

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1579

H.P. 1117

House of Representatives, December 22, 2009

An Act To Facilitate Voting by Uniformed Service and Overseas Voters

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

Received by the Clerk of the House on December 18, 2009. Referred to the Committee on Legal and Veterans Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WILLETTE of Presque Isle.
Cosponsored by Senator GOODALL of Sagadahoc and
Representatives: MARTIN of Eagle Lake, PILON of Saco, Senator: JACKSON of Aroostook.

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

2 **Sec. 1. 21-A MRSA §753-A, sub-§6**, as amended by PL 2009, c. 253, §47, is
3 further amended to read:

4 **6. Application by electronic means.** A municipal clerk ~~may opt to shall~~ accept
5 absentee ballot applications by the electronic means authorized by the Secretary of State.
6 ~~At least 120 days before any election administered by the State, the clerk shall notify the~~
7 ~~Secretary of State of the clerk's intention to accept absentee ballot applications by~~
8 ~~electronic means. The Secretary of State shall post on its publicly accessible website a~~
9 ~~list of municipalities that have opted to accept absentee ballot applications by electronic~~
10 ~~means along with procedures for requesting an absentee ballot by electronic means. The~~
11 Secretary of State shall design or approve the form of the absentee ballot application to be
12 submitted by electronic means.

13 ~~If the clerk opts to accept absentee ballot applications by electronic means, a~~ A voter may
14 make an application for the voter's own ballot by electronic means using the form
15 designed or approved by the Secretary of State. The voter may not designate an
16 immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The
17 clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's
18 residence address and birth date with the information in the voter's record. The clerk
19 shall print the electronically submitted application and write "electronic request" on the
20 application.

21 **Sec. 2. 21-A MRSA §753-B, sub-§1**, as amended by PL 2007, c. 455, §41, is
22 further amended to read:

23 **1. Application or written request received.** Upon receipt of an application, or
24 ~~written request or telephone application~~ for an absentee ballot that is accepted pursuant to
25 section 753-A, the clerk shall immediately issue an absentee ballot and return envelope
26 by mail or in person to the applicant or to the immediate family member or to a 3rd
27 person designated in a written application or request made by the voter, except that the
28 clerk does not have to issue a ballot by mail to ~~an address outside the municipality for a~~
29 ~~voter whose request was received on the day before election day or to any voter whose~~
30 ~~request was received on election day after 5:00 p.m. on the Thursday before election day.~~
31 The clerk shall type or write in ink the name and the residence address of the voter in the
32 designated section of the return envelope.

33 **Sec. 3. 21-A MRSA §777-A**, as enacted by PL 2003, c. 407, §28, is amended to
34 read:

35 **§777-A. Registration and enrollment**

36 Uniformed service voters or overseas voters may register or enroll at any time by
37 completing a federal or state voter registration application form and filing it with the
38 registrar or the Secretary of State in person, by mail or by electronic means authorized by
39 the Secretary of State.

1 **Sec. 4. 21-A MRSA §778**, as amended by PL 2005, c. 453, §§60 and 61, is further
2 amended to read:

3 **§778. Duty of registrar**

4 On receipt of an application under section 777-A, the registrar or the Secretary of
5 State in consultation with the registrar shall register the applicant, unless it appears that
6 the applicant is not qualified. If the applicant is not qualified, the registrar or the
7 Secretary of State shall notify the applicant of the reason for rejection of the application.

8 **1. Member specially designated.** The registrar or the Secretary of State shall
9 designate a uniformed service voter in the central voter registration system with the letter
10 "S".

11 **2. Overseas voter specially designated.** The registrar or the Secretary of State shall
12 designate an overseas voter in the central voter registration system with the letter "O".

