

1 2	FIRST REGULAR SESSION
3 4	ONE HUNDRED AND TWELFTH LEGISLATURE
5 6	Legislative Document No. 1277
7 8 9	S.P. 474 In Senate, April 9, 1985 Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.
10	JOY J. O'BRIEN, Secretary of the Senate Presented by Senator Gauvreau of Androscoggin. Cosponsored by Representative Nadeau of Lewiston.
12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FIVE
17 18 19 20	AN ACT Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units.
21 22	Be it enacted by the People of the State of Maine as follows:
23 24	Sec. 1. 21 MRSA §1253, sub-§2, as amended by PL 1983, c. 289, is further amended to read:
25 26 27 28 29 30 31 32 33 34 35 36	2. <u>Application or request received</u> . On Except as provided in subsection 2-B, on receipt of a com- pleted application or a request for an absentee bal- lot signed by the applicant, the clerk shall send or deliver an absentee ballot and return envelope forth- with to the applicant or to a 3rd person designated in the application or request. If a municipal elec- tion is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued pursuant to the same application. The clerk shall issue to any 3rd person so designated only enough absentee ballots to insure

that such a person shall not be in possession at 1 anv 2 time of more than 40 absentee ballots for voters in a 3 municipality. Such a 3rd person shall, unless good cause is shown, return an absentee ballot 4 to the 5 clerk's office within the time limits provided in 6 section 1255. The clerk shall include a ballot ap-7 plication to be completed by the person who signed 8 only a written request, unless the written request is 9 sufficient as provided in subsection 1-A. The clerk 10 shall type or write in ink the name and the legal ad-11 dress of the person for whom the absentee ballot is intended in the upper left hand section of all return 12 13 envelopes.

14 If the clerk receives a duplicate application from a 15 person from whom the clerk has received a return en-16 velope apparently containing an absentee ballot, the 17 clerk shall not furnish another absentee ballot for 18 such person.

- 19 The clerk may issue a 2nd absentee ballot to an ap-20 plicant if the applicant in person or in writing re-21 quests one and:
- A. If such applicant states good cause, including, but not limited to, loss of, spoiling of or
 damage to the first absentee ballot; or
- 25 Β. If an absentee ballot for such applicant 26 which was furnished to a designated 3rd person is 27 not returned to the clerk's office within 5 busi-28 ness days of the date such ballot was sent or delivered to such 3rd person or by 10 a.m. on the 29 day before election day, 30 whichever is earlier. 31 This paragraph shall not be construed to affect 32 the time for delivery of absentee ballots under 33 section 1255.
- No absentee ballot may be issued under this subsection for a resident of a nursing home, hospice or congregate housing unit, as set out in subsection 2-B, unless the municipality in which the nursing home, hospice or congregate housing unit is located has been exempted from the provisions of that subsection by the Secretary of State.

41 Sec. 2. 21 MRSA §1253, sub-§2-B is enacted to 42 read:

2-B. Absentee balloting by residents of nursing 1 homes, hospices and congregate housing unit. On re-2 3 ceipt of a completed application or a request for an absentee ballot for a resident of a nursing home, 4 hospice or congregate housing unit, the clerk or dep-5 6 uty clerk shall deliver an absentee ballot to the in-7 dividual during such times as the clerk may specify pursuant to this subsection, unless the individual 8 casts the absentee ballot in the presence of the 9 clerk or deputy clerk in the clerk's office as pro-10 11 vided in subsection 5.

12 The clerk shall designate no fewer than 3 days, which 13 shall not be more than 30 days prior to the election for which the ballot is to be used, during which the 14 15 clerk or the deputy clerk shall be present in any 16 nursing home, hospice or congregate housing unit the municipality for the purpose of absentee 17 within 18 balloting by the residents of the nursing home, 19 hospice or congregate housing unit.

20 The Secretary of State may, upon a showing of undue 21 hardship by a municipality, exempt the municipality 22 from compliance with this subsection.

23

STATEMENT OF FACT

24 The procedure by which residents of nursing 25 homes, hospices and congregate housing units cast ab-26 sentee ballots has been seriously questioned in re-27 cent years. Frequently, the residents of these facilities are easily influenced in their voting by 28 29 persons assisting them in the absentee balloting process. Accordingly, the true intent of the voter is either diminished or suppressed. The wide-spread 30 31 practice in which representatives of candidates for 32 33 public office are actively involved in the absentee 34 ballot process in these facilities calls into serious 35 question the integrity of the voting process.

This bill will restore dignity to the absentee balloting process and reduce the likelihood of improper influence of persons casting absentee ballots by requiring residents of nursing homes, hospices or congregate housing units to cast their absentee ballots before either the clerk or his deputies. The
 resident will be allowed to vote either in the
 clerk's office or at this residence on certain days,
 not fewer than 3 in number, designated by the clerk.

5 Residential absentee balloting will be restricted 6 to a period within 30 days in advance of the elec-7 tion.

8 An exemption by the Secretary of State from the 9 requirements of this bill would be available to those 10 municipalities which would realize an undue hardship 11 by compliance.

12

1140031285