

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 50, L.D. 53)  
(New Title)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 947

H.P. 705 House of Representatives, March 25, 1987  
Reported by Representative PRIEST from the Committee on  
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original Bill sponsored by Representative MELENDY of  
Rockland. Cosponsored by Representatives HOLLOWAY of Edgecomb,  
PRIEST of Brunswick and Senator KANY of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

**AN ACT** Relating to Absentee Balloting by  
Residents of Nursing Homes, Boarding  
Homes and Congregate Housing Units.

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5 Be it enacted by the People of the State of Maine as  
6 follows:

7 **Sec. 1.** 21-A MRSA §753, sub-§3, as amended by PL  
8 1985, c. 357, §§10 and 19, is further amended to  
9 read:

10 3. Application or request received. On receipt  
11 of a completed application or a request for an absent-  
12 tee ballot signed by the applicant, the clerk shall  
13 immediately send or deliver an absentee ballot and  
14 return envelope to the applicant or to a 3rd person

1 designated in the application or request. The clerk  
2 shall not deliver to a 3rd person whose name appears  
3 on the ballot any absentee ballot requested by a res-  
4 ident of a licensed nursing home, as defined in Title  
5 22, chapter 405; licensed boarding home, as defined  
6 in Title 22, chapter 1665; or certified congregate  
7 housing unit, as defined in Title 22, chapter 1457-A.  
8 The clerk shall not deliver to a 3rd person any ab-  
9 sentee ballot requested under subsection 2-A. If a  
10 municipal election is to be held on the same date as  
11 a statewide election, absentee ballots for the munic-  
12 ipal and statewide election may be issued in response  
13 to the same application. The clerk shall issue to  
14 any 3rd person designated in an application or re-  
15 quest only enough absentee ballots to insure that  
16 that person will not have more than 40 absentee bal-  
17 lots for voters in a municipality at any time. Such  
18 a 3rd person must, unless good cause is shown, return  
19 an absentee ballot to the clerk's office within the  
20 time limits provided in section 755. The clerk shall  
21 include a ballot application to be completed by the  
22 person who signed only a written request, unless the  
23 written request is sufficient under subsection 2.  
24 The clerk shall type or write in ink the name and the  
25 legal address of the person for whom the absentee  
26 ballot is intended in the upper left hand section of  
27 all return envelopes.

28 A. If the clerk receives a duplicate application  
29 from a person from whom the clerk has received a  
30 return envelope apparently containing an absentee  
31 ballot, the clerk shall not furnish another ab-  
32 sentee ballot for that person.

33 B. The clerk may issue a 2nd absentee ballot to  
34 an applicant, if the applicant requests one, in  
35 person or in writing and:

36 (1) The applicant states good cause, in-  
37 cluding, but not limited to, loss of, spoiling  
38 of or damage to the first absentee bal-  
39 lot; or

40 (2) An absentee ballot for the applicant  
41 which was furnished to a designated 3rd per-  
42 son is not returned to the clerk's office  
43 within 5 business days of the date that bal-

1 lot was sent or delivered to the 3rd person  
2 or by 10 a.m. on the day before election  
3 day, whichever is earlier. This subpara-  
4 graph shall not be construed to affect the  
5 time for delivery of absentee ballots under  
6 section 755.

7 **Sec. 2. 21-A MRSA §753, sub-§3-A is enacted to**  
8 **read:**

9 3-A. Alternate method of balloting by residents  
10 of licensed nursing homes, licensed boarding homes or  
11 certified congregate housing units. The municipal  
12 clerk shall designate one or more times during the  
13 30-day period prior to an election during which the  
14 municipal clerk shall be present in any licensed  
15 nursing home, as defined in Title 22, chapter 405;  
16 licensed boarding home, as defined in Title 22, chap-  
17 ter 1665; or certified congregate housing unit, as  
18 defined in Title 22, chapter 1457-A, for the purpose  
19 of absentee balloting by the residents of these homes  
20 or units.

21 STATEMENT OF FACT

22 This new draft requires the municipal clerk to  
23 designate one or more times during the 30-day period  
24 before an election for the clerk to be present in li-  
25 censed nursing homes, licensed boarding homes, or  
26 certified congregate housing units for the purpose of  
27 absentee balloting. Municipal clerk is defined in  
28 current law to mean clerk, deputy clerk, or assistant  
29 clerk. Current law also dictates that such a "voting  
30 day" is a public proceeding.

31 Residents of these homes or units will still have  
32 the option of obtaining absentee ballots under the  
33 system currently in place by writing for a ballot to  
34 be mailed or delivered by a designated 3rd person or  
35 by telephoning for a ballot. The only change from  
36 current law is that the 3rd person may not be a can-  
37 didate. The original bill required these residents  
38 to vote only on the designated day that the clerk or  
39 deputy clerk would be present.

1           This new draft adds references that precisely de-  
2 fine which facilities come under the bill and changes  
3 the 3-day requirement to one or more times for the  
4 clerk or deputy clerk to be present at these facili-  
5 ties. The exemption for municipalities for undue  
6 hardship has also been removed from this new draft.

7           Currently, these homes and units are encouraged  
8 by the Department of Human Services to adopt guide-  
9 lines for absentee voting. The purpose of this new  
10 draft is to give nursing home, boarding home and con-  
11 gregate housing unit residents an alternate way to  
12 vote without improper influence. With this alternate  
13 method in place, the staffs of these facilities will  
14 more easily be able to adopt guidelines that are fair  
15 and reasonable for residents and candidates alike.

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