

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1363

S.P. 450

In Senate, April 7, 2021

An Act To Amend the Laws Governing Elections

Submitted by the Secretary of State pursuant to Joint Rule 204

Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

Cosponsored by Representative CAIAZZO of Scarborough.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-C**, as amended by PL 2019, c. 320, §1 and c. 539,
3 §§1 and 2 and affected by §6, is repealed and the following enacted in its place:

4 **27-C. Elections determined by ranked-choice voting.** "Elections determined by
5 ranked-choice voting" means any of the following elections in which 3 or more candidates
6 have qualified to be listed on the ballot for a particular office or at least 2 such candidates
7 plus one or more declared write-in candidates have qualified for that particular office:

8 A. Primary elections for the offices of United States Senator, United States
9 Representative to Congress, Governor, State Senator and State Representative;

10 B. General and special elections for the offices of United States Senator and United
11 States Representative to Congress;

12 D. General elections for presidential electors; and

13 E. Primary elections for the office of President of the United States.

14 **Sec. 2. 21-A MRSA §153-A, sub-§3**, as amended by PL 2005, c. 568, §6, is further
15 amended to read:

16 **3. Signing petitions.** Once an alternative registration signature statement is on file
17 with the registrar, the voter may authorize any other Maine-registered voter to sign
18 candidate petitions, direct initiative of legislation petitions, people's veto petitions and any
19 Maine Clean Election Act forms requiring a voter's signature in the presence and at the
20 direction of the voter, except that the individual assisting the voter may not be a candidate,
21 the circulator of the petition or form, the voter's employer or an agent of that employer or
22 an officer or agent of the voter's union. In addition to using the voter's signature stamp or
23 signing for the voter, the individual assisting the voter must print and sign the individual's
24 own name and residence address on the petition or form and attest that the individual is
25 signing on the voter's behalf. This method of signing satisfies the requirements in this Title
26 that voters personally sign candidate petitions. This method of signing also satisfies the
27 requirements of the Constitution of Maine, Article IV, Part Third, Section 20 that petitions
28 for the direct initiative of legislation and people's veto petitions contain the original
29 signatures of the petitioners.

30 **Sec. 3. 21-A MRSA §232, sub-§1**, as enacted by PL 2019, c. 409, §6 and affected
31 by §9, is amended to read:

32 **1. Application for driver's license or nondriver identification card; creation of**
33 **pending voter registration record.** If an individual applies for, renews or updates a
34 driver's license or nondriver identification card from the bureau, unless the individual opts
35 out under section 234, the bureau shall ~~scan~~ record the documentation provided by the
36 individual and create a pending voter registration record for that individual, which must be
37 stored electronically in the bureau's database. The pending voter registration record and
38 the record of the accompanying ~~scanned~~ documentation must be in a searchable, auditable
39 format.

40 **Sec. 4. 21-A MRSA §301, sub-§1, ¶E**, as amended by PL 2017, c. 254, §1, is
41 further amended to read:

1 E. ~~At~~ The party's candidate for Governor or for President received at least 5% of the
2 total vote cast in the State for Governor or for President in the last preceding
3 gubernatorial or presidential election or at least 10,000 voters were enrolled in the party
4 ~~voted in~~ as of the last general election, except that a qualified party does not have to
5 meet this enrollment until the 2nd general election after it has qualified and thereafter.

6 **Sec. 5. 21-A MRSA §335, sub-§5**, as amended by PL 2019, c. 445, §1, is further
7 amended to read:

8 **5. Number of signatures required.** Petitions must be signed by the following
9 numbers of voters:

10 A. For a candidate for Governor, at least 2,000 and not more than ~~3,000~~ 2,500 voters;

11 B. For a candidate for United States Senator, at least 2,000 and not more than ~~3,000~~
12 2,500 voters;

13 B-3. For a candidate for the office of President of the United States, at least 2,000 and
14 not more than ~~3,000~~ 2,500 voters-;

