§753-B. Procedure for issuing absentee ballot

1. Issuance of absentee ballots. Upon receipt of an application or written request for an absentee ballot that is accepted pursuant to section 753-A, and after the official ballots become available, the clerk shall immediately issue an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter, except as provided in subsection 2. Upon receipt of the official ballots, the clerk shall immediately issue an absentee ballot and return envelope by mail to any voter who has qualified for ongoing absentee voter status under section 753-A, subsection 7. The clerk shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The clerk may not make any mark visible on the outside of the return envelope for use in a general election that indicates the political party of the voter to whom an absentee ballot is issued.
[PL 2021, c. 398, Pt. UUUU, §5 (AMD); PL 2023, c. 304, Pt. A, §37 (AFF).]

2. Restrictions on issuing ballot. The clerk may not issue an absentee ballot:

A. To any 3rd person who is a candidate or a member of a candidate's immediate family; [PL 2011, c. 399, §23 (NEW).]

B. To an immediate family member or to a 3rd person if the absentee ballot was requested by telephone or by electronic means; [PL 2011, c. 534, §17 (AMD).]

C. To a 3rd person who already has been issued 5 absentee ballots for voters in the municipality, until the 3rd person has returned one of those ballots; [PL 2021, c. 273, §17 (AMD).]

D. To any voter, immediate family member or 3rd person whose request was received in the municipal office after the 3rd business day before election day, unless the voter signs an application, designed by the Secretary of State, stating one of the following reasons for requesting an absentee ballot after the deadline:

(1) Unexpected absence of the voter from the municipality during the entire time the polls are open on election day;

(2) Self-certification as a voter with a physical or mental disability;

(3) Inability to travel to the polls if the voter is a resident of an island ward or precinct; or

(4) An incapacity or illness that has resulted in the voter's being unable to leave home or a treatment facility or has resulted in the voter's caregiver's being unable to attend the polls during the entire time the polls are open on election day; or [PL 2023, c. 128, §1 (AMD).]

E. To any candidate, except for the candidate's own ballot. [PL 2021, c. 273, §19 (NEW).]
[PL 2023, c. 128, §1 (AMD).]

3. Return of ballot by 3rd person. A 3rd person shall, unless good cause is shown, return an absentee ballot to the clerk's office within 2 business days of the date that ballot was provided to the 3rd person or by the close of the polls on election day, whichever is earlier. The clerk shall inform the 3rd person of the deadline for the return of the ballot.
[PL 2001, c. 310, §52 (AMD).]

4. Duplicate ballot. The clerk may issue a duplicate state absentee ballot to an applicant if the initially issued ballot has not already been marked and returned to the clerk, the applicant requests one by an acceptable method outlined in this subchapter and:

A. The applicant states good cause, including, but not limited to, loss of, spoiling of or damage to the first absentee ballot. Good cause does not include an applicant's decision to change the applicant's vote after the applicant has returned the ballot to the clerk; or [PL 2011, c. 40, §1 (AMD).]

B. An absentee ballot for the applicant that was furnished to a designated 3rd person was not returned to the clerk's office within the time limit provided in subsection 3. If a ballot for an applicant is not returned to the clerk within that time limit, the clerk shall mail or hand deliver a ballot to that applicant and may not issue another ballot to the applicant except for good cause as provided in this subsection. This paragraph does not affect the deadline for delivery of absentee ballots under section 755. [PL 2003, c. 447, §31 (AMD).]

The clerk may issue a 2nd state absentee ballot to a voter from whom the clerk has received a return envelope apparently containing a state absentee ballot when the State has provided the clerk with replacement ballots to reflect the removal of a candidate's name or the addition of a new candidate's name or the correction of an error or when the absentee ballot envelope has a defect in the affidavit that would cause the ballot to be rejected. When a 2nd state absentee ballot is issued to a voter under this section, the clerk must write the words "second ballot issued" on the return envelope.
[PL 2011, c. 534, §19 (AMD).]

5. Alternate method of absentee voting by residents of certain facilities. Residents of certain nursing homes, residential care facilities, assisted living facilities, mental health residential facilities, residential facilities for individuals with intellectual disabilities and state mental health institutes may cast absentee ballots under the provisions of this subsection. This subsection applies to a licensed nursing home subject to the provisions of Title 22, chapter 405; a licensed level IV residential care facility with more than 6 beds subject to the provisions of Title 22, chapter 1664; a licensed assisted living facility with more than 6 beds subject to the provisions of Title 22, chapter 1664; a mental health residential facility with more than 6 beds licensed under Title 34-B, section 1203-A; a residential facility for individuals with intellectual disabilities with more than 6 beds licensed under Title 34-B, section 1203-A; and a state mental health institute specified in Title 22-A, section 208. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

A. The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each facility to which this subsection applies in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each facility of the date and time when absentee voting will be conducted. The notice must state that the facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each facility shall provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk. [PL 2021, c. 570, §4 (NEW).]

B. To protect public health, the Secretary of State may designate procedures for conducting absentee voting for the residents of a facility to which this subsection applies that differ from the procedures described in paragraph A if:

(1) The Department of Health and Human Services declares a health emergency under Title 22, section 802, subsection 2;

(2) The Governor declares an extreme public health emergency under Title 22, section 802, subsection 2-A;

(3) The Department of Health and Human Services determines that a public health threat, as defined in Title 22, section 801, subsection 10, threatens the health, welfare or safety of the municipal clerk or the residents of a facility described in this subsection; or

(4) A facility described in this subsection prohibits the municipal clerk from entering the facility.

Procedures designated under this paragraph remain in effect for the duration of the health emergency, extreme public health emergency or public health threat or for as long as the municipal clerk remains prohibited from entering the facility, as the case may be. [PL 2021, c. 570, §4 (NEW).]

