

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 148

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H.P. 104

House of Representatives, January 21, 2021

### An Act To Establish Ongoing Absentee Voting

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Received by the Clerk of the House on January 19, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Speaker FECTEAU of Biddeford.

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 for status as  
4 an ongoing absentee voter. Each qualified applicant must automatically receive an  
5 absentee ballot for each ensuing statewide election, municipal election and any other  
6 election for which the voter is entitled to vote and need not submit a separate request for  
7 each election.

8 A. An application must be made by a voter using procedures designed by the Secretary  
9 of State. These procedures must include a process for notifying the voter that if the  
10 voter moves out of the municipality, that voter's status as an ongoing absentee voter in  
11 that municipality terminates. A voter may obtain assistance in completing an  
12 application for ongoing absentee voter status pursuant to subsection 5.

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

15 (1) The written request of the voter;

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

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

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

20 (5) The designation of the voter's status as inactive in the central voter registration  
21 system.

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

25 **Sec. 2. 21-A MRSA §753-A, sub-§8** is enacted to read:

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

29 **Sec. 3. 21-A MRSA §753-B, sub-§1-A** is enacted to read:

30 **1-A. Ballot issued to ongoing absentee voter.** Upon receipt of absentee ballots, the  
31 clerk shall immediately issue an absentee ballot and return envelope by mail to any voter  
32 who has qualified for ongoing absentee voter status under section 753-A, subsection 7.

33 **Sec. 4. 21-A MRSA §756, sub-§2,** as amended by PL 2009, c. 538, §9, is further  
34 amended to read:

35 **2. Clerk to examine signatures and affidavit.** The clerk shall compare the signature  
36 of the voter on the application, where required, with that on the corresponding return  
37 envelope. The clerk shall examine the affidavit on the return envelope. If the clerk notes  
38 a discrepancy in signature on the return envelope, the return envelope is missing a signature  
39 or the affidavit on the return envelope is not properly completed, the clerk shall make a  
40 good faith effort to notify the voter within 24 hours by mail, telephone or e-mail of the  
41 procedure by which the voter may cure the discrepancy, correct the missing signature or  
42 properly complete the affidavit on the return envelope. If the signatures appear to have

1 been made by the same person and if the affidavit is properly completed, the clerk shall  
2 write "OK" and the clerk's initials on the return envelope. Otherwise, the clerk shall note  
3 any discrepancy on the return envelope.

4 A. If the signatures do not appear to have been made by the same person, but this  
5 discrepancy is apparently the result of the voter's having properly obtained assistance  
6 under either section 753-A, subsection 5, or section 754-A, subsection 3, or both, then  
7 the clerk shall note the discrepancy on the return envelope, but shall also write "OK"  
8 and the clerk's initials on the return envelope.

9 **Sec. 5. Effective date.** This Act takes effect January 1, 2023.

## 10 SUMMARY

11 This bill provides a process for a voter to request ongoing absentee voter status, which  
12 allows the voter to automatically receive an absentee ballot for each statewide election,  
13 municipal election and any other election until the status is terminated. It provides that if  
14 the clerk notes a discrepancy in signature on the return envelope of an absentee ballot, the  
15 return envelope is missing a signature or the affidavit on the return envelope is not properly  
16 completed, the clerk shall make a good faith effort to notify the voter within 24 hours by  
17 mail, telephone or e-mail of the procedure by which the voter may cure the discrepancy,  
18 correct the missing signature or properly complete the affidavit on the return envelope. It  
19 provides an effective date of January 1, 2023.