

**§852. Procedure at the polling place**

The following governs the procedure for the conduct of elections in which an electronic tabulating system is used. [PL 1995, c. 459, §104 (AMD).]

**1. Preparation for voting.** Before the polls are opened, the election officials shall arrive at the polling place and place the voting devices in position for voting. The officials shall ensure that the devices are in proper working order and that the correct ballots were delivered. They shall open and check the ballots, supplies, records and forms and post the sample ballots and instructions to voters. [PL 1997, c. 436, §118 (AMD).]

**2. Instruction of voters.** If requested, election officials shall instruct a voter on how to operate the electronic tabulating system before the voter enters the voting booth. If the voter needs additional instruction after entering the voting booth, election officials may, if necessary, enter the booth and give the voter additional instructions in accordance with section 672. [PL 1995, c. 459, §104 (AMD).]

**3. Depositing ballots in electronic voting device.** After the voter has marked the ballot, the voter may place the ballot inside the secrecy envelope provided to maintain the voter's confidentiality and deposit the ballot in the electronic tabulating device. A voter may request the assistance of an election official if the voter has difficulty placing the ballot into the electronic tabulating device. [PL 1995, c. 459, §104 (AMD).]

**4. Spoiled ballots.** If a voter spoils a ballot, the procedures set forth in section 693 must be followed. [PL 1995, c. 459, §104 (AMD).]

**5. Closing of polls.** As soon as the polls have closed and the last qualified voter has voted, the warden shall proceed to supervise the counting of the ballots under the observation of the public. The warden shall run the official tally tape from each electronic tabulating device and shall record the total votes from the tape on the tally sheet provided by the Secretary of State. The official tally tape must be signed by the warden and one election clerk from each of the major parties and must be packed in a tamper-proof ballot box with the other election materials pursuant to section 698, subsection 2-A. The warden shall run an additional copy of the tally tape to provide to the clerk with the tally sheets and the return of votes cast and may run additional copies of the tally tape to post for public review. All unused ballots must be packaged and sealed pursuant to section 698, subsection 2-B for return to the municipal clerk. The ballot box for the electronic voting device must be opened at the polling place. The regular counted ballots are placed in the tamper-proof ballot boxes and all unread or red-lined ballots requiring hand counting or ballots containing write-in votes that must be recorded on a write-in tally sheet are counted by the election clerks. The election clerks count in teams of 2, consisting of one election clerk from each of the major parties. If it appears that any ballot is damaged so that it can not be properly counted by the electronic tabulating device, the ballot must be counted manually. Once all of the hand counting has been completed, the election clerks shall complete the tally sheets. The tabulations must be signed by the warden and the 2 election clerks who counted the ballots. The election officials shall complete and sign the other election forms as provided in this Title, and shall return the ballots and other materials to the clerk packed pursuant to section 698, subsections 2-A and 2-B and the incoming voting list packed pursuant to section 698, subsection 3. [PL 2001, c. 516, §18 (AMD).]

**SECTION HISTORY**

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §104 (AMD). PL 1997, c. 436, §118 (AMD). PL 2001, c. 310, §65 (AMD). PL 2001, c. 516, §18 (AMD).

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