15 C. For a candidate for Representative to Congress, at least 1,000 and not more than
16 ~~1,500~~ 1,250 voters;

17 D. For a candidate for county office other than county commissioner, at least 150 and
18 not more than 200 voters;

19 E. For a candidate for county commissioner, at least 50 and not more than 75 voters;

20 F. For a candidate for State Senator, at least 100 and not more than 150 voters; and

21 G. For a candidate for State Representative, at least 25 and not more than 40 voters.

22 **Sec. 6. 21-A MRSA §340**, as enacted by PL 1987, c. 423, §3, is amended to read:

23 **§340. Notice of parties of qualified primary voters**

24 **1. Notice to Secretary of State.** No later than February 1st of the election year, each
25 political party eligible to participate in a primary election shall notify the Secretary of State
26 ~~of the enrollment qualifications, subject to the restrictions in section 144, for voters of~~
27 whether unenrolled voters will be eligible to vote in that party's primary. If no notice is
28 received by that date, only voters enrolled in a political party may vote in that party's
29 primary.

30 **2. Notice to municipal clerks.** The Secretary of State shall inform all municipal clerks
31 of the qualifications necessary for voters to participate in each party's primary. The ~~clerks~~
32 Secretary of State shall establish procedures to ensure that all qualified primary voters are
33 offered ballots for each party in which primary election the voters are qualified to vote. A
34 voter may vote in the primary election of only one qualified party.

35 **Sec. 7. 21-A MRSA §354, sub-§5**, as amended by PL 1991, c. 362, §§2 and 3, is
36 further amended to read:

37 **5. Number of signatures required.** Nomination petitions must be signed by the
38 following numbers of voters:

39 A. For a slate of candidates for the office of presidential elector, at least 4,000 and not
40 more than ~~6,000~~ 5,000 voters;

- 1 B. For a candidate for Governor, at least 4,000 and not more than ~~6,000~~ 5,000 voters;
- 2 C. For a candidate for United States Senator, at least 4,000 and not more than ~~6,000~~
- 3 5,000 voters;
- 4 D. For a candidate for United States Representative, at least 2,000 and not more than
- 5 ~~3,000~~ 2,500 voters;
- 6 E. For a candidate for county office other than county commissioner or county charter
- 7 commission member, at least 300 and not more than 400 voters;
- 8 E-1. For a candidate for county commissioner, at least 100 and not more than 150
- 9 voters;
- 10 F. For a candidate for State Senator, at least 200 and not more than 300 voters;
- 11 G. For a candidate for State Representative, at least 50 and not more than 80 voters;
- 12 and
- 13 H. For a candidate for county charter commission member, at least 50 and not more
- 14 than 80 voters.

15 **Sec. 8. 21-A MRSA §441**, as enacted by PL 2019, c. 445, §4, is amended to read:

16 **§441. Determination and date of primary; voter eligibility**

17 **1. Determination of primary.** No later than ~~November~~ October 1st of the year prior

18 to a presidential election year, the state committee of each party shall certify whether there

19 is a contest among candidates for nomination as the presidential candidate. Upon receiving

20 the certification from one or more parties, the Secretary of State shall announce the parties

21 that will have a presidential primary election, which must be held on the first Tuesday after

22 the first Monday in March of the presidential election year.

23 **2. Eligible voter.** No later than ~~December~~ October 1st of the year prior to a

24 presidential election year, the state committee of each party shall notify the Secretary of

25 State ~~of the enrollment qualifications, subject to the restrictions in section 144, for voters~~

26 eligible of whether unenrolled voters will be eligible to vote in that party's presidential

27 primary election. If no notice is received by that date, only voters enrolled in a political

28 party may vote in that party's presidential primary election. A voter may vote in the primary

29 election of only one qualified party.