13 **Sec. 5. 21-A MRSA §780**, as repealed and replaced by PL 2003, c. 407, §31, is
14 amended to read:

15 **§780. Absentee ballots; application**

16 A uniformed service voter or an overseas voter may request an absentee ballot as
17 provided in section 753-A or by submitting a federal application or form requesting an
18 absentee ballot as provided in section 783. With respect to any election for federal office,
19 a clerk or the Secretary of State may not refuse to accept or process any otherwise valid
20 voter registration application or absentee ballot application submitted by a uniformed
21 service voter or an overseas voter on the grounds that the voter submitted the application
22 more than 3 months before the election for which the application will be used. An
23 application or request for an absentee ballot for a uniformed service voter or overseas
24 voter that is accepted pursuant to section 753-A or section 783 remains valid ~~through the~~
25 next 2 regularly scheduled general elections for federal office for 2 years from the date of
26 receipt of the application and entitles the voter to receive absentee ballots for all federal
27 and state elections during that period.

28 **Sec. 6. 21-A MRSA §780-A**, as enacted by PL 2003, c. 407, §32, is amended to
29 read:

30 **§780-A. Use of blank write-in absentee ballot**

31 Prior to the time when regular absentee ballots are available, if an applicant requests a
32 blank write-in absentee ballot or indicates that it takes more than 6 weeks to receive and
33 return mail to the applicant's location, the clerk Secretary of State shall send a blank
34 write-in absentee ballot to the voter or shall transmit the regular absentee ballot by an
35 authorized electronic means if the voter has designated that the voter wishes to receive
36 that ballot by that means. ~~Once the regular absentee ballots become available, the clerk~~
37 ~~shall issue a regular absentee ballot in response to any request under this section. If the~~
38 ~~clerk has issued a blank write-in absentee ballot to a voter before the regular absentee~~

1 ~~ballots become available, the clerk may send a regular absentee ballot to the voter,~~
2 ~~following the procedures for issuing a 2nd absentee ballot under section 753-B.~~

3 **Sec. 7. 21-A MRSA §781-A**, as enacted by PL 2003, c. 407, §34, is amended to
4 read:

5 **§781-A. Absentee ballot application; procedure on receipt**

6 Upon receipt of an application; or written request or telephone application for an
7 absentee ballot that is accepted pursuant to section 753-A or section 783, the clerk or the
8 Secretary of State shall immediately issue an absentee ballot and return envelope by mail
9 or in person to the applicant or to the immediate family member or to a 3rd person
10 designated in a written application or request made by the voter the authorized means
11 designated by the voter in the application. ~~The~~ If the ballot is to be transmitted to the
12 voter by mail, the clerk or the Secretary of State shall type or write in ink the name and
13 the residence address of the voter in the designated section of the return envelope. The
14 Secretary of State shall provide a return envelope which that moves free of postage under
15 federal law.

16 **Sec. 8. 21-A MRSA §782**, as amended by PL 2003, c. 407, §35, is further
17 amended to read:

18 **§782. Absentee ballots; procedure on return**

19 On receipt of a return envelope apparently containing an absentee ballot, the clerk or
20 the Secretary of State shall follow the procedures for regular absentee voting under this
21 subchapter.

22 **Sec. 9. 21-A MRSA §783**, as amended by PL 2003, c. 407, §35, is further
23 amended to read:

24 **§783. Authority of Secretary of State**

25 The Secretary of State may act administratively to facilitate voting by uniformed
26 service voters and overseas voters. ~~The Secretary of State and~~ and may use federal or other
27 facilities available for this purpose. These administrative actions may include, but are not
28 limited to:

29 1. Central issuance of absentee ballots. Issuing absentee ballots to uniformed
30 service voters and overseas voters from a central location in order to ensure expedited
31 delivery of absentee ballots;

32 2. Central receipt of absentee ballots. Receiving absentee ballots from uniformed
33 service voters and overseas voters at a central location in order to ensure that the ballots
34 are received by the statutory deadline;

35 3. Central counting of absentee ballots. Counting absentee ballots from uniformed
36 service voters and overseas voters at a central location and including the count of these
37 votes in the statewide tabulation of the vote;

