## §698. Packaging and return of ballots and lists

As soon as the election return has been prepared, the election officials shall perform the following duties. [PL 1985, c. 161, §6 (NEW).]

**1. Paper ballots wrapped.** The election clerks shall wrap the tabulation of the count for each lot of ballots around that lot and secure it. Referendum ballots must be wrapped separately with their own tabulations unless the referendum ballot is combined with the candidate ballot. The tabulations must be signed by the 2 election clerks who counted that ballot lot.

A. [PL 1997, c. 436, §103 (RP).]
[PL 2013, c. 131, §20 (AMD).]

**2. Ballots replaced in containers.**
[PL 1993, c. 473, §24 (RP); PL 1993, c. 473, §46 (AFF).]

**2-A. Used ballots secured.** The election officials shall use the tamper-proof ballot security containers described in section 609 to seal the used state ballots, wrapped with their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective ballots; void ballots; envelopes containing challenge certificates; and the official tally tape from the electronic tabulating system. The containers must be further secured as follows.

A. Each tamper-proof ballot security container must be secured with the security mechanism supplied or approved by the Secretary of State before leaving the voting place. Each sealed container must be recorded on a certificate identifying the container number, any unique numbers associated with the security mechanism and the person sealing the container and the time of sealing. [PL 2019, c. 371, §23 (AMD).]

B. Ballots and election materials for municipal elections conducted at the same time as a state election must be sealed separately from state ballots and other state election materials and may not be sealed in the state-supplied tamper-proof ballot security containers. If municipalities wish to use tamper-proof ballot security containers to seal municipal election materials, they must obtain the containers and security mechanisms at their own expense. [PL 2019, c. 371, §24 (AMD).]

The sealed tamper-proof ballot security containers of used ballots must remain sealed for at least 2 months after the election, unless the Secretary of State authorizes the clerk to open the containers prior to that date. After 2 months, the clerk shall open the containers in the presence of one or more witnesses and transfer the ballots to other containers for the remainder of the retention period described in section 23. The new containers must be securely sealed. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the ballot security containers of state election materials and the ballot security containers of municipal election materials must remain sealed and in the possession, custody and control of the clerk until the contents of the containers are destroyed in accordance with section 23.
[PL 2021, c. 536, §1 (AMD).]

**2-B. Unused ballots placed in containers.** At the close of the polls, all unused, unsealed absentee and regular ballots must be canceled by a physical mark unless all ballots are used in the course of the election. All sealed ballots must remain sealed. All unused ballots, including both the unsealed and the sealed ballots, must be placed in the containers in which the regular ballots were delivered. The containers containing the unused ballots must be clearly marked to indicate that the containers contain unused ballots. These ballots must be stored separately from the used ballots. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the containers containing the unused ballots must remain sealed and in the possession, custody and control of the clerk until the unused ballots are destroyed in accordance with section 23.
[PL 2021, c. 536, §2 (AMD).]

**3. Incoming voting lists packed separately.** The warden and one election clerk from each of the major parties shall sign the incoming voting list certification as soon as the names of all persons who have voted, including persons who have voted by absentee ballot, have been checked off. The election clerks shall place the incoming voting list in a separate package outside the containers of used and unused ballots and seal the package with the signed incoming voting list certification. The incoming voting list includes any certificates entitling voters to be placed on the incoming voting list pursuant to section 122, subsection 7. The municipal clerk shall keep these incoming voting lists sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the incoming voting list and keep it in the clerk's office as a public record for the time required pursuant to section 23.
[PL 2015, c. 447, §23 (AMD).]

**3-A. Absentee envelopes sealed in separate containers.** The election officials shall seal the used absentee envelopes from which the voted ballots have been removed and counted, with the applicable applications attached, and shall also seal the unopened envelopes containing rejected absentee ballots in one or more tamper-proof ballot security containers or other containers separate from the containers with the used or unused ballots. The municipal clerk shall keep these containers of used absentee envelopes and unopened envelopes sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the containers of used absentee envelopes and unopened envelopes and keep them in the clerk's office as a public record for the time required for retention of ballots under section 23.
[PL 2013, c. 131, §22 (AMD).]

**4. Ballots and lists returned.** The warden shall deliver the ballots and lists to the clerk immediately upon conclusion of the ballot count. In a municipality that has an island voting district, the warden must deliver the ballots and lists within 24 hours after the polls have closed.
[PL 1999, c. 426, §22 (AMD).]

**5. Two or more voting districts.** In municipalities having 2 or more voting districts where absentee ballots are counted at a place other than the voting district, all absentee ballots, applications and envelopes may be packed together in the same container, which shall then be sealed publicly.

A. The portions of subsections 2-A and 2-B that deal with absentee ballots do not apply to municipalities with 2 or more voting districts where absentee ballots are counted separately. [PL 2003, c. 584, §10 (AMD).]
[PL 2003, c. 584, §10 (AMD).]

**6. Ballot security.** The municipal clerk shall take appropriate measures to ensure the safety and security of all ballots before, during and after the election. Ballots and voting equipment must be secured in an area that is accessible only by the clerk or the clerk's designee.
[PL 2003, c. 447, §24 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§5,19 (AMD). PL 1985, c. 614, §19 (AMD). PL 1987, c. 188, §6 (AMD). PL 1993, c. 473, §§24-26 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §66 (AMD). PL 1997, c. 436, §103 (AMD). PL 1999, c. 426, §22 (AMD). PL 2001, c. 310, §§44-47 (AMD). PL 2001, c. 516, §11 (AMD). PL 2003, c. 447, §§23,24 (AMD). PL 2003, c. 584, §10 (AMD). PL 2005, c. 453, §56 (AMD). PL 2005, c. 568, §17 (AMD). PL 2007, c. 515, §6 (AMD). PL 2011, c. 342, §§26, 27 (AMD). PL 2013, c. 131, §§20-22 (AMD). PL 2015, c. 447, §23 (AMD). PL 2019, c. 371, §§23, 24 (AMD). PL 2021, c. 536, §§1, 2 (AMD).

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