30 **Sec. 9. 21-A MRSA §442**, as enacted by PL 2019, c. 445, §4, is amended to read:

31 **§442. Petitions**

32 On or before ~~November~~ October 1st of the year prior to a presidential election year, the

33 Secretary of State shall prepare and make available petitions for circulation by a person

34 desiring to be a candidate in the state presidential primary election of any party. Petitions

35 must be delivered to the registrar, or clerk at the request or upon the absence of the registrar,

36 for certification by 5 p.m. on November 20th of the year prior to a presidential election

37 year. This petition Petitions must be completed and filed with the Secretary of State no

38 later than ~~5:00~~ 5 p.m. on December 21st 1st of the year prior to a presidential election year

39 in the manner provided in sections 335 and 336.

40 **Sec. 10. 21-A MRSA §503-A, sub-§1**, as enacted by PL 2019, c. 64, §2, is

41 amended to read:

1 **1. Qualifications; compensation.** Election clerks must be at least 18 years of age,
2 must be registered to vote and must be residents of the municipality or the county in which
3 they serve, except that residents of a municipality or county who are ~~17~~ 16 years of age and
4 who are conditionally registered to vote pursuant to section 155 also qualify to serve as
5 election clerks. Election clerks are entitled to reasonable compensation as determined by
6 the municipal officers.

7 **Sec. 11. 21-A MRSA §601, sub-§3**, as amended by PL 2007, c. 455, §19, is further
8 amended to read:

9 **3. Order of offices.** The order of offices on the ballot is as follows: President, United
10 States Senator, Governor, Representative to Congress, State Senator and Representative to
11 the Legislature, and the county offices in the following order: judge of probate, register of
12 probate, county treasurer, register of deeds, sheriff, district attorney and county
13 commissioner, except that the order may be modified to allow ranked-choice contests to be
14 printed on the opposite side of the ballot, separate from contests other than ranked-choice
15 contests.

16 **Sec. 12. 21-A MRSA §723-A, sub-§5-B**, as enacted by PL 2019, c. 539, §3 and
17 affected by §6, is amended to read:

18 **5-B. Presidential primary elections; selection of delegates.** Notwithstanding any
19 provision of this section to the contrary, for presidential primary elections, batch
20 elimination may not be used for any candidates with more than 100 votes, tabulation must
21 continue until only 2 continuing candidates remain, separate tabulations must be conducted
22 statewide and for each congressional district and selection and allocation of delegates to a
23 party's national presidential nominating convention must be in accordance with any
24 reasonable procedures established at the state party convention.

25 **Sec. 13. 21-A MRSA §752-B** is enacted to read:

26 **§752-B. Exterior absentee ballot drop boxes or drop slots**

27 A municipality may obtain and deploy an absentee ballot drop box or drop slot for use
28 by voters of that municipality to return their voted ballots without requiring contact with
29 an election official. A municipality may obtain and deploy additional absentee ballot drop
30 boxes at other locations within the municipality, subject to the approval of the Secretary of
31 State. The clerk must submit a certification to the Secretary of State at least 90 days before
32 the election that the additional absentee ballot drop boxes will meet the requirements of
33 this section, other than the requirements for location outside the municipal office building.
34 Delivery to an absentee ballot drop box or drop slot pursuant to this section constitutes
35 delivery to the clerk as provided in section 754-A. An absentee ballot drop box or drop
36 slot must comply with guidelines issued by the Secretary of State to ensure accessibility to
37 individuals with disabilities and must meet the following requirements.

38 **1. Security; location.** An absentee ballot drop box or drop slot must be located outside
39 the municipal office building or the building where in-person absentee voting is taking
40 place before an election, if separate from the municipal office building. The absentee ballot
41 drop box or drop slot must be secured so that it cannot be moved or removed by any
42 unauthorized person. If the absentee ballot drop box or drop slot is positioned against an
43 outside wall of the building, it must be bolted or otherwise securely fastened to the building
44 wall or to the deck or landing. If the absentee ballot drop box is located away from the

1 municipal building, it must be set onto a post that is sunk into the ground or set into a
2 concrete pad or bolted or otherwise securely affixed to a platform or other structure. When
3 in use for an election, the absentee ballot drop box or drop slot must be monitored
4 periodically by law enforcement personnel, municipal staff or a surveillance camera. A
5 drop slot must be attached to a secure collection box.

