

§752-B. Secured drop boxes for the return of absentee ballots

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Absentee voting period" means the time period beginning on the first date that absentee ballots are issued by the municipality and ending at 8 p.m. on election day. [PL 2021, c. 273, §12 (NEW).]

B. "Secured drop box" means a device containing a slot or chute through which an absentee voter may deposit an absentee ballot into a secure, locked collection box in accordance with the requirements of this section. [PL 2021, c. 273, §12 (NEW).]

[PL 2021, c. 273, §12 (NEW).]

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, paragraph D.

[PL 2021, c. 273, §12 (NEW).]

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. 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.

[PL 2021, c. 273, §12 (NEW).]

3-A. Access to secured drop box. During the absentee voting period, to the extent possible, a municipality shall ensure that a path to each secured drop box is clear of all barriers.

[PL 2023, c. 320, §2 (NEW).]

4. Secured drop box design; accessibility. The slot or chute of a secured drop box must be designed to prevent an individual from reaching into the slot or chute and accessing the contents of the secure collection box and to protect the contents of the secure collection box from the elements. The secured drop box must include a mechanism to close and lock the slot or chute in a manner that prevents the deposit of additional absentee ballots at 8 p.m. on election day as provided in subsection 8. A secured drop box must comply with guidelines issued by the Secretary of State to ensure accessibility to individuals with disabilities.

[PL 2021, c. 273, §12 (NEW).]

5. Monitoring of secured drop box. During the absentee voting period, each secured drop box must be monitored periodically by law enforcement personnel, municipal staff or a surveillance camera.

[PL 2021, c. 273, §12 (NEW).]

6. Labeling of secured drop box. A secured drop box must be labeled, or a sign must be posted on or near the secured drop box, to indicate that it is an official secured drop box for the return of

absentee ballots. Unless the secured drop box is affixed to the outside wall of the municipal office building, the label or sign must include the name of the municipality. A municipality may include on the label or sign instructions for voters regarding absentee voting requirements and warnings against use of the secured drop box by voters of other municipalities.

[PL 2021, c. 273, §12 (NEW).]

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 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 shall deliver those items to the appropriate municipal official.

[PL 2021, c. 273, §12 (NEW).]

8. Periodic retrieval of ballots. During the absentee voting period, the municipal clerk or a team of 2 people designated by the clerk 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:

A. At least once on each day that the clerk's office is open during the absentee voting period; [PL 2021, c. 273, §12 (NEW).]

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 [PL 2021, c. 273, §12 (NEW).]

C. At 8 p.m. on election day. [PL 2021, c. 273, §12 (NEW).]

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 who removed the absentee ballots.

[PL 2021, c. 273, §12 (NEW).]

9. Locking of secured drop boxes when polls close. The municipal clerk or team of 2 designees 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.

[PL 2021, c. 273, §12 (NEW).]

SECTION HISTORY

PL 2021, c. 273, §12 (NEW). PL 2023, c. 320, §2 (AMD).

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