

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 150

H.P. 129

House of Representatives, January 15, 2009

An Act To Allow Voters To Choose Ongoing Absentee Voter Status

Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.

Cosponsored by Senator SULLIVAN of York and Representatives: CAREY of Lewiston, FITTS of Pittsfield, GOODE of Bangor, Speaker PINGREE of North Haven, RUSSELL of Portland, TUTTLE of Sanford, Senators: GOODALL of Sagadahoc, PLOWMAN of Penobscot.

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

2 **Sec. 1. 21-A MRSA §753-A, sub-§7** is enacted to read:

3 **7. Application for ongoing absentee voter status.** A voter may apply, in writing,
4 for status as an ongoing absentee voter. Each qualified applicant must automatically
5 receive an absentee ballot for each ensuing statewide election for which the voter is
6 entitled to vote and need not submit a separate request for each election.

7 **A.** A request for status as an ongoing absentee voter must be made in writing by the
8 voter on a form designed by the Secretary of State.

9 **B.** A voter's ongoing absentee voter status must be terminated upon:

10 (1) The written request of the voter;

11 (2) The death or disqualification of the voter;

12 (3) The cancellation of the voter's registration record in the central voter
13 registration system;

14 (4) The return of an absentee ballot as undeliverable; or

15 (5) The designation of a voter's status as inactive in the central voter registration
16 system.

17 **Sec. 2. 21-A MRSA §753-B, sub-§1-A** is enacted to read:

18 **1-A. Ballot issued to ongoing absentee voter.** Upon receipt of absentee ballots
19 from the printer, the clerk shall immediately issue an absentee ballot and return envelope
20 by mail to any voter who has qualified for ongoing absentee voter status under section
21 753-A, subsection 7.

22 **Sec. 3. 21-A MRSA §754-A, sub-§1,** as amended by PL 1999, c. 645, §7, is
23 further amended to read:

24 **1. Ballot delivered to voter or immediate family member.** When a voter or an
25 immediate family member of a voter obtains a ballot from the clerk in person or by mail
26 and returns that ballot to the clerk in person or by mail and receives no assistance in
27 marking the ballot, the following procedures apply. A ballot that was issued to a voter
28 who has filed an application for ongoing absentee voter status under section 753-A,
29 subsection 7 must be returned by mail or in person by the voter or an immediate family
30 member of the voter.

31 **A.** The voter shall mark that ballot according to section 691 or 692 so that it is
32 impossible for anyone present at the time to see how the voter voted.

33 **B.** While the voter is marking the ballot, there may be no communication between
34 the voter and any other individual as to the person or question for which the voter is
35 to vote.

1 C. After the voter has completed marking the ballot, the voter shall then seal the
2 ballot in its return envelope and complete the affidavit on the envelope. No notary or
3 witness certification is required.

4 D. The voter or an immediate family member of the voter shall then mail or deliver
5 in person the sealed envelope containing the voted ballot to the clerk of the
6 municipality of which the voter is a resident. The voter shall send a completed voter
7 registration or absentee ballot application, if necessary, in a separate envelope.

8 E. If an immediate family member of the voter returns an absentee ballot that was
9 requested by the voter or another immediate family member of the voter, in writing or
10 in person, the clerk shall accept the ballot. The clerk shall have the immediate family
11 member who returned the ballot sign the application or written request and shall
12 indicate that the ballot was returned by that person.

13 SUMMARY

14 This bill provides a process for voters to request ongoing absentee voter status, which
15 allows them to automatically receive an absentee ballot for each statewide election until
16 the status is terminated.