6 **2. Secure method for ballot deposit.** An absentee ballot drop box must provide a
7 slot or chute that the voter can use to deposit an absentee ballot envelope into a collection
8 box. This slot or chute must be designed so that it prevents anyone from reaching in and
9 accessing absentee ballot envelopes deposited into the box and so that the deposited ballots
10 are protected from the elements. The slot or chute also must have a mechanism to close
11 and lock the absentee ballot drop box so that no ballots can be deposited once it is closed
12 and locked. The absentee ballot drop box may not consist simply of a slot in an outside
13 doorway to the municipal building or allow the envelopes to fall to the floor and remain
14 unsecured. A slot or drop slot must feed directly into a secure, locked collection box, so
15 that the deposited absentee ballot envelopes remain secured until the municipal clerk or
16 designee removes the envelopes and secures them in the clerk's office.

17 **3. Clear label.** An absentee ballot drop box or drop slot must be labeled, or a sign
18 must be posted on or near the absentee ballot drop box or drop slot, to indicate that it is an
19 official absentee ballot drop box or drop slot. Unless an absentee ballot drop box is affixed
20 to the outside wall of the municipal office building, it must display the name of the
21 municipality. An absentee ballot drop box may have an additional sign instructing voters
22 about absentee voting requirements, including warnings against use by voters of other
23 municipalities.

24 **4. Use and access during absentee voting period.** During the period when absentee
25 voting is taking place before an election, the absentee ballot drop box or drop slot must be
26 used only for collection of absentee ballot envelopes and not for other municipal office
27 filings or payments. The contents of an absentee ballot drop box or drop slot collection
28 box must be accessible only to the municipal clerk or designees. No other municipal staff
29 may have keys or access to the drop box or drop slot collection box contents during the
30 absentee voting period. If items other than absentee ballot envelopes are deposited into an
31 absentee ballot drop box, the municipal clerk or designee is responsible for delivering those
32 items to the appropriate municipal official.

33 **5. Periodic retrieval of ballots.** An absentee ballot drop box must have a locking
34 access door or cover that allows the municipal clerk or designee to open and retrieve the
35 absentee ballot envelopes. During the absentee voting period, the municipal clerk or a team
36 of 2 people designated by the clerk must periodically remove absentee ballot envelopes
37 from an absentee ballot drop box and deliver the envelopes to the municipal clerk's office
38 to be secured until they can be processed. At a minimum, absentee ballot envelopes must
39 be retrieved on each day that the municipal clerk's staff is working in the office. Absentee
40 ballot envelopes may be retrieved on other days as necessary based on the level of absentee
41 voting to ensure that the absentee ballot drop box does not get so full that no other absentee
42 ballot envelopes can be deposited and so that deposited absentee ballot envelopes do not
43 become accessible to unauthorized persons. The municipality must keep a log noting each
44 time an absentee ballot drop box is emptied and have each person emptying the absentee
45 ballot drop box initial or sign the log. The log form must be designed by the Secretary of
46 State. On election night, the clerk or team of designees shall arrive at the absentee ballot

1 drop box just before 8 p.m. and wait until 8 p.m. to remove the deposited absentee ballot
2 envelopes and lock the slot or chute so that no other voters can deposit absentee ballot
3 envelopes after the deadline for returning absentee ballot envelopes under section 755.

4 **Sec. 14. 21-A MRSA §753-A, sub-§3, ¶D** is enacted to read:

5 D. If the voter wishes to have an opportunity to cure any defect in the absentee ballot
6 that is submitted by the voter, in addition to the information required in paragraph A,
7 the following information must be provided:

8 (1) The voter's telephone number, if applicable; and

9 (2) The voter's e-mail address, if applicable.

10 The information, if provided by the voter, is confidential and may be used by the
11 municipal election officials only to contact the voter.

