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Legislative Document

No. 148

H.P. 104

House of Representatives, January 21, 2021

An Act To Establish Ongoing Absentee Voting

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 black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker FECTION 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.