

Policy for Changing the Location of a Voting Place

Prepared by the Office of the Secretary of State

To ensure that all voting places in the State of Maine meet the requirements for accessibility, are of adequate size to accommodate the required number of voting booths, including Maine's Accessible Voting Solution (AVS), and are arranged in such a manner to ensure proper traffic flow, municipalities that want to change the location of a voting place must follow this policy.

Section I. Notification to Secretary of State's Office of Proposed Change of Location

1. The municipal officers or the Municipal Clerk must submit An *Application to Change the Physical Location of the Voting Place* to the Secretary of State's Office **at least 60 days before an election**, allowing sufficient time for the municipality to certify accessibility. [This deadline was established in statute in 2011 to allow sufficient time for the correction of any deficiencies at the new location; Title 21-A §631-(A)(3)].
2. Except in the case of an emergency which makes the current voting place unusable, the Secretary of State's Office will not approve the change of location for a voting place unless the municipality follows this application process.
3. As part of the application process, the municipal officers or the Municipal Clerk must submit a drawing of the proposed layout of the voting area within the voting place. The drawing does not have to be to scale, but must include:
 - the dimensions of the voting area;
 - the number and size of voting booths;
 - a clear indication of where the AVS will be placed;
 - where the other components of the voting place will be located (voting booths, ballot box or tabulating machines, Election Clerks with Incoming Voting List, guardrail, Registrar's area, area for pollwatchers);
 - how accessibility requirements will be met (parking, accessible entrance, navigation through voting place by individuals using accessible equipment/aids, such as wheelchairs, walkers, assistance animals, etc.).
4. As part of the application process, the municipal officers will be provided with a "Municipal Self-Certification for Voting Place Accessibility" form which must be completed. The person who completes this form verifies that each accessibility category has been reviewed for compliance under the Americans with Disabilities Act (ADA) and either meets the requirements defined therein or will be addressed within a reasonable timeframe to provide accommodation to individuals with disabilities.
5. After all documentation has been submitted for the application process, the Secretary of State's Office will review the documentation, make any follow up contacts that are necessary, and notify the municipal officers of its determination.

Section 2. Requirements for the Accessible Voting Solution (AVS).

1. Pursuant to Title 21-A §812-A, each municipality shall provide one AVS at each voting place used in the conduct of state elections.
2. The AVS must be set up at each voting place using the table, equipment, privacy screen, and accessible devices that were provided with the system.
3. The AVS must be set up in such a manner that the power and extension cords are out of the area where the voter will be sitting (preferred) or adequately taped down so as not to cause an obstruction or hazard.
4. The AVS must be set up so that a voter's privacy is maintained – do not place the voter so that others passing by might observe a voter's choice or cause distraction to a voter [Title 21-A MRSA §671(8)]. Ideally, the voter's back should be to the wall, with 5 feet of maneuverability around the table.
5. The Municipal Clerk must perform the AVS Logic and Accuracy testing as early as possible during the scheduled test period to ensure adequate time to address any problems.

Section 3. Requirements for Accessibility.

1. All voting places need to be accessible by state law, meaning that they must meet the requirements for accessible routes of the 1981 Standards of Construction in Title 25, chapter 331. However, since federal laws require accessibility for voting places used for federal elections (Title II of the Americans with Disabilities Act, and the Help America Vote Act), it is best to follow these accessibility standards to the extent they are more stringent than Title 25, chapter 331.
2. Certification must be made by a municipal official with building code experience that the voting places meet accessibility requirements in 10 areas:
 - Parking Spaces
 - Sidewalks and Walkways
 - Passenger Drop Off Areas
 - Building Entrance
 - Hallways and Corridors
 - Ramps
 - Elevators
 - Lifts
 - Voting Area
 - Second Voting Area (if applicable, i.e. absentee)
3. Several resources are available for determining if accessibility requirements are met. They include:
 - The Secretary of State's booklet *"Ensuring Accessibility: Goals and Solutions for Improving the Accessibility of Maine's Voting Places"*. A .pdf version is available at www.maine.gov/sos/cec/elec/temp
 - ADA Accessibility Guidelines website: www.access-board.gov/adaag/html/adaag.htm
 - Department of Justice website: www.usdoj.gov/crt/ada/stdspdf.htm

Section 4. Requirements for Arrangement of Voting Place.

1. The ballot box/tabulating machines must be arranged so they are in view of persons present. [Title 21-A §627(1)].
2. Each voting booth must be arranged so those outside the guardrail enclosure can see who enters and leaves it. [Title 21-A §627(1)]. See Title 21-A §629 regarding the number of voting booths.
3. A guardrail must be constructed so that only those inside its enclosure can approach within 6 feet of the ballot box and voting booths. "Guardrail" is not defined in the law, however, there must be a physical barrier to enclose the voting area – such as a rope and stanchions, chairs, tables or some combination of physical elements that form a barrier enclosing the voting activity and separating it from the observation activity. [Title 21-A §627(2)].
4. The voting place must be large enough to allow at least one worker from each political party (Democrat, Green Independent, Republican and any qualifying parties) to remain outside the guardrail as a poll watcher. They must be able to see and hear all activity of voting within the guardrail, including the voters stating their names and residence address at check-in, and the Election Clerk repeating the names, enrollment (when applicable), and districts (if applicable) before issuing ballots. [Title 21-A §627(4)].

Section 5. Requirements for Voting Booths.

1. For a General Election (the November election in each even-numbered year) there is a requirement for a minimum number of voting booths based on the number of voters. There must be 1 voting booth for each 200 voters or fraction over 100 voters (this includes those voters with active status only). [Title 21-A §629(1)A)].
2. For elections other than general elections (Primary, Referendum), the municipal officers may provide fewer than the minimum number of booths used for General Elections, when circumstances indicate fewer booths will be adequate to provide for the orderly flow of voters. [Title 21-A §629(1)B)].
3. In addition to this minimum number of regular booths, for all elections, there must be 1 voting booth for persons with disabilities. This is now the Accessible Voting Solution station required under Title 21-A §812-A. [Title 21-A §629(1)(A-1)].

Section 6. Positions at Voting Place.

1. Title 21-A MRSA §681 limits who can be within the guardrail enclosure to no more than 2 voters in excess of the number of voting booths.
2. If sufficient space exists, then party workers and others in addition to the minimum number of pollwatchers (pursuant to section 627) are allowed to remain outside the guardrail enclosure to observe the process.

Section 7. Voting Procedure.

Title 21-A MRSA §671 addresses the flow of voters in and out of the guardrail enclosure.

Section 8. Reasons for Changing Voting Place.

1. Reasons that are considered permanent in nature include:
 - Current location is no longer available for use as a voting place;
 - Current location is no longer large enough for use as a voting place;
 - It would be cost prohibitive to bring current location into compliance for accessibility;
 - Municipality is consolidating wards.
2. Reasons that are considered emergency in nature include:
 - New location is necessary due to extenuating circumstances which make the existing, permanent voting place unavailable for one or more elections.
3. Reasons that are considered temporary in nature include:
 - Municipality prefers to have different voting places for different elections.