



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Matthew Dunlap
Secretary of State

Julie L. Flynn
Deputy Secretary of State

To: Municipal Clerks and Registrars
From: Julie Flynn, Deputy Secretary of State
Re: Executive Order to Facilitate the November 2020 General Election to Ensure the Integrity of the Ballot and To Protect the Public Health During the COVID-19 Emergency
Date: September 18, 2020

On August 26, 2020, Governor Janet Mills issued Executive Order No. 8 FY 20/21. This Order was issued to make modifications to existing statutes governing elections to reduce exposure for voters and election officials to the COVID-19 virus. The Executive Order is posted on the Elections Temp page of the Secretary of State's website.

This Executive Order includes the following provisions:

I. A. Polling Places

1. The number of persons present inside a single voting place shall not exceed 50 or such lesser number that allows sufficient space to meet the six-foot physical distancing requirements. If the voting place has separate rooms where different aspects of the voting process take place (e.g., voter registration, separate hallway where voters are queued up waiting to get into the voting room, splitting the voting list and voting process into separate rooms based on the initial letter of the voters' last names, etc.), then the 50-person limit applies to each physically separate room or space in the building.
2. The requirement to provide a minimum number of voting booths based on the number of registered voters (i.e. at least one voting booth for each 200 active registered voters, or fraction exceeding $\frac{1}{2}$ of that number) is suspended. Municipalities are still expected to have as many voting booths as the size of the voting place will allow while still providing for appropriate distancing of individuals.
3. Appropriate signage and ground lines shall be utilized to enforce a six-foot separation between voters.

B. Voter Registration

The deadline for voter registration applications to be submitted by mail or by a 3rd person is extended until the close of business on the 15th day before the election, or Monday, October 19, 2020.

C. Consolidation or Change of Voting Places

To consolidate voting places, a public hearing must be held at least 30 days prior to the election (rather than the 90 days in current law), which is October 5, 2020, and must meet the MECDC guidelines for indoor gatherings of up to 50 people or be held remotely as allowed under Title 1, section 403-A.

To change the location of a voting place, the municipality must submit an application to the Secretary of State at least 20 days prior to the election (rather than the 60 days in current law), which is October 14, 2020. Although, in an emergency situation, an application may be submitted less than 20 days before the election.

The deadline to file a voting place report with the Secretary of State is 10 days prior to the election, or by October 26, 2020.

D. Election Clerks

The requirement that election clerks must be residents of the municipality or county in which they serve is suspended to permit residents of an abutting Maine county to be appointed. However, in selecting election clerks to serve at the election from the list of appointees, the municipal clerk must select available residents of the municipality or county before selecting those who are residents of an abutting county.

E. School Budget Elections

For school budget year 2020/2021 only, voter approval of the school budget may be by referendum vote, and requirements for a public hearing in advance of a school budget meeting or referendum shall be suspended, provided that an opportunity for public comment is afforded as described in the Executive Order, paragraph E.

F. Absentee Ballots

1. Early processing of absentee ballots may begin up to 7 days prior to the election, which is Tuesday, October 27, 2020.

Municipalities must give 30 days' notice of their intent to process absentee ballots prior to election day (rather than the 60 days in current law), which is October 5, 2020.

2. The requirement that municipal clerks facilitate absentee voting through personal visits to certain licensed facilities is suspended and replaced with a process designed by the Secretary of State in consultation with the Department of Health and Human Services, MECDC and municipal clerks. The Secretary of State has provided separate guidance on this process.
3. Voters may vote in person by absentee ballot without specifying a reason until 5:00 pm on the second business day prior to election day (Friday, October 30, 2020). The deadline for all other methods of requesting a "no-reason" absentee ballot (e.g. electronic, telephone and written requests) is still 5:00 pm on the third business day prior to election day (Thursday, October 29, 2020).