

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 54

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H.P. 49

House of Representatives, January 17, 2013

### An Act To Expand Access to Absentee Ballots

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative LIBBY of Lewiston.  
Cosponsored by Senator CLEVELAND of Androscoggin and  
Representative: WERTS of Auburn.

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

2 **Sec. 1. 21-A MRSA §753-B, sub-§2, ¶B**, as amended by PL 2011, c. 534, §17,  
3 is further amended to read:

4 B. To an immediate family member or to a 3rd person if the absentee ballot was  
5 requested by telephone or by electronic means; or

6 **Sec. 2. 21-A MRSA §753-B, sub-§2, ¶C**, as enacted by PL 2011, c. 399, §23, is  
7 amended to read:

8 C. To a 3rd person who already has been issued 5 absentee ballots for voters in the  
9 municipality, until the 3rd person has returned one of those ballots; ~~or~~

10 **Sec. 3. 21-A MRSA §753-B, sub-§2, ¶D**, as amended by PL 2011, c. 534, §18,  
11 is repealed.

12 **Sec. 4. 21-A MRSA §753-B, sub-§3**, as amended by PL 2001, c. 310, §52, is  
13 further amended to read:

14 **3. Return of ballot by 3rd person.** A 3rd person shall, unless good cause is shown,  
15 return an absentee ballot to the clerk's office ~~within 2 business days of the date that ballot~~  
16 ~~was provided to the 3rd person or~~ by the close of the polls on election day, ~~whichever is~~  
17 ~~earlier. The clerk shall inform the 3rd person of the deadline for the return of the ballot.~~

18 **Sec. 5. 21-A MRSA §753-B, sub-§8**, as amended by PL 2011, c. 399, §24, is  
19 further amended to read:

20 **8. Absentee voting in presence of clerk.** A person who wishes to vote by absentee  
21 ballot may, without completing an application, vote by absentee ballot in the presence of  
22 the clerk, ~~except as provided in subsection 2~~ until 8:00 p.m. on election day at any  
23 election. The method of voting is otherwise as prescribed in this article. After the person  
24 has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate  
25 on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit  
26 on the return envelope is properly completed by the voter. For the 45 days preceding an  
27 election, during the hours when the clerk's office is open and may be conducting absentee  
28 voting, the display or distribution of any advertising material intended to influence a  
29 voter's decision regarding a candidate or question on the ballot for that election is  
30 prohibited within the clerk's office and on public property within 250 feet of the entrance  
31 to the building in which the clerk's office is located.

32 This subsection does not apply to the display or distribution of any campaign advertising  
33 material on private property that is within 250 feet of the entrance to the building in  
34 which the clerk's office is located. For purposes of this section, "private property"  
35 includes privately owned property subject to a public right-of-way that is an easement  
36 right-of-way.

37 This subsection does not apply to campaign advertising material on automobiles traveling  
38 to and from the municipal office or parked on municipal property while the occupants are  
39 visiting the municipal office to conduct municipal business. It does not prohibit a person

1 who is at the municipal office for the purpose of conducting municipal business or for  
2 absentee voting from wearing a campaign button when the longest dimension of the  
3 button does not exceed 3 inches.

4 **SUMMARY**

5 This bill eliminates restrictions on the issuance of absentee ballots after the 3rd day  
6 before an election, removes deadlines for the return of an absentee ballot by a 3rd person  
7 and allows a voter to vote by absentee ballot until 8:00 p.m. on the day of any election.