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An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities

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

Sec. 1. 21-A MRSA §753-B, sub-§2, ¶B-1 is enacted to read:

B-1. To an immediate family member or to a 3rd person for a voter who has granted power of attorney to another and who is receiving medical care due to dementia and is a resident of a nursing home, a residential care facility or an assisted housing program as described in subsection 5, without the consent of the person who has been granted power of attorney for the voter;

Sec. 2. 21-A MRSA §753-B, sub-§5, as amended by PL 2011, c. 534, §20, is further amended to read:

5. Alternate method of balloting by residents of certain licensed facilities. The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed residential care facility subject to the provisions of Title 22, chapter 1664; and assisted housing program subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk may not provide an absentee ballot to a voter who has granted power of attorney to another and who is receiving medical care due to dementia and is a resident of a facility described in this subsection without the consent of the person who has been granted power of attorney. The licensed residential care facilities or assisted housing programs referred to in this subsection are those that are licensed to have 6 or more beds. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

SUMMARY

This bill amends the law governing the issuance of absentee ballots to a voter who is a resident of a nursing home, a residential care facility or an assisted housing program. The bill prohibits a municipal clerk from issuing an absentee ballot to an immediate family member or a 3rd person for a voter who has granted another person power of attorney and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney. The bill also prohibits a municipal clerk, when facilitating absentee voting at a nursing home, a residential care facility or an assisted housing program, from issuing an absentee ballot to a voter who has granted power of attorney to another person and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney.