

# MAINE STATE LEGISLATURE

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Date: 6-8-21

(Filing No. H-459)

MAJORITY  
VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 104, L.D. 148, "An Act To Establish Ongoing Absentee Voting"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 21-A MRSA §161, sub-§2-B is enacted to read:

2-B. Information sharing with other states. The Secretary of State shall contract with a nonprofit corporation of member states for periodic sharing of voter registration information, including information on names and addresses of voters in member states. The Secretary of State shall periodically update the central voter registration system based on the information obtained from the nonprofit corporation of member states.

Sec. 2. 21-A MRSA §752, sub-§3, as repealed and replaced by PL 2001, c. 310, §51, is amended to read:

3. Form of return envelope. The Secretary of State shall design or approve the form of the absentee ballot return envelope. The Secretary of State may not design or approve a return envelope for use in a general election that includes any mark visible on the outside of the return envelope or a space designated for making a mark visible on the outside of the return envelope that indicates the political party of the voter to whom the absentee ballot is issued.

Sec. 3. 21-A MRSA §753-A, sub-§7 is enacted to read:

7. Application for ongoing absentee voter status. A voter who will be at least 65 years of age by the next election or who self-identifies as having a disability may apply for status as an ongoing absentee voter. Each qualified applicant must automatically receive an absentee ballot for each ensuing statewide election, municipal election and any other election for which the voter is entitled to vote and need not submit a separate request for each election.

A. An application for status as an ongoing absentee voter must be made by a voter using procedures designed by the Secretary of State. These procedures must include a

COMMITTEE AMENDMENT

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process for notifying the voter that if the voter moves out of the municipality, that voter's status as an ongoing absentee voter in that municipality terminates. A voter may obtain assistance in completing an application for ongoing absentee voter status pursuant to subsection 5.

B. The clerk or Secretary of State shall terminate a voter's ongoing absentee voter status only upon:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record in the central voter registration system;
- (4) The return of an absentee ballot as undeliverable;
- (5) The failure of the voter to vote by absentee ballot for a general election; or
- (6) The designation of the voter's status as inactive in the central voter registration system.

This subsection does not apply to uniformed service voters or overseas voters who are covered by the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 United States Code, Section 20302 (2019).

**Sec. 4. 21-A MRSA §753-A, sub-§8** is enacted to read:

**8. Telephone and e-mail contact information.** In addition to any required information, a voter applying for an absentee ballot or an ongoing absentee ballot must be asked to provide that voter's telephone number and e-mail address, if available.

**Sec. 5. 21-A MRSA §753-B, sub-§1**, as amended by PL 2011, c. 399, §22, is further amended to read:

**1. ~~Application or written request received~~ Issuance of absentee ballots.** Upon receipt of an application or written request for an absentee ballot that is accepted pursuant to section 753-A, and after the official ballots become available, the clerk shall immediately issue an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter, except as provided in subsection 2. Upon receipt of the official ballots, the clerk shall immediately issue an absentee ballot and return envelope by mail to any voter who has qualified for ongoing absentee voter status under section 753-A, subsection 7. The clerk shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The clerk may not make any mark visible on the outside of the return envelope for use in a general election that indicates the political party of the voter to whom an absentee ballot is issued.

**Sec. 6. Membership agreement with Electronic Registration Information Center, Inc.** By January 1, 2023, the Secretary of State shall enter into a membership agreement with the Electronic Registration Information Center, Inc. on behalf of the State pursuant to the Maine Revised Statutes, Title 21-A, section 161, subsection 2-B. The agreement must include terms providing for the periodic sharing of information, including, but not limited to, voter names and addresses, between the Electronic Registration

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1 Information Center, Inc. and the central voter registration system of the Department of the  
2 Secretary of State.

3 **Sec. 7. Appropriations and allocations.** The following appropriations and  
4 allocations are made.

5 **SECRETARY OF STATE, DEPARTMENT OF**  
6 **Bureau of Administrative Services and Corporations 0692**

7 Initiative: Provides funding to implement ongoing absentee voting for individuals who will  
8 be at least 65 years of age by the next election or have a disability.

9 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
10 All Other	\$49,000	\$24,000
11	<hr/>	<hr/>
12 <b>GENERAL FUND TOTAL</b>	<b>\$49,000</b>	<b>\$24,000</b>

13 **Sec. 8. Effective date.** That section of this Act that enacts the Maine Revised  
14 Statutes, Title 21-A, section 161, subsection 2-B takes effect January 1, 2023. Those  
15 sections of this Act that enact Title 21-A, section 753-A, subsections 7 and 8 and those  
16 sections of this Act that amend Title 21-A, section 752, subsection 3 and section 753-B,  
17 subsection 1 take effect November 1, 2023.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
19 number to read consecutively.

20 **SUMMARY**

21 This amendment, which is the majority report of the committee, provides that only  
22 voters who will be at least 65 years of age before the next election or who self-identify as  
23 having a disability are eligible to apply for ongoing absentee voter status. In addition to  
24 the reasons for termination set forth in the bill, the amendment provides that a voter's  
25 ongoing absentee voter status must be terminated if the voter fails to return an absentee  
26 ballot issued to that voter for a general election. The amendment removes the provision of  
27 the bill requiring municipal clerks to notify voters within 24 hours when the clerks detect  
28 missing or mismatched signatures on an absentee ballot return envelope.

29 The amendment also clarifies that, as soon as official ballots become available, the  
30 municipal clerk must immediately issue absentee ballots and return envelopes to voters  
31 with ongoing absentee voter status as well as all other voters who have submitted  
32 applications for absentee ballots for a single election that have been accepted by the clerk.  
33 The amendment provides that election officials may not make any mark indicating the  
34 political party of absentee voters on the outside of the return envelopes issued during a  
35 general election.

36 The amendment further requires the Secretary of State to enter into a membership  
37 agreement with the Electronic Registration Information Center, Inc. by January 1, 2023 for  
38 periodic sharing of voter registration information with member states and to use that  
39 information to periodically update the central voter registration system.

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COMMITTEE AMENDMENT "A" to H.P. 104, L.D. 148

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Finally, the amendment delays the effective date of the ongoing absentee voter status provisions of the bill from January 1, 2023 to November 1, 2023, and it also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



# 130th MAINE LEGISLATURE

LD 148

LR 354(02)

An Act To Establish Ongoing Absentee Voting

Fiscal Note for Bill as Amended by Committee Amendment *ACH-459*  
 Committee: Veterans and Legal Affairs  
 Fiscal Note Required: Yes

## Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings) General Fund	\$49,000	\$24,000	\$24,000	\$24,000
Appropriations/Allocations General Fund	\$49,000	\$24,000	\$24,000	\$24,000

### Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$49,000 in fiscal year 2021-22 and \$24,000 in fiscal year 2022-23 to implement ongoing absentee voting for individuals who will be at least 65 years of age by the next election or have a disability.