12 **Sec. 15. 21-A MRSA §753-A, sub-§4,** as amended by PL 2003, c. 447, §29, is
13 further amended to read:

14 **4. Application by telephone.** A voter may make a telephone application for the voter's
15 own ballot. In this case, the voter may not designate an immediate family member or a 3rd
16 person to deliver the ballot on the voter's behalf. The clerk shall ask the voter for the
17 information required and complete the application, with the exception of the voter's
18 signature, and shall write "telephone request" on the application. The clerk shall also obtain
19 the voter's birth date and write it on the application. The clerk shall verify that it is the
20 voter who is requesting the ballot by confirming the voter's residence address and birth date
21 with the information in the voter's record. A telephone application must be accepted by the
22 clerk if it contains ~~the voter's name, the voter's date of birth, the voter's residence address~~
23 ~~or other address sufficient to identify the voter and, if applicable, a different address to~~
24 ~~which the applicant requests the ballot be sent or delivered~~ information required for a
25 request in writing under subsection 3, except that the signature of the voter is not required.

26 **Sec. 16. 21-A MRSA §753-A, sub-§6,** as amended by PL 2009, c. 563, §1, is
27 further amended to read:

28 **6. Application by electronic means.** A municipal clerk shall accept absentee ballot
29 applications by the electronic means authorized by the Secretary of State. The Secretary
30 of State shall design or approve the form of the absentee ballot application to be submitted
31 by electronic means.

32 A voter may make an application for the voter's own ballot by electronic means using the
33 form designed or approved by the Secretary of State. The voter may not designate an
34 immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The
35 clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's
36 residence address and birth date with the information in the voter's record. The clerk shall
37 print the electronically submitted application and write "electronic request" on the
38 application. An application by electronic means must be accepted by the clerk if it contains
39 the information required for a request in writing under subsection 3, except that the
40 signature of the voter is not required.

41 **Sec. 17. 21-A MRSA §753-B, sub-§1,** as amended by PL 2011, c. 399, §22, is
42 further amended to read:

1 **1. Application or written request received.** Upon receipt of an application or written
2 request for an absentee ballot that is accepted pursuant to section 753-A, and after the
3 official ballots become available, the clerk shall immediately issue an absentee ballot and
4 return envelope by mail or in person to the applicant or to the immediate family member
5 or to a 3rd person designated in a written application or request made by the voter, except
6 as provided in subsection 2. The clerk shall type or write in ink the name and the residence
7 address of the voter in the designated section of the return envelope.

8 **Sec. 18. 21-A MRSA §753-B, sub-§2, ¶C**, as enacted by PL 2011, c. 399, §23, is
9 amended to read:

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

12 **Sec. 19. 21-A MRSA §753-B, sub-§2, ¶D**, as amended by PL 2011, c. 534, §18,
13 is further amended by amending subparagraph (4) to read:

14 (4) An incapacity or illness that has resulted in the voter's being unable to leave
15 home or a treatment facility; or

16 **Sec. 20. 21-A MRSA §753-B, sub-§2, ¶E** is enacted to read:

17 E. To any candidate, except for the candidate's own ballot.

18 **Sec. 21. 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. Before issuing a ballot, the clerk shall verify
23 that it is the voter who is requesting the ballot by confirming the voter's residence address
24 and year of birth with the information in the voter's record. The method of voting is
25 otherwise as prescribed in this article. After the person has voted, the clerk shall sign the
26 affidavit on the return envelope as a witness, indicate on the envelope that the voter voted
27 in the presence of a clerk and ensure that the affidavit on the return envelope is properly
28 completed by the voter. For the 45 days preceding an election, during the hours when the
29 clerk's office is open and may be conducting absentee voting, the display or distribution of
30 any advertising material intended to influence a voter's decision regarding a candidate or
31 question on the ballot for that election is prohibited within the clerk's office and on public
32 property within 250 feet of the entrance to the building in which the clerk's office is located.

33 This subsection does not apply to the display or distribution of any campaign advertising
34 material on private property that is within 250 feet of the entrance to the building in which
35 the clerk's office is located. For purposes of this section, "private property" includes
36 privately owned property subject to a public right-of-way that is an easement 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
40 who is at the municipal office for the purpose of conducting municipal business or for
41 absentee voting from wearing a campaign button when the longest dimension of the button
42 does not exceed 3 inches.

