

§756-A. Procedures for curing absentee ballot return envelope defects

1. Notice to voters. If the clerk determines that there is a defect on the absentee ballot return envelope described in section 756, subsection 2, paragraph B and the absentee voter provided a telephone number or e-mail address with the voter's absentee ballot application, the clerk shall notify the voter of the defect and explain that the ballot may be rejected or challenged unless the defect is cured as provided in this section. The clerk must notify the voter within one business day of receiving the absentee ballot, unless the absentee ballot is received on election day or less than 24 hours before election day, in which case the clerk shall make a good faith effort to notify the voter as quickly as possible. Notification must be made by telephone if the absentee voter provided a telephone number on the voter's absentee ballot application. If the clerk attempts to notify the voter by telephone but does not speak directly with the voter, the clerk shall leave a voice mail message if available and shall notify the voter by e-mail, using the e-mail address provided on the absentee ballot application, if any. If the voter did not provide a telephone number on the absentee ballot application, the clerk shall notify the voter by e-mail, using the e-mail address provided on the absentee ballot application, if any. [PL 2021, c. 273, §23 (NEW).]

2. Mismatched voter signatures. If the voter's signature on the return envelope does not appear to have been made by the same person who signed the absentee voter application and this discrepancy does not appear to be 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, the following procedures apply.

A. The voter may cure the defect in person or by telephone by self-identifying by name, date of birth and residence address and confirming that the voter requested an absentee ballot, the voter or the voter's aide under section 754-A, subsection 3 placed the absentee ballot in the return envelope and the voter personally signed the return envelope. If the voter confirms this information in person or by telephone before the deadline for returning absentee ballots under section 755, the clerk shall accept the ballot without challenge and make a notation on the return envelope that the voter confirmed by telephone that the voter personally signed the return envelope. [PL 2021, c. 273, §23 (NEW).]

B. If the voter does not cure the defect under the procedure in paragraph A before the deadline for returning absentee ballots under section 755, the clerk shall accept the ballot but challenge it pursuant to section 673, subsection 1. [PL 2021, c. 273, §23 (NEW).]
[PL 2021, c. 273, §23 (NEW).]

3. Missing voter signature. If the voter's signature does not appear on the return envelope, the following procedures apply.

A. The voter may cure the defect in person at the clerk's office by self-identifying by name, date of birth and residence address and either signing the original return envelope or removing the absentee ballot from the original return envelope, inspecting the absentee ballot, sealing the absentee ballot in a new return envelope and signing the new return envelope. If the voter cures the defect as provided in this paragraph before the deadline for returning absentee ballots under section 755, the clerk shall accept the absentee ballot without challenge. [PL 2021, c. 273, §23 (NEW).]

B. The voter may cure the defect by telephone by self-identifying by name, date of birth and residence address and confirming that the voter requested an absentee ballot and the voter or the voter's aide under section 754-A, subsection 3 placed the absentee ballot in the return envelope. If the voter confirms this information, by telephone, before the deadline for returning absentee ballots under section 755, the clerk shall accept the ballot but challenge it pursuant to section 673, subsection 1. [PL 2021, c. 273, §23 (NEW).]

C. If the voter does not cure the defect under the procedures in paragraph A or B before the deadline for returning absentee ballots under section 755, the clerk shall reject the ballot in accordance with section 759, subsection 3. [PL 2021, c. 273, §23 (NEW).]
[PL 2021, c. 273, §23 (NEW).]

4. Aide or witness certification incomplete. If an aide-executed affidavit or aide or witness certification on a return envelope that is required under section 754-A, subsection 1, paragraph C, subsection 2, paragraph C or subsection 3, paragraph E is unsigned, incomplete or improperly completed, the following procedures apply.

A. The voter may contact the voter's aide or witness and request that the aide or witness cure the defect by appearing in person at the clerk's office and properly completing the affidavit or witness certification. If the aide or witness corrects the affidavit or witness certification as provided in this paragraph before the deadline for returning absentee ballots under section 755, the clerk shall accept the absentee ballot without challenge. [PL 2021, c. 273, §23 (NEW).]

B. The voter may cure the defect by telephone by self-identifying by name, date of birth and residence address, confirming that the voter requested an absentee ballot and explaining whether a 3rd person other than the voter's immediate family member delivered or returned the absentee ballot or whether the voter received the assistance of an aide as described in section 754-A, subsection 3 in reading, marking or placing the ballot in the return envelope. If the voter provides the information required by this paragraph, by telephone, before the deadline for returning absentee ballots under section 755, the clerk shall accept the ballot but challenge it pursuant to section 673, subsection 1. [PL 2021, c. 273, §23 (NEW).]

C. If the voter does not cure the defect under the procedures in paragraph A or B before the deadline for returning absentee ballots under section 755, the clerk shall reject the ballot in accordance with section 759, subsection 3. [PL 2021, c. 273, §23 (NEW).]
[PL 2021, c. 273, §23 (NEW).]

5. Duplicate ballot. Notwithstanding section 753-B, subsection 4, a voter who receives notification of a defect on the voter's absentee ballot return envelope under subsection 1 may, instead of curing the defect pursuant to subsections 2 to 4, request that the clerk issue a 2nd absentee ballot to the voter. If a request for a 2nd absentee ballot is made under this subsection, the following procedures apply.

A. The clerk shall reject the first absentee ballot in accordance with section 759, subsection 3. [PL 2021, c. 273, §23 (NEW).]

B. The clerk shall write "second ballot issued" on the 2nd absentee ballot return envelope and include with the 2nd absentee ballot written instructions for signing and completing the affidavit and witness certification on the return envelope and a written notice identifying the problem with the voter's first absentee ballot return envelope. [PL 2021, c. 273, §23 (NEW).]

C. The voter may request that the clerk issue the 2nd absentee ballot to the voter in person at the clerk's office; by mail to the address listed on the original absentee ballot application or on a new written absentee ballot application submitted by the voter; or to an immediate family member or a 3rd person listed on the original absentee ballot application or on a new written absentee ballot application submitted by the voter. If the voter does not indicate a preferred method for issuing the 2nd absentee ballot, the clerk shall issue the 2nd absentee ballot by mail to the address listed on the original absentee ballot application. [PL 2021, c. 273, §23 (NEW).]
[PL 2021, c. 273, §23 (NEW).]

6. Challenged ballots; hearing not required. The clerk is not required to conduct the hearing described in section 673, subsection 7 when a clerk accepts but challenges an absentee ballot under this section.

[PL 2021, c. 273, §23 (NEW).]

SECTION HISTORY

PL 2021, c. 273, §23 (NEW).

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