

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1122

H.P. 810

House of Representatives, April 11, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.

Cosponsored by Senator MATTHEWS of Kennebec, Representative ALLEN of Washington and Representative COTE of Auburn.

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STATE OF MAINE

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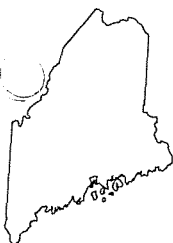
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Encourage Higher Voter Participation in All Elections by  
Allowing Absentee Balloting With or Without Cause.

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(AFTER DEADLINE)



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 21-A MRSA §751, first ¶,** as enacted by PL 1985, c. 161,  
5 §6, is amended to read:

7 Absentee During the 30 days preceding any election, absentee  
8 ballots may be cast at any election by a any voter in person  
9 before the municipal clerk or by mail. A voter who is unable to  
10 cast his a ballot for one of the following reasons may designate  
11 a 3rd person to whom an absentee ballot may be delivered:

13 **Sec. 2. 21-A MRSA §752, sub-§2,** as enacted by PL 1985, c. 161,  
14 §6, is amended to read:

15 2. Content of application. The application must contain a  
16 place for the following: Name name of the applicant, address,  
17 address to which the ballot is to be sent, title and year of  
18 election at which the ballot is to be cast, name of party in  
19 which he the applicant is or desires to be enrolled, date of  
20 application and signature of the applicant. It must contain a  
21 place for the applicant to designate the reason for requesting an  
22 absentee ballot, and the name of a person to whom his the ballot  
23 may be delivered, if applicable, and a place for the registrar to  
24 certify whether the applicant is registered and the party in  
25 which he the applicant is or desires to be enrolled. It must  
26 contain a conspicuously printed summary warning of the provisions  
27 of Title 17-A, section 703.

29 **Sec. 3. 21-A MRSA §752, sub-§3,** as amended by PL 1985, c. 357,  
30 §§9 and 19, is further amended to read:

31 3. Form of envelope. The return envelope in which the  
32 absentee ballot is to be placed must include on its outside a  
33 conspicuously printed summary warning to the voter of the  
34 provisions of section 758; section 791, subsection 1, paragraphs  
35 A and C; and Title 17-A, section 703. The envelope must also  
36 include on its outside a place for a statement of the reason for  
37 requesting an absentee ballot ~~and an affidavit to be signed by~~  
38 ~~the voter~~ when applicable. The envelope must also include on its  
39 outside a certification to be completed and signed by an aide who  
40 assists a voter under section 754-A, subsection 3.

43 **Sec. 4. 21-A MRSA §753, sub-§3,** as amended by PL 1987, c. 62,  
44 §1, and c. 188, §15, is further amended to read:

45 3. Application or request received. On receipt of a  
46 completed application or a request for an absentee ballot signed  
47 by the applicant, the clerk shall immediately send or deliver an  
48 absentee ballot and return envelope to the applicant or, when one  
49 of the requirements of section 751 is met, to a 3rd person  
50 designated in the application or request. The clerk shall not  
51 deliver to a 3rd person whose name appears on the ballot any

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

41 A. If the clerk receives a duplicate application from a  
43 person from whom the clerk has received a return envelope  
45 apparently containing an absentee ballot, the clerk shall  
47 not furnish another absentee ballot for that person.

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

55 (1) The applicant states good cause, including, but  
57 not limited to, loss of, spoiling of or damage to the  
59 first absentee ballot; or

61 (2) An absentee ballot for the applicant which was  
63 furnished to a designated 3rd person is not returned to  
65 the clerk's office within 5 business days of the date  
67 that ballot was sent or delivered to the 3rd person or  
69 of the date that 3rd person was notified by the clerk  
71 that the ballot was available, or by 10 a.m. on the day  
73 before election day, whichever is earlier. If a ballot  
75 for an applicant is not returned to the clerk within 5  
77 days of notification, then the clerk shall mail a  
79 ballot to that applicant on the 6th day after  
81 notification and shall issue no other ballot to the  
83 applicant except for good cause as provided in this  
85 subsection. This subparagraph shall not be construed  
87 to affect the time for delivery of absentee ballots  
89 under section 755.

1           **Sec. 5. 21-A MRSA §753, sub-§§5 and 7**, as amended by PL 1985,  
c. 357, §§10 and 19, are further amended to read:

3  
5           **5. Clerk to list.** The clerk shall keep a list of the  
7 persons to whom he the clerk furnishes absentee ballots until  
9 after election day, or the clerk shall file the applications and  
11 requests in alphabetical order. The clerk shall keep a list of  
the persons who vote by mail or in the presence of the clerk  
under subsection 7. The clerk shall submit this list to the  
registrar for certification before the close of business on the  
day before election day.

13           The clerk shall keep a list of the 3rd persons, designated in  
15 applications or requests, to whom absentee ballots are sent or  
17 delivered under subsection 3 and of the number of absentee  
ballots sent or delivered to these persons. These 3rd persons may  
not have more than 40 absentee ballots for voters in a  
municipality at any time.

19           **7. Absentee voting in presence of clerk.** A person who  
21 wishes to vote by absentee ballot ~~because he will not be present~~  
23 ~~in the municipality or able to vote in person at the voting place~~  
25 en during the last 30 days before election day may, without  
27 completing an application, vote by absentee ballot in the  
presence of the clerk, or by mail in accordance with section  
29 754-A, subsection 1. The method of voting shall otherwise be as  
prescribed in this Article article. After the person has voted,  
the clerk shall determine whether the affidavit on the return  
envelope is properly completed.

31           **Sec. 6. 21-A MRSA §754-A, first ¶**, as enacted by PL 1985, c.  
33 357, §§12 and 19, is amended to read:

35           ~~Except as provided in section 753, subsection 7~~ when the  
37 voting occurs in the presence of the municipal clerk, the method  
of voting by absentee ballot is as follows.

39           **Sec. 7. 21-A MRSA §756, sub-§2**, as amended by PL 1985, c. 357,  
§§13 and 19, is further amended to read:

41           **2. Clerk to examine signatures and affidavit.** ~~He~~ The clerk  
43 shall compare the signature of the voter on the application,  
where required, with that on the corresponding return envelope.  
45 ~~He~~ When applicable, the clerk shall examine the affidavit on the  
return envelope. If the signatures appear to have been made by  
47 the same person and if the affidavit is properly completed, ~~he~~  
the clerk shall write "OK" and ~~his~~ the clerk's initials on the  
49 return envelope. Otherwise, ~~he~~ the clerk shall note any  
discrepancy on the return envelope.

51           **A.** If the signatures do not appear to have been made by the  
same person, but this discrepancy is apparently the result

1 of the voter's having properly obtained assistance under either  
3 section 753, subsection 4, or section 754-A, subsection 3, or  
5 both, then the clerk shall note the discrepancy on the return  
envelope, but shall also write "OK" and his the clerk's initials  
on the return envelope.

7 **Sec. 8. 21-A MRSA §758**, as amended by PL 1985, c. 357, §§15  
and 19, is repealed.

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### STATEMENT OF FACT

13

15 This bill allows for expanded use of absentee ballots,  
either in person or by mail. The bill also allows absentee  
ballots to be cast at any time during the 30 days before an  
17 election.