1 **Sec. 22. 21-A MRSA §756, sub-§2**, as amended by PL 2009, c. 538, §9, is
2 repealed.

3 **Sec. 23. 21-A MRSA §756, sub-§2-A** is enacted to read:

4 **2-A. Clerk to examine absentee ballot envelopes upon return.** The clerk shall
5 examine the absentee ballot envelope upon receipt from the voter and proceed as follows.

6 A. If no defects are detected, the clerk shall write "OK" and the clerk's initials on the
7 return envelope.

8 B. If the clerk detects a potential defect as described in section 756-A, the clerk shall
9 hold the envelope aside for up to 2 business days while attempting to notify the voter,
10 note the potential defect in the section of the envelope reserved for the clerk's notes
11 and follow the procedures for curing defects on absentee ballot envelopes pursuant to
12 section 756-A.

13 (1) If the defect is cured while the ballot is being held and the ballot is accepted
14 with or without a challenge, the clerk shall make a notation in the section of the
15 envelope reserved for the clerk's notes that the ballot is accepted, or accepted but
16 challenged, along with an explanation.

17 (2) If the potential defect is not cured while the ballot is being held by the clerk,
18 the clerk shall make a notation in the section of the envelope reserved for the clerk's
19 notes that the ballot is rejected and the reason why. If the voter subsequently cures
20 the defect in accordance with section 756-A, the notation in the section of the
21 envelope reserved for the clerk's notes must be changed from rejected to accepted,
22 or to accepted but challenged, as applicable.

23 **Sec. 24. 21-A MRSA §756-A** is enacted to read:

24 **§756-A. Procedures for curing defects on absentee ballot envelopes**

25 **1. Notice to voters.** Within one business day of noting a defect on an absentee ballot
26 envelope pursuant to section 756, subsection 2-A, the clerk shall notify the voter of the
27 defect and that the ballot may be rejected or challenged unless the defect is cured. If the
28 ballot is received on election day or less than 24 hours before election day, the clerk shall
29 make a good faith effort to notify the voter as quickly as possible. Notification must be
30 made by telephone, using the telephone number provided on the absentee ballot
31 application. If the clerk does not speak directly with the voter by telephone, the clerk shall
32 leave a voice mail message if available and shall also notify the voter by e-mail, using the
33 e-mail address provided on the absentee ballot application.

34 **2. Procedure for curing defects; mismatched voter signatures.** If the voter
35 signature on the envelope does not appear to have been written by the voter whose signature
36 appears on the absentee ballot application, the clerk shall:

37 A. Notify the voter of the issue by e-mail, asking the voter to call the clerk, or shall
38 call the voter and ask the voter to self-identify by name, date of birth and voting
39 residence as if the voter were making a telephone request for an absentee ballot
40 pursuant to section 753-A, subsection 4;

41 B. Verify that the voter requested a ballot, cast the ballot and placed the ballot in the
42 envelope or had the voter's assistant under section 754-A, subsection 5 do so; and

1 C. Verify that the voter signed the envelope. If the voter verifies that the voter signed
2 the envelope, the clerk shall accept the ballot without challenge and make a notation in
3 the section of the envelope reserved for the clerk's notes that the voter confirmed that
4 the voter personally signed the envelope.

5 If the clerk is unable to reach the voter before 8 p.m. on election day, the clerk shall accept
6 the ballot but challenge it in accordance with section 673, subsection 1.

7 **3. Procedure for curing defects; missing voter signature.** If the defect is a missing
8 voter signature, the clerk shall notify the voter of the defect by telephone or e-mail and
9 inform the voter of the following options:

10 A. The voter may come to the town office, and after the clerk verifies the voter's
11 identity, the clerk must allow the voter to sign the envelope or, at the voter's option,
12 open the envelope, inspect the ballot and sign a new envelope after the verified ballot
13 is sealed inside;

14 B. The voter may request a duplicate ballot; or

15 C. If the voter does not wish to choose an option under paragraph A or B, but the voter
16 self-identifies by name, date of birth and voting residence address over the telephone
17 with the clerk and acknowledges to the clerk that the voter requested a ballot, cast the
18 ballot and placed the ballot in the envelope or had an aide under section 754-A,
19 subsection 3 do so, the clerk shall accept the ballot but challenge it in accordance with
20 section 673, subsection 1.

