



Maine

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If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Maine that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Many of the requirements of H.R.1/S.1—including those relating to automatic voter registration, no-excuse absentee voting, early voting, re-enfranchising people with criminal records and ranked-choice voting—already exist in some form in Maine. Other requirements, such as those relating to online voter registration, would more substantially alter Maine’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Maine:

Expanding & Protecting Voter Registration Opportunities

- Requires Maine to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration so long as the resident does not affirmatively decline.¹ Maine has implemented automatic voter registration effective as of January 1, 2022.²
- Allows same-day registration on Election Day. Maine has allowed same day, in person registration up to the close of polls on Election Day since 1973.³
- Requires states to offer online voter registration.⁴ Maine currently does not offer online voter registration.
- Requires election officials to complete cross-check purges of registration lists at least six months prior to a given election and prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁵ Maine used data from a database called the Interstate Voter Crosscheck Program to purge voters until it was suspended nationally because of litigation brought in Kansas.⁶

Mandating Secure, Accessible Early Voting & Absentee Voting

¹ H.R. 1, Title I, Subtitle A.

² Me. Stat. tit. 21-A, §§ 231-238.

³ H.R.1, Title I, Subtitle A, Part 3; Me. Stat. tit. 21-A, §121-A, §122.

⁴ H.R. 1, Title I, Subtitle A, Part 1.

⁵ H.R. 1, Title II, Subtitle F; Title I, Subtitle C.

⁶ See Johnathan Brater, Kevin Morris, Myrna Pérez and Christopher Deluzio, “Purges: A Growing Threat to the Right to Vote,” *Brennan Center for Justice*, Jul. 20, 2018, available at <https://www.brennancenter.org/our-work/research-reports/purges-growing-threat-right-vote>; see also Roxana Hegeman, “Multistate Voter Database Suspended in Lawsuit Settlement,” *Associated Press*, Dec. 10, 2019, available at <https://apnews.com/article/2c82eb782e578bbb81c121ec453fbee8>; see also “List Maintenance or Voter Purges: How the Practice of Maintaining Voter Lists Became so Polarized,” *Maine Beacon*, Oct. 8, 2020, available at <https://mainebeacon.com/list-maintenance-or-voter-purges-how-the-practice-of-maintaining-voter-lists-became-so-polarized/>.



- Prevents Maine from rolling back voter protections already in state law, including its current law allowing any eligible voter to vote by mail in federal elections (no-excuse absentee voting)⁷ and not requiring voter ID to request an absentee ballot.⁸
- Gives voters the option of early in person voting for a full 15 days before a federal election, including weekends, for at least 10 hours a day (including early morning and evening hours).⁹ In Maine, in-person absentee voting may begin 45 days before Election Day.¹⁰ However, Maine does not require early voting to be available on weekends.¹¹
- Requires prepaid return envelopes for mail-in ballots and ballot applications.¹² Maine law does not offer direction on payment of postage for ballots, and the lack of postage on return envelopes caused voter confusion in the 2020 election.¹³
- Deems ballots postmarked by Election Day valid, and they must be counted, if delivered to election officials within 10 days of the election.¹⁴ Current Maine law requires ballots to be received by 8:00 p.m. on Election Day in order to be counted.¹⁵
- Requires states permit voters to designate someone else to return their completed ballot, so long as that individual is not being compensated.¹⁶ In Maine, a third party must submit a ballot within two business days of receipt from the voter or by the close of polls on Election Day, whichever is earlier. Additionally, if the third party returning the ballot is not an immediate family member, the ballot must be signed in the presence of a notary, a clerk of a municipality or court, or two witnesses.¹⁷
- Requires states to establish tracking programs for mail ballots and provide information on whether an individual's vote was counted.¹⁸ In Maine, vote tracking is available to all voters that provide certain identifying information (i.e., name, date of birth and city of residence) but is not required by statute.¹⁹

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.²⁰

⁷ H.R. 1, Title I, Subtitle I; Me. Stat. tit. 21-A, § 751.

