



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 753

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H.P. 558

House of Representatives, February 11, 2019

### **An Act To Allow Voters To Choose Ongoing Absentee Voter Status**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTEAU of Biddeford.  
Cosponsored by Senator DESCHAMBAULT of York and  
Representative: DAUGHTRY of Brunswick.

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, in writing,  
4 for status as an ongoing absentee voter in a municipality that has approved the use of  
5 ongoing absentee voter status. Each qualified applicant must automatically receive an  
6 absentee ballot for each ensuing statewide and municipal election for which the voter is  
7 entitled to vote and need not submit a separate request for each election.

8 A. An application must be made in writing by the voter on a form designed by the  
9 Secretary of State. This form must contain a statement notifying the voter that if the  
10 voter moves out of the municipality, that voter's status as an ongoing absentee voter  
11 in that municipality terminates.

12 B. The Secretary of State shall send a copy of an approved application under this  
13 subsection to the clerk of the municipality where the absentee voter is registered and  
14 a copy to the address of the absentee voter.

15 C. The Secretary of State shall terminate a voter's ongoing absentee voter status  
16 upon:

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

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

25 **1-A. Ballot issued to ongoing absentee voter.** Upon receipt of absentee ballots, the  
26 clerk shall immediately issue an absentee ballot and return envelope by mail to any voter  
27 who has qualified for ongoing absentee voter status under section 753-A, subsection 7.

28 **Sec. 3. 21-A MRSA §754-A, sub-§1,** as amended by PL 2009, c. 253, §49, is  
29 further amended to read:

30 **1. Ballot delivered to voter or immediate family member.** When a voter or an  
31 immediate family member of a voter obtains a ballot from the clerk in person or by mail  
32 and returns that ballot to the clerk in person or by mail and receives no assistance in  
33 marking the ballot, the following procedures apply.

34 A. The voter shall mark that ballot according to section 691 or 692 so that it is  
35 impossible for anyone present at the time to see how the voter voted.

1 B. While the voter is marking the ballot, there may be no communication between  
2 the voter and any other individual as to the person or question for which the voter is  
3 to vote.

4 C. After the voter has completed marking the ballot, the voter shall then seal the  
5 ballot in its return envelope and complete the affidavit on the envelope. A notary or  
6 witness certification is not required unless the voter is assisted pursuant to subsection  
7 3.

8 D. The voter or an immediate family member of the voter shall then mail or deliver  
9 in person the sealed envelope containing the voted ballot to the clerk of the  
10 municipality of which the voter is a resident. The voter shall send a completed voter  
11 registration or absentee ballot application, if necessary, in a separate envelope.

12 E. If an immediate family member of the voter returns an absentee ballot that was  
13 requested by the voter or another immediate family member of the voter, in writing or  
14 in person, the clerk shall accept the ballot. The clerk shall have the immediate family  
15 member who returned the ballot sign the application or written request and shall  
16 indicate that the ballot was returned by that person.

17 A ballot that was issued to a voter who has qualified for ongoing absentee voter status  
18 under section 753-A, subsection 7 must be returned by mail or in person by the voter or  
19 an immediate family member of the voter.

20 **SUMMARY**

21 This bill provides a process for a voter to request ongoing absentee voter status in a  
22 municipality that has approved the use of ongoing absentee voter status, which allows the  
23 voter to automatically receive an absentee ballot for each statewide and municipal  
24 election until the status is terminated.