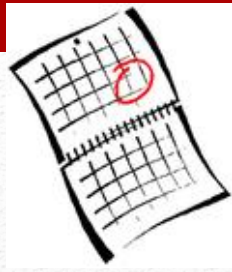


- The clerk must prepare instruction cards containing information found in 21A MRSA Sec. 671-674, 681, 682, 692 & 693, which discuss:
 - Voting procedures
 - Permissible voter assistance in reading and marking the ballot
 - The challenged ballot process
 - Election crimes and the penalties
 - Restrictions on movement and time within the guardrail area and the voting place
 - Political activity
 - Marking the ballot
 - What to do if the voter spoils the ballot



instruction cards





- At least 4 days before election day, the clerk must have a specimen ballot posted in one or more conspicuous places in town, but the clerk may post a list, if it is in the substantially same form as a ballot, which contains the name and office designation of each candidate.
- On election day, the clerk must post an instruction in each voting booth, and must post three instruction cards and at least five specimen ballots at the polling location, but outside the guardrail.

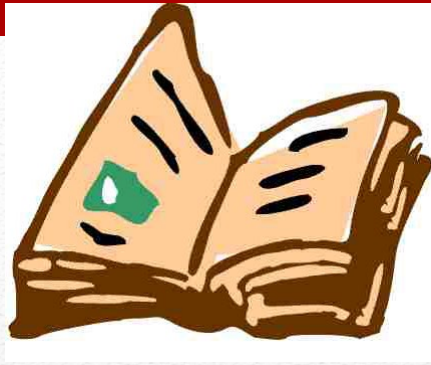
posting of specimen ballots & instruction cards



- State law does not authorize absentee voting in any form for votes taken at an open town meeting; a voter must be physically present at the open town meeting in order to vote.
- 30A MRSA Sec. 2529 states that absentee voting must be made available for secret ballot elections.
- Absentee voting must be allowed for certain special purpose elections, such as local option liquor referenda, even in towns that have not voted to accept Section 2528.
- Any voter may vote by absentee ballot, and does not need to specify a reason why they wish to do so.

absentee ballots - overview





- The clerk must perform the duties detailed in Title 21, including the duties that it says are to be performed by the Secretary of State.
- Clerks are urged to become familiar with 21A MRSA Sec. 751-764 and by reviewing Chapter 7 of the Voter Registration & Election Manual.

clerk's duties –absentee voting procedure





- Clerk must prepare:
 - Absentee ballots, which must be identical to regular ballots.
 - Absentee ballot request applications, which should be in the same form provided by the Secretary of State.
 - Absentee ballot return envelopes, which should be in the same form provided by the Secretary of State, but the envelopes that are provided by the state should not be used.

Requirements for applications, ballots and return envelopes



- Applications must be made available for three months before election day.
- Absentee ballots may be requested by the voter by mail, in person, or by telephone. Requests by phone require the clerk to complete the application for the voter by getting the voter's name, address and verifying the date of birth.
- Immediate family members can request a ballot by mail or in person and can be issued the family member's ballot.
- Written requests do not need to be on the designated form, so long as they include the voter's name, address, signature and mailing address where the ballot is to be sent.
- If the municipal election is held on the same day as a state election, absentee ballots for both can be issued from the one application.

Absentee ballot application information



- Absentee ballots must be made available at least 30 days before election day, and must be mailed as soon as they are available.
- If state absentee ballots are available before municipal absentee ballots are available, the state ballot issuance should not be delayed.



absentee ballots – when available





- Throughout the 45 days preceding an election, or as soon as absentee ballots become available, no material that is intended to influence a voter's choice may be displayed on public property or distributed within 100 feet of the entrance to the clerk's office during the hours that absentee voting is available.

influence prohibited during absentee voting





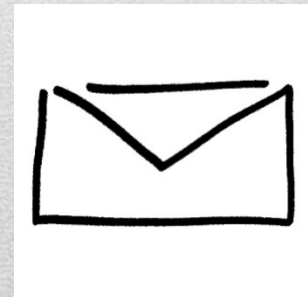
- The clerk must keep information current in the CVR of from whom, how and when absentee ballot applications were received, how and when the ballot was issued, and how and when the voted ballot was received back.

required lists



- Absentee ballots that have been completed and received by the clerk remain unopened in the envelope until processed.
- The clerk must note the date and time received, and compare the signature on the backside of the envelope to the signature on the ballot application or the voter registration card.
- The clerk should ensure that proper witnesses have signed if the person was assisted in reading and/or marking the ballot.
- If the signatures match and there is proper witnessing, the clerk marks that the ballot is “OK” to cast. If not, the clerk indicates the reason that the ballot must not be cast.
- The clerk must enter the information about how and when the ballot was received into CVR.

processing absentee ballots



- Absentee ballot applications and absentee ballot return envelopes are public records until the close of voting on election day for all municipalities that process their absentees before election day or during the time the polls are open on election day.
- For towns that process absentees after the polls close, anyone who wishes to inspect the envelopes and applications has until 5 p.m. on election day to give notice that they wish to inspect after the polls close. They must be given only 30 minutes to conduct this inspection.
- At a recount, the ballots, envelopes and applications are open to inspection.

applications and envelopes – public records?



NOTICE OF PUBLIC HEARING

- Municipal officers are required to hold public hearings for all referendum questions voted on by secret ballot.
- Public hearings must be held at least 10 days prior to election day.
- Notice of public hearings must be done at least 7 days prior to the public hearing, in the usual places where postings occur.
- Be sure to have a return of the posting done by whomever posts the notice.

public hearings



- Responsibilities and requirements for preparing ballots, specimen ballots and instruction cards
- Ballot design details
- Absentee voting timeline and requirements

knowledge check





- You have reached the end of Module 9 of the Town Meeting and Elections class.
- For specific questions on any topic in this module, please contact the legal department at Maine Municipal Association, your town's attorney, or a clerk mentor.
- Please print this final page as proof of completion of this module.
- You may submit the final page to MMA along with the other eleven modules' completion pages to obtain a certificate to be used for certification points.

thank you

