

Speaker Fecteau's Proposed Amendment to LD 148
For 2/22/21 Work Session

Amend the bill in section 1 as follows:

Sec. 1. 21-A MRSA §753-A, sub-§7 is enacted to read:

7. Application for ongoing absentee voter status. A voter who is at least 65 years of age or who has a physical disability may apply for status as an ongoing absentee voter. Each qualified applicant must automatically receive an absentee ballot for each ensuing statewide election, municipal election and any other election for which the voter is entitled to vote and need not submit a separate request for each election.

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

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

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record in the central voter registration system;
- (4) The return of an absentee ballot as undeliverable; or
- (5) The designation of the voter's status as inactive in the central voter registration system.

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

Retain Sections 2 and 3 of the bill.

Strike and replace Section 4 of the bill with the following:

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

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.

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B. 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.

C. If the clerk notes a discrepancy in the signature on the return envelope that is not described in paragraph A, if the return envelope is missing a signature or if the affidavit on the return envelope is not properly completed, the clerk shall make a good faith effort to notify the voter by mail, telephone or e-mail of the procedure by which the voter may cure the discrepancy, correct the missing signature or properly complete the affidavit on the return envelope.

The Secretary of State shall adopt rules governing the process by which a voter may cure a discrepancy, correct a missing signature or properly complete the affidavit on the return envelope or as well as a clerk's duties under this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

D. If the clerk is unable to contact the voter under paragraph C or if the voter is contacted by the clerk under paragraph C but does not cure a discrepancy in the signature on the return envelope, correct the missing signature on the return envelope or properly complete the affidavit on the return envelope in the manner authorized by rule, the clerk shall note the problem with the absentee ballot on the return envelope.

Retain section 5 of the bill.

SUMMARY

This amendment provides that voters who are at least 65 years of age or who have a physical disability are eligible to apply for ongoing absentee voter status.

The amendment also provides that if the clerk notices a discrepancy in the signature on the return envelope of an absentee ballot, if the return envelope is missing a signature or if the affidavit on the return envelope is not properly completed, the clerk shall make a good faith effort to notify the voter by mail, telephone or e-mail of the problem with the voter's absentee ballot and of the procedure by which the voter may cure the discrepancy, missing signature or improperly completed affidavit. The amendment directs the Secretary of State to adopt routine technical rules to implement this provision.