⁸ H.R. 1, Title I, Subtitle I; Me. Stat. tit. 21-A, § 753-A(3)(A); Me. Stat. tit. 21-A, § 754-A.

⁹ H.R. 1, Title I, Subtitle H.

¹⁰ Me. Stat. tit. 21-A, § 753-B(8).

¹¹ *Id.*

¹² H.R. 1, Title I, Subtitle I.

¹³ See Edward D. Murphy, "Maine Voters Get Mixed Messages on Mail-in Ballot Postage," *The Portland Press Herald*, Jul. 8, 2020, available at <https://www.pressherald.com/2020/07/08/maine-mail-in-ballots-create-postage-quandary>.

¹⁴ H.R. 1, Title I, Subtitle I.

¹⁵ Me. Stat. tit. 21-A, § 755.

¹⁶ H.R. 1, Title I, Subtitle I.

¹⁷ Me. Stat. tit. 21-A, § 753-B(3), Me. Stat. tit. 21-A, § 754-A(2).

¹⁸ H.R. 1, Title I, Subtitle I.

¹⁹ *Secretary Dunlap Launches Absentee Ballot Tracking Service*, Department of the Secretary of State, <https://www.maine.gov/sos/news/2020/absenteeballotservice.html>.

²⁰ H.R. 1, Title I, Subtitle N, Part 1.



- Requires states to take steps to ensure that voters wait no more than 30 minutes to vote.²¹ Maine has experienced widely varying wait times, including reports of hour long waits during 2020 early voting.²²
- Requires that changes to polling place locations be announced seven days before Election Day.²³ In Maine, unless in the case of an emergency, municipal officers that wish to change the location of a polling place must apply to the Secretary of State at least 60 days before the next election.²⁴
- Precludes challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official, and requires a challenger to submit an affidavit of good cause based on personal knowledge.²⁵ Currently, in Maine, a voter has the right to challenge the right of another to vote at an election in that municipality.²⁶ However, individuals must be allowed to vote pending later resolution of the challenge.²⁷

Protecting Civil Rights

- Requires Maine to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.²⁸ Currently, Maine not only allows citizens with past felony convictions to vote but also allows individuals who are currently incarcerated to vote while in prison.²⁹

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.³⁰
- Prohibits the U.S. Postal Service from implementing any operational changes that would restrict the prompt and reliable delivery of voting materials within 120 days of a federal election.³¹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³²
- Permits the security of drop boxes through remote or electronic surveillance.³³

²¹ H.R. 1, Title I, Subtitle N, Part 1.

²² See e.g., Fred Bever, "Heavy In-Person Turnout In Maine On Election Day, On Top of Record of Early Voting," *Maine Public*, Nov. 3, 2020, available at <https://www.mainepublic.org/politics/2020-11-03/heavy-in-person-turnout-in-maine-on-election-day-on-top-of-record-early-voting>.

²³ *Id.*

²⁴ Me. Stat. tit. 21-A, § 631.

²⁵ H.R. 1, Title I, Subtitle C.

²⁶ Me. Stat. tit. 21-A, § 673.

²⁷ Me. Stat. tit. 21-A, §§ 121, 161 and 673.

²⁸ H.R. 1, Title I, Subtitle E.

²⁹ Me. Stat. tit. 21-A, § 111.

³⁰ Amendment 5 to H.R.1, Part B.

³¹ Amendment 26 to H.R.1, Part B.

³² Amendment 27 to H.R.1, Part B.

³³ Amendment 9 to H.R.1, Part B.