21 If the voter does not respond to the telephone call or e-mail or does not cure the defect by
22 8 p.m. on election day, the ballot must be rejected in accordance with section 759,
23 subsection 3.

24 **4. Procedure for curing defects; aide or witness certificate incomplete.** If the aide
25 or witness certification under section 754-A, subsection 2 or 3 is unsigned, not completed
26 or completed incorrectly for a ballot with which the voter has been assisted or that has been
27 handled by a person other than the voter's immediate family member, the clerk shall notify
28 the voter of the defect by telephone or e-mail and inform the voter of the following options:

29 A. The voter may ask the witness or aide to come to the town office to sign and
30 properly complete the affidavit, and if the aide or witness does so, the clerk shall accept
31 the ballot;

32 B. The voter may request a duplicate ballot; or

33 C. If the voter does not wish to choose an option under paragraph A or B, but self-
34 identifies by name, date of birth and voting residence address over the telephone with
35 the clerk and describes how the voter received the ballot, who assisted the voter if
36 applicable and who delivered and returned the ballot if it was a person other than the
37 voter's immediate family member, the clerk shall accept the ballot but challenge it in
38 accordance with section 673, subsection 1.

39 If the voter does not respond to the telephone call or e-mail or does not cure the defect by
40 8 p.m. on election day, the ballot must be rejected in accordance with section 759,
41 subsection 3.

42 **5. Duplicate ballot issued.** In response to any of the circumstances listed in
43 subsections 2 to 4, if the clerk issues a duplicate ballot to the voter, the clerk shall enclose

1 a note stating the reason for sending the ballot and remind the voter what the voter needs
2 to do to comply. The clerk shall also write "second ballot issued" on the return envelope.

3 A. The clerk shall provide the duplicate ballot in the manner requested by the voter,
4 which may include issuance to the voter in person at the municipal office, by postal
5 mail to the address requested on the original absentee ballot application or by delivery
6 by an immediate family member or 3rd person as designated on the original application
7 or authorized in writing by the voter.

8 B. If the clerk is unable to reach the voter by telephone or e-mail to determine the
9 voter's preferred method of receiving a duplicate ballot, the clerk shall send a duplicate
10 ballot by postal mail to the voter's address or to the address listed on the original
11 absentee ballot request, if different.

12 C. The duplicate ballot must be received in the clerk's office by 8 p.m. on election day
13 in order to be counted. If a duplicate ballot has been issued to a voter, only one
14 completed and returned ballot from that voter may be accepted and counted.

15 **Sec. 25. 21-A MRSA §759, sub-§2**, as amended by PL 2007, c. 455, §42, is further
16 amended to read:

17 **2. Accepted if correct.** If the warden finds that the affidavit is properly completed,
18 that the clerk has verified that the signature on the envelope matches the signature on the
19 application where applicable, or confirmed that it is the voter's signature in accordance with
20 section 756-A, subsection 2, and that the person is registered and enrolled where necessary,
21 the warden shall then examine the incoming voting list to determine whether the voter
22 voted in person at the election. The warden shall then announce the name of each absentee
23 voter who has not voted at the election and remove each ballot from its envelope without
24 destroying the envelope or unfolding the ballot. After having an election clerk from a
25 political party different from that of the warden mark the letters "AV" beside the name of
26 each absentee voter on the incoming voting lists and place a check mark or horizontal line
27 in red ink on the list beside the voter's name, the warden shall accept the ballot.

28 **Sec. 26. 21-A MRSA §759, sub-§3**, as amended by PL 2009, c. 538, §10, is
29 repealed.

