

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1021

H.P. 716

House of Representatives, March 11, 1991

Received by the Clerk of the House on March 7, 1991. Referred to the Committee on Legal Affairs and 1400 ordered printed pursuant to Joint Rule 14.

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

EDWIN H. PERT, Clerk

Presented by Representative LIPMAN of Augusta.  
Cosponsored by Representative BAILEY of Township 27.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act Concerning Voting by Absentee Ballot.

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

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Sec. 1. 21-A MRSA §503-A is enacted to read:

§503-A. Absentee ballot clerks

The municipal clerk of each municipality shall appoint absentee ballot clerks as necessary, in equal numbers from each of the major political parties. The absentee ballot clerk must be a resident of the municipality. At the direction of the municipal clerk, one member of each party so appointed shall deliver an absentee ballot to any person who requests delivery by a 3rd person other than the municipal clerk, a blood relative of the applicant or the applicant's spouse. Absentee ballot clerks may be reimbursed for expenses incurred in delivering absentee ballots.

Sec. 2. 21-A MRSA §753, sub-§3, as amended by PL 1987, c. 188, §15, is further amended to read:

3. Application or request received. On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall immediately send or deliver an absentee ballot and return envelope to the applicant or to a 3rd person designated in the application or request, except that, if the 3rd person designated by the applicant is not a spouse or blood relative of the applicant or is a candidate or a member of the immediate family of the candidate, the clerk shall direct the absentee ballot clerks to deliver the absentee ballot. The clerk shall not deliver to a 3rd person whose name appears on the ballot any absentee ballot requested by a resident of a licensed nursing home, as defined in Title 22, chapter 405, licensed boarding home, as defined in Title 22, chapter 1665, or certified congregate housing unit, as defined in Title 22, chapter 1457-A. The clerk shall may not deliver to a 3rd person any absentee ballot requested under subsection 2-A. If a municipal election is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued in response to the same application. The clerk shall issue to any 3rd person designated in an application or request only enough absentee ballots to insure that that person will not have more than 40 absentee ballots for voters in a municipality at any time. Such a 3rd person must, unless good cause is shown, return an absentee ballot to the clerk's office within the time limits provided in section 755. The clerk shall include a ballot application to be completed by the person who signed only a written request, unless the written request is sufficient under subsection 2. The clerk shall type or write in ink the name and the legal address of the person for whom the absentee ballot is intended in the upper left hand section of all return envelopes.

2 A. If the clerk receives a duplicate application from a  
4 may not furnish another absentee ballot for that person.

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

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

14 (2) An absentee ballot for the applicant which was  
16 furnished to a designated 3rd person is not returned to  
18 the clerk's office within 5 business days of the date  
20 that ballot was sent or delivered to the 3rd person or  
22 of the date that 3rd person was notified by the clerk  
24 that the ballot was available, or by 10 a.m. on the day  
26 before election day, whichever is earlier. If a ballot  
28 for an applicant is not returned to the clerk within 5  
days of notification, then the clerk shall mail a  
ballot to that applicant on the 6th day after  
notification and shall issue no other ballot to the  
applicant except for good cause as provided in this  
subsection. This subparagraph shall may not be  
construed to affect the time for delivery of absentee  
ballots under section 755.

30 Sec. 3. 21-A MRSA §753, sub-§4, as amended by PL 1985, c. 357,  
32 §§10 and 19, is further amended to read:

34 4. Assistance to certain voters. A voter who is unable to  
36 read or complete his an application because of his physical  
38 disability, illiteracy or religious faith, may request another  
40 person, ~~other than the voter's employer or agent of that employer  
42 or officer or agent of the voter's union, to assist him~~ the  
44 voter's spouse or blood relative or an absentee ballot clerk for  
46 assistance in completing the application. That aide may read the  
application to the voter or sign it, or both, according to the  
voter's instructions, or may assist him the voter in signing the  
application. When an aide assists a voter in this way, the aide  
must write on the application that he the aide has so assisted  
the voter in signing the application, the reason the voter was  
unable to complete or sign the application, or both, and must  
sign ~~his name~~ the application.

## STATEMENT OF FACT

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This bill provides that only municipal clerks, the postal service, spouses and biological relatives of an absentee voter and appointed absentee ballot clerks are permitted to handle absentee ballots. Under current law, any 3rd person may deliver absentee ballots to voters and return them to the municipal clerk.