[PL 2025, c. 397, §46 (AMD).]

6. Clerk to keep list of absentee voters. The clerk shall create and maintain, in the central voter registration system, an alphabetical list, by district, of the persons who requested or were furnished absentee ballots, including the persons who voted in the presence of the clerk under subsection 8 and the persons whose ballots were issued to a 3rd person under subsection 1. The clerk shall maintain a copy of the lists required under this subsection for a period of 2 years as a public record.

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the voter's ballot was requested, issued and received; if the voter is unenrolled, which party's ballot the voter requested for the primary election, if applicable; and a notation of whether the ballot was accepted or rejected. If the clerk determines that there is a defect on the return envelope of an absentee ballot under section 756, subsection 2 and that defect is cured pursuant to section 756-A, the clerk shall note whether the ballot was accepted or accepted but challenged and shall list the date that the defect was cured as the date that the ballot was received. The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted, accepted but challenged or rejected and the reasons for such rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. [PL 2023, c. 304, Pt. A, §26 (AMD); PL 2023, c. 304, Pt. A, §39 (AFF).]

B. The clerk creates the list of absentee voters as required in paragraph A by marking the records of registered voters in the central voter registration system. The clerk must sign and date each official printed copy of the list of absentee voters that is created for public inspection, certifying that the list is a true and accurate list of absentee voters for the applicable election. No additional certification is required by the registrar of voters. [PL 2005, c. 568, §18 (RPR).]

C. The clerk shall also keep a list of the 3rd persons designated in applications or written requests to whom absentee ballots are sent or delivered under subsection 1 and of the number of absentee ballots sent or delivered to them. This list of 3rd person ballot carriers must include telephone numbers for contacting the 3rd persons. [PL 2001, c. 310, §54 (NEW).]

D. [PL 2005, c. 364, §7 (RP).]

E. Within 5 business days after each election, the clerk shall update the central voter registration system to include the changes required by paragraph A. The clerk also must update the central voter registration system to reflect any absentee ballots received after the polls have closed on election day by changing the rejection reason. When all updates have been made in the central

voter registration system, the clerk shall certify this to the Secretary of State and make a final list of absentee ballots available for public inspection. [PL 2007, c. 515, §11 (AMD).]

[PL 2023, c. 304, Pt. A, §§25, 26 (AMD); PL 2023, c. 304, Pt. A, §39 (AFF).]

7. Registration verified. If the applicant is registered, the ballot must be sent to the applicant. If the applicant has registered under section 155 and will attain 18 years of age on or before the date of the election, the registrar or clerk shall accept the application in the central voter registration system and issue a ballot to the applicant; if not, the registrar or clerk shall reject the application in the central voter registration system. Whenever an application for an absentee ballot is rejected, the municipal clerk shall immediately notify the applicant in writing or by e-mail of the reason for the rejection.

[PL 2023, c. 304, Pt. A, §27 (AMD).]

8. Absentee voting in presence of clerk. For the 30 days preceding an election, during the hours when the clerk's office is open, a person who wishes to vote by absentee ballot may, without completing an application, vote by absentee ballot in the presence of the clerk, except as provided in subsection 2. Before issuing a ballot, the clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address and year of birth with the information in the voter's record. The method of voting is otherwise as prescribed in this article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. During this 30-day period, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or question on the ballot for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the building in which the clerk's office is located.

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

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

[PL 2025, c. 133, §1 (AMD).]

9. Restrictions on absentee voting in presence of clerk. Except as allowed by subsection 5, a municipal clerk may not remove absentee ballots from the municipal office for the purpose of conducting absentee voting in the presence of the clerk except upon receipt of an application or written request from the voter. The clerk may not be assisted in delivering or providing an absentee ballot by any person who is a candidate or a member of a candidate's immediate family. Assistance includes, but is not limited to, providing transportation to a clerk who is delivering absentee ballots to a voter who is not marking the absentee ballot in the municipal clerk's office.

[PL 2011, c. 342, §29 (NEW).]

SECTION HISTORY

PL 1999, c. 645, §6 (NEW). RR 2001, c. 2, §A28 (COR). PL 2001, c. 310, §§52-54 (AMD). PL 2003, c. 407, §§24,25 (AMD). PL 2003, c. 447, §§30,31 (AMD). PL 2005, c. 364, §7 (AMD). PL 2005, c. 568, §§18,19 (AMD). PL 2007, c. 455, §41 (AMD). PL 2007, c. 515, §11 (AMD). PL 2009, c. 253, §48 (AMD). PL 2009, c. 563, §2 (AMD). PL 2011, c. 40, §1 (AMD). PL 2011, c. 342, §29 (AMD). PL 2011, c. 399, §§22-24 (AMD). PL 2011, c. 534, §§17-20 (AMD). PL 2013, c. 457, §3 (AMD). PL 2017, c. 248, §7 (AMD). PL 2017, c. 433, §1 (AMD). PL 2019, c. 371, §35 (AMD). PL 2021, c. 273, §§16-21 (AMD). PL 2021, c. 398, Pt. UUUU, §5 (AMD). PL

2021, c. 398, Pt. UUUU, §7 (AFF). PL 2021, c. 570, §4 (AMD). PL 2021, c. 750, §12 (AMD). PL 2021, c. 750, §14 (AFF). PL 2023, c. 128, §1 (AMD). PL 2023, c. 176, §1 (AMD). PL 2023, c. 304, Pt. A, §§25-27 (AMD). PL 2023, c. 304, Pt. A, §§37, 39 (AFF). PL 2025, c. 133, §1 (AMD). PL 2025, c. 397, §46 (AMD).

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