30 **Sec. 27. 21-A MRSA §759, sub-§3-A** is enacted to read:

31 **3-A. Rejected if incorrect.** The warden may not open the envelope and shall write
32 "Rejected" on it, the reason why the ballot is rejected and the warden's initials if the warden
33 finds that:

34 A. The clerk's notes on the envelope confirm that the absentee ballot defect was not
35 cured and the ballot cannot be accepted and challenged according to the procedures for
36 curing defects under section 756-A, subsection 2;

37 B. The voter has voted in person; or

38 C. The ballot was received by the clerk after the deadline.

39 SUMMARY

40 This bill makes the following changes to the election laws.

- 1 1. It repeals and replaces the definition of "elections determined by ranked-choice
2 voting" in order to remove a conflict in the law.
- 3 2. It provides that a voter with an alternative registration signature statement on file
4 with the municipal registrar may authorize any other Maine-registered voter to sign a
5 citizen's initiative or people's veto petition for the voter.
- 6 3. It replaces the requirement that the Department of the Secretary of State, Bureau of
7 Motor Vehicles scan documentation that will be used to create a pending voter registration
8 record for an individual who has not opted out of automatic voter registration and who
9 applies for a driver's license or nondriver identification card with a requirement that the
10 bureau record the individual's documentation for pending voter registration record purposes
11 and clarifies that this pending voter registration process also applies to renewals and
12 updates of driver's licenses and nondriver identification cards.
- 13 4. It changes the requirements for a political party to retain its qualification to provide
14 that a party retains its qualification if the party's candidate for Governor or President
15 received at least 5% of the total vote in the preceding gubernatorial or presidential election
16 or at least 10,000 voters were enrolled in the party as of the last general election.
- 17 5. It changes the maximum number of signatures a party or nonparty candidate for
18 certain offices must file in order to gain ballot access.
- 19 6. It provides that a qualified party must notify the Secretary of State by February 1st
20 of the election year whether unenrolled voters will be eligible to vote in the party's primary.
21 It also clarifies that a voter may vote in the primary election of only one qualified party.
- 22 7. It changes the date by which a qualified party must notify the Secretary of State of
23 whether there is a contest for nomination as the party's presidential candidate. It changes
24 the date by which a party must notify the Secretary of State of whether unenrolled voters
25 will be eligible to vote in the party's presidential primary. The bill also changes the date
26 by which the Secretary of State must make petitions available for the presidential primary
27 and sets November 20th as the deadline to file petitions with the municipal registrar and
28 December 1st as the deadline to file with the Secretary of State.
- 29 8. It provides that a person who is 16 years of age and who is conditionally registered
30 to vote is qualified to serve as an election clerk.
- 31 9. It provides that the order of offices on the ballot may be modified to allow a ranked-
32 choice contest to be printed on a separate side of the ballot from contests other than ranked-
33 choice.
- 34 10. It clarifies the process for conducting the ranked-choice tabulation for presidential
35 primary elections.
- 36 11. It provides requirements for an absentee ballot drop box.
- 37 12. It provides that a voter wishing to cure a defect in the voter's absentee ballot must
38 provide the voter's telephone number and e-mail address. The bill also specifies that this
39 information, if provided, is confidential and may be used only by municipal election
40 officials.
- 41 13. It clarifies that the signature of a voter is not required for an absentee ballot
42 application by telephone or electronic means.

1 14. It clarifies that the clerk, upon receipt of an accepted application, must immediately
2 issue an absentee ballot and return envelope as soon as official ballots become available.

3 15. It adds a restriction on issuing an absentee ballot to a candidate unless it is the
4 candidate's own ballot.

5 16. It provides that the clerk must verify it is the voter requesting an absentee ballot
6 when a voter requests to vote an absentee ballot in the clerk's presence by confirming the
7 voter's residence address and year of birth.

8 17. It clarifies the process that the clerk must follow to examine absentee ballot
9 envelopes returned from voters.

10 18. It provides a procedure for the clerk to follow to assist voters in curing defects in
11 their absentee ballot envelopes that would otherwise cause the ballot to be challenged or
12 rejected.