



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 208

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H.P. 143

House of Representatives, January 27, 2021

### An Act To Expand Access to Absentee Ballots

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Received by the Clerk of the House on January 25, 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 Representative BROOKS of Lewiston.  
Cosponsored by Senator LIBBY of Androscoggin and  
Representatives: McCREIGHT of Harpswell, RIELLY of Westbrook.

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

2 **Sec. 1. 21-A MRSA §753-B, sub-§2, ¶B**, as amended by PL 2011, c. 534, §17, is  
3 further amended to read:

4 B. To an immediate family member or to a 3rd person if the absentee ballot was  
5 requested by telephone or by electronic means; or

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

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

10 **Sec. 3. 21-A MRSA §753-B, sub-§2, ¶D**, as amended by PL 2011, c. 534, §18, is  
11 repealed.

12 **Sec. 4. 21-A MRSA §753-B, sub-§3**, as amended by PL 2001, c. 310, §52, is  
13 further amended to read:

14 **3. Return of ballot by 3rd person.** A 3rd person shall, unless good cause is shown,  
15 return an absentee ballot to the clerk's office ~~within 2 business days of the date that ballot~~  
16 ~~was provided to the 3rd person or by the close of the polls on election day, whichever is~~  
17 ~~earlier.~~ The clerk shall inform the 3rd person of the deadline for the return of the ballot.

18 **Sec. 5. 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~~ until 8:00 p.m. on election day at any election.  
23 The method of voting is otherwise as prescribed in this article. After the person has voted,  
24 the clerk shall sign the affidavit on the return envelope as a witness, indicate on the  
25 envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the  
26 return envelope is properly completed by the voter. For the 45 days preceding an election,  
27 during the hours when the clerk's office is open and may be conducting absentee voting,  
28 the display or distribution of any advertising material intended to influence a voter's  
29 decision regarding a candidate or question on the ballot for that election is prohibited within  
30 the clerk's office and on public property within 250 feet of the entrance to the building in  
31 which the clerk's office is located.

32 This subsection does not apply to the display or distribution of any campaign advertising  
33 material on private property that is within 250 feet of the entrance to the building in which  
34 the clerk's office is located. For purposes of this section, "private property" includes  
35 privately owned property subject to a public right-of-way that is an easement right-of-way.

36 This subsection does not apply to campaign advertising material on automobiles traveling  
37 to and from the municipal office or parked on municipal property while the occupants are  
38 visiting the municipal office to conduct municipal business. It does not prohibit a person  
39 who is at the municipal office for the purpose of conducting municipal business or for  
40 absentee voting from wearing a campaign button when the longest dimension of the button  
41 does not exceed 3 inches.

1           **Sec. 6. 21-A MRSA §781-A**, as amended by PL 2019, c. 636, §18, is further  
2 amended to read:

3           **§781-A. Absentee ballot application; procedure on receipt**

4           ~~Notwithstanding the absentee ballot application deadline in section 753-B, subsection~~  
5 ~~2, paragraph D, upon~~ Upon receipt of an application or written request for an absentee  
6 ballot prior to 5 p.m. on the day before election day from a uniformed service voter or  
7 overseas voter that is accepted pursuant to section 753-A or section 783, the clerk or the  
8 Secretary of State shall immediately issue an absentee ballot and return envelope by the  
9 authorized means designated by the voter in the application. If the ballot is to be  
10 transmitted to the voter by mail, the clerk or the Secretary of State shall type or write in ink  
11 the name and the residence address of the voter in the designated section of the return  
12 envelope. The Secretary of State shall provide a return envelope that moves free of postage  
13 under federal law.

14   **SUMMARY**

15           This bill eliminates restrictions on the issuance of absentee ballots after the 3rd day  
16 before an election, removes deadlines for the return of an absentee ballot by a 3rd person  
17 and allows a voter to vote by absentee ballot in the presence of the clerk until 8:00 p.m. on  
18 the day of any election.