

§756. Procedure on receipt

When the clerk receives a return envelope apparently containing an absentee ballot, the clerk shall observe the following procedures. [PL 2009, c. 538, §9 (AMD).]

1. Time of receipt noted. The clerk shall note the date and time of delivery on each return envelope. On request, the clerk shall give the person who delivers the ballot a receipt, stating the exact time of delivery.

[PL 2009, c. 538, §9 (AMD).]

2. Clerk to examine signatures and affidavit. The clerk shall compare the signature of the voter on the application, when required, with that on the corresponding return envelope. The clerk shall also examine the affidavit and witness certification, if any, on the return envelope.

A. If the signatures appear to have been made by the same person and if the affidavit and witness certification are properly completed, when required, the clerk shall write "OK" and the clerk's initials on the return envelope. If the affidavit and witness certification are properly completed, when required, and 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. [PL 2021, c. 273, §22 (AMD).]

B. If the voter provided a telephone number or e-mail address with the voter's absentee ballot application and if the clerk determines that there is a discrepancy in the signature on the return envelope that is not described in paragraph A, that the return envelope is missing a signature or that the affidavit or witness certification on the return envelope is not properly completed, the clerk shall notify the voter pursuant to section 756-A of the process by which the voter may cure the defect with the return envelope.

(1) If the defect is corrected under the procedures in section 756-A prior to the deadline for returning absentee ballots under section 755, the clerk shall initial the return envelope, indicate whether the ballot is accepted or accepted but challenged as provided in section 756-A and, if the ballot is challenged, indicate the basis for the challenge.

(2) If the defect is not corrected under the procedures in section 756-A prior to the deadline for returning absentee ballots under section 755, the clerk shall initial the return envelope and indicate that the ballot is accepted but challenged or rejected as provided in section 756-A and the basis for rejecting or challenging the ballot. [PL 2021, c. 273, §22 (NEW).]

C. If the voter did not provide a telephone number or e-mail address with the voter's absentee ballot application and if the clerk determines that there is a discrepancy in the signature on the return envelope that is not described in paragraph A, the clerk shall initial the return envelope and indicate that the ballot is accepted but challenged under section 673, subsection 1 and indicate the basis for the challenge. The clerk is not required to conduct a hearing described in section 673, subsection 7 when a clerk accepts but challenges an absentee ballot under this paragraph. If the voter did not provide a telephone number or e-mail address with the voter's absentee ballot application and if the clerk determines that the return envelope is missing a signature or that the affidavit or witness certification on the return envelope is not properly completed, the clerk shall initial the return envelope and indicate that the ballot is rejected and the basis for rejecting the ballot. [PL 2021, c. 273, §22 (NEW).]

[PL 2021, c. 273, §22 (AMD).]

3. Application attached. The clerk shall attach each application, where required, to the corresponding envelope. The clerk may not open any return envelope.

[PL 2009, c. 538, §9 (AMD).]

4. Lists prepared.

[PL 2001, c. 310, §55 (RP).]

5. Envelopes and lists delivered. On election day, the clerk shall deliver or have delivered the return envelopes prescribed by section 752, subsection 3, with the applications, when required, attached and a copy of the list required by section 753-B, subsection 6, to the warden of the voting district in which the voter is registered, except in those municipalities where the clerk or the clerk's designee processes the absentee ballots centrally. In those municipalities where the absentee ballots are processed centrally, the clerk shall deliver or have delivered the materials described in this subsection to the person authorized by the clerk to process absentee ballots at the designated central location. After processing the absentee ballots, the warden or the clerk shall attach the copy of the list of absentee voters to the incoming voting list and seal it as provided in section 698.

[PL 2003, c. 447, §32 (AMD).]

6. Procedure when duplicate envelopes received from same voter. If more than one return envelope is received from the same voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope marked "second ballot issued" or bearing the latest date and time and shall reject and keep sealed the first absentee envelope. If more than one return envelope is received from the same voter who was not authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope bearing the earliest date and time. If only one return envelope is received from a voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count that ballot for all offices or questions for which the voter was entitled to vote.

[PL 2003, c. 447, §33 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§13,14,19 (AMD). PL 1999, c. 645, §8 (AMD). PL 2001, c. 310, §§55,56 (AMD). PL 2003, c. 447, §§32,33 (AMD). PL 2009, c. 538, §9 (AMD). PL 2021, c. 273, §22 (AMD).

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