

**§651. Furnishing and distribution**

The following procedure shall be observed on election day. [PL 1985, c. 161, §6 (NEW).]

**1. Election materials sent to voting place.** Before the polls are opened, the clerk shall deliver or have delivered the election materials marked for each voting place to the warden at that voting place. The warden shall give the clerk a receipt noting the number of ballots received after the election officials have opened the boxes of ballots and verified the contents.

A. Notwithstanding section 606, subsection 3, in a municipality that has an island voting district, the clerk may deliver the ballots and other election materials to that district on the day before the election and leave them in the protective custody of the warden or ward clerk. [PL 2001, c. 516, §9 (AMD).]

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**2. Election materials distributed and posted.** At any time after the materials are received and before the polls are open, the clerk may open the packages or boxes of election materials, break the seals on the packages not marked "ballots," and use the materials for instructional purposes. On election day, the clerk or the election officials must post the voter instructional materials described in section 605-A, if applicable to the election, as follows:

A. In each voting booth: one voting instruction poster prepared under section 605-A and a copy of the Treasurer of State's statement prepared pursuant to Title 5, section 152; and [PL 2017, c. 45, §1 (AMD).]

B. Outside the guardrail enclosure at each voting place:

(1) At least one voting instruction poster prepared under section 605-A;

(2) One set of sample ballots for each ballot style being used in that voting place;

(3) A list of any declared write-in candidates for that voting district, with the office sought, next to the sample ballots;

(3-A) A supplemental notice correcting an error or providing information on a replacement candidate prepared under section 604 or a notice informing voters that a vote for a candidate will not be counted because the candidate has died or has withdrawn prepared under section 371, subsection 5 or 6 or section 374-A, subsection 3 next to the sample ballots;

(4) One voting rights poster or notice prepared under section 605-A;

(5) One election penalty poster or notice prepared under section 605-A;

(6) One Treasurer's Statement prepared under Title 5, section 152;

(7) One copy, or more as determined necessary by the clerk, of the citizen's guide to the referendum election prepared under section 605-A. The clerk shall post, in a conspicuous and public area, a notification indicating that the citizen's guide provides helpful information regarding referendum questions on the ballot and where the guide is located in the voting place for voters to read; and

(8) One copy of the Office of Fiscal and Program Review's estimate of the fiscal impact prepared under Title 1, section 353. [PL 2019, c. 636, §13 (AMD).]

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**2-A. Testing electronic voting systems.**

[PL 1995, c. 459, §55 (RP).]

**2-B. Opening of ballot packages.** No more than 2 hours before the opening of the polls, the warden shall break the seals on the packages containing the ballots and distribute the ballots to the

election clerks in charge of them. The breaking of the seals on the packages containing the ballots is a public proceeding and any member of the public may be present.

[PL 2019, c. 371, §18 (AMD).]

**3. Ballot box examined.** Before opening the ballots, the warden shall open the official ballot box, examine it and show publicly that it is empty. Immediately after examination, the warden shall lock the box and deliver the key to the ward clerk who shall keep it until the polls are closed. After the box has been locked, it may not be moved until the polls are closed.

[PL 1997, c. 436, §94 (AMD).]

**4. Voting starts.** As soon as the duties required by subsections 1 to 3 have been performed, the warden shall permit voting to start.

[PL 1985, c. 161, §6 (NEW).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 272 (AMD). PL 1991, c. 347, §§3,4 (AMD). PL 1995, c. 459, §55 (AMD). PL 1997, c. 436, §§92-94 (AMD). PL 2001, c. 310, §34 (AMD). PL 2001, c. 516, §9 (AMD). PL 2003, c. 584, §8 (AMD). PL 2009, c. 253, §25 (AMD). PL 2011, c. 342, §22 (AMD). PL 2017, c. 45, §1 (AMD). PL 2017, c. 246, §1 (AMD). PL 2019, c. 371, §18 (AMD). PL 2019, c. 636, §13 (AMD).

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