

**Maine Revised Statutes**  
**Title 21-A: ELECTIONS**  
**Chapter 9: CONDUCT OF ELECTIONS**

**§756. PROCEDURE ON RECEIPT**

When the clerk receives a return envelope apparently containing an absentee ballot, the clerk shall observe the following procedures. [ 2009, c. 538, §9 (AMD) . ]

**1. Time of receipt noted.** The clerk shall note the date and time of delivery on each return envelope. On request, the clerk shall give the person who delivers the ballot a receipt, stating the exact time of delivery.

[ 2009, c. 538, §9 (AMD) . ]

**2. Clerk to examine signatures and affidavit.** The clerk shall compare the signature of the voter on the application, where required, with that on the corresponding return envelope. The clerk shall examine the affidavit on the return envelope. If the signatures appear to have been made by the same person and if the affidavit is properly completed, the clerk shall write "OK" and the clerk's initials on the return envelope. Otherwise, the clerk shall note any discrepancy on the return envelope.

A. If the signatures do not appear to have been made by the same person, but this discrepancy is apparently the result of the voter's having properly obtained assistance under either section 753-A, subsection 5, or section 754-A, subsection 3, or both, then the clerk shall note the discrepancy on the return envelope, but shall also write "OK" and the clerk's initials on the return envelope. [ 1999, c. 645, §8 (AMD) . ]

[ 2009, c. 538, §9 (AMD) . ]

**3. Application attached.** The clerk shall attach each application, where required, to the corresponding envelope. The clerk may not open any return envelope.

[ 2009, c. 538, §9 (AMD) . ]

**4. Lists prepared.**

[ 2001, c. 310, §55 (RP) . ]

**5. Envelopes and lists delivered.** On election day, the clerk shall deliver or have delivered the return envelopes prescribed by section 752, subsection 3, with the applications, when required, attached and a copy of the list required by section 753-B, subsection 6, to the warden of the voting district in which the voter is registered, except in those municipalities where the clerk or the clerk's designee processes the absentee ballots centrally. In those municipalities where the absentee ballots are processed centrally, the clerk shall deliver or have delivered the materials described in this subsection to the person authorized by the clerk to process absentee ballots at the designated central location. After processing the absentee ballots, the warden or the clerk shall attach the copy of the list of absentee voters to the incoming voting list and seal it as provided in section 698.

[ 2003, c. 447, §32 (AMD) . ]

**6. Procedure when duplicate envelopes received from same voter.** If more than one return envelope is received from the same voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope marked "second ballot issued" or bearing the latest date and time and shall reject and keep sealed the first absentee envelope. If

more than one return envelope is received from the same voter who was not authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope bearing the earliest date and time. If only one return envelope is received from a voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count that ballot for all offices or questions for which the voter was entitled to vote.

[ 2003, c. 447, §33 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 357, §§13,14,19 (AMD). 1999, c. 645, §8 (AMD). 2001, c. 310, §§55,56 (AMD). 2003, c. 447, §§32,33 (AMD). 2009, c. 538, §9 (AMD).

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