- Allows voters the opportunity to correct any errors on a paper ballot before it is cast and gives voters the option to mark their ballots by hand.³⁴ Under current Maine law, a voter may obtain a replacement ballot, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots.³⁵

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature draws congressional districts in Maine. An advisory commission is involved in the process. Additionally, two-thirds of the state legislature is required to approve new district maps, subject to a veto by the governor.³⁶
- H.R.1/S.1
 - Requires Maine to set up an independent commission to draw federal congressional districts no later than November 15, 2021 after receiving public input.³⁷
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.³⁸
 - Requires consideration of “communities of interest” when drawing congressional districts.³⁹
 - Authorizes a federal court to draw the maps if not finalized by December 15, 2021.⁴⁰ Note that this does not impact the process for state legislative or local redistricting.⁴¹
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).⁴²

Impact of H.R.1/S.1 on Maine’s Ranked-Choice Voting

- Requires the Comptroller General to conduct a study on the implementation and impact of ranked-choice voting in states with a focus on how to implement a model for federal elections nationwide.⁴³
- Requires the Comptroller General to transmit to Congress a report on the study of ranked-choice voting that should include any recommendations on how to best implement ranked-choice voting for Federal elections.⁴⁴

³⁴ H.R. 1, Title I, Subtitle F.

³⁵ Me. Stat. tit. 21-A, § 693.

³⁶ Me. Const. art. IV, pt. 1, §§ 2-3.

³⁷ H.R. 1, Title III, Subtitle E.

³⁸ H.R. 1, Title III, Subtitle E.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ H.R. 1, Title III, Subtitle E, Part 4.

⁴² H.R. 1, Title III, Subtitle E.

⁴³ H.R. 1, Title I, Subtitle N, Part 1.

⁴⁴ *Id.*



- Provides that, to the greatest extent practicable, a state that receives a grant to replace a voting system shall ensure that the replacement system incorporates ranked-choice voting.⁴⁵
- On November 8, 2016, Maine voted to adopt ranked-choice voting for statewide elections for governor, state legislature and Congress.⁴⁶ Because of state court interpretations of Maine’s constitution, ranked-choice voting has only been applied to primary elections held under state law, with general elections requiring plurality voting absent a state constitutional amendment.⁴⁷ Ranked-choice voting was first used in Maine congressional races in 2018, where it survived court challenges.⁴⁸ Maine extended ranked-choice voting to the presidential election in 2020.⁴⁹ Accordingly, the provisions in H.R.1/S.1 regarding ranked-choice voting will have no impact on Maine’s federal elections.

⁴⁵ *Id.*

⁴⁶ Me. Stat. tit. 21-A, § 601(2)(J); Me. Stat. tit. 21-A, §722(1); Me. Stat. tit. 21-A, §723-A.

⁴⁷ See *Senate v. Sec’y of State*, 183 A.3d 749 (Me. 2018); see also *Opinion of the Justices*, 162 A.3d 188 (Me. 2017); see also Katharine Q. Seelye, “Ranked-Choice Voting System Violates Maine’s Constitution, Court Says,” N.Y. Times, May 23, 2017, available at <https://www.nytimes.com/2017/05/23/us/maine-ranked-choice-elections-voting.html>.

⁴⁸ See *Baber v. Dunlap*, 376 F. Supp. 3d 125 (D. Me. 2018); see also Steve Mistler, “Results of Nation’s First Statewide Ranked-Choice Voting Election: Mills and Golden Win Nominations,” *Maine Public Radio*, June 20, 2018, available at <https://www.mainepublic.org/politics/2018-06-20/results-of-nations-first-statewide-ranked-choice-voting-election-mills-and-golden-win-nominations>; see also Michael Shepherd, “Poliquin Announces He Is Giving up Legal Challenge to Ranked-Choice Voting,” *Bangor Daily News*, Dec. 24, 2018, available at <https://bangordailynews.com/2018/12/24/news/poliquin-announces-that-he-is-giving-up-legal-challenge-to-ranked-choice-voting/>.

⁴⁹ David Sharp, “Ranked Choice Voting in Maine a Go for Presidential Election,” *Associated Press*, Sept. 22, 2020, available at <https://apnews.com/article/election-2020-referendums-elections-maine-courts-b5ddd0854037e9687e952cd79e1526df>.