

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

S.P. 450 - L.D. 1363

An Act To Amend the Laws Governing Elections

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

Sec. 1. 21-A MRSA §1, sub-§27-C, as amended by PL 2019, c. 320, §1 and c. 539, §§1 and 2 and affected by §6, is repealed and the following enacted in its place:

27-C. Elections determined by ranked-choice voting. "Elections determined by ranked-choice voting" means any of the following elections in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

- A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative;
- B. General and special elections for the offices of United States Senator and United States Representative to Congress;
- D. General elections for presidential electors; and
- E. Primary elections for the office of President of the United States.

Sec. 2. 21-A MRSA §153-A, sub-§3, as amended by PL 2005, c. 568, §6, is further amended to read:

3. Signing petitions. Once an alternative registration signature statement is on file with the registrar, the voter may authorize any other Maine-registered voter to sign candidate petitions, direct initiative of legislation petitions, people's veto petitions and any Maine Clean Election Act forms requiring a voter's signature in the presence and at the direction of the voter, except that the individual assisting the voter may not be a candidate, the circulator of the petition or form, the voter's employer or an agent of that employer or an officer or agent of the voter's union. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form and attest that the individual is signing on the voter's behalf. This method of signing satisfies the requirements in this Title that voters personally sign candidate petitions. This method of signing also satisfies the requirements of the Constitution of Maine, Article IV, Part Third, Section 20 that petitions

for the direct initiative of legislation and people's veto petitions contain the original signatures of the petitioners.

Sec. 3. 21-A MRSA §232, sub-§1, as enacted by PL 2019, c. 409, §6 and affected by §9, is amended to read:

1. Application for driver's license or nondriver identification card; creation of pending voter registration record. If an individual applies for, renews or updates a driver's license or nondriver identification card from the bureau, unless the individual opts out under section 234, the bureau shall ~~scan~~ record the documentation provided by the individual that provides proof of voter eligibility and create a pending voter registration record for that individual, which must be stored electronically in the bureau's database. The pending voter registration record and the record of the accompanying ~~scanned~~ documentation must be in a searchable, auditable format.

Sec. 4. 21-A MRSA §232, sub-§5 is enacted to read:

5. Implementation. Notwithstanding any provision of law to the contrary, the bureau may conduct the activities in subsections 1 to 3 beginning January 1, 2022 but is not required to comply with the requirements of subsections 1 to 3 until June 1, 2022.

Sec. 5. 21-A MRSA §335, sub-§5, as amended by PL 2019, c. 445, §1, is further amended to read:

5. Number of signatures required. Petitions must be signed by the following numbers of voters:

- A. For a candidate for Governor, at least 2,000 and not more than ~~3,000~~ 2,500 voters;
- B. For a candidate for United States Senator, at least 2,000 and not more than ~~3,000~~ 2,500 voters;
- B-3. For a candidate for the office of President of the United States, at least 2,000 and not more than ~~3,000~~ 2,500 voters;
- C. For a candidate for Representative to Congress, at least 1,000 and not more than ~~1,500~~ 1,250 voters;
- D. For a candidate for county office other than county commissioner, at least 150 and not more than 200 voters;
- E. For a candidate for county commissioner, at least 50 and not more than 75 voters;
- F. For a candidate for State Senator, at least 100 and not more than 150 voters; and
- G. For a candidate for State Representative, at least 25 and not more than 40 voters.

Sec. 6. 21-A MRSA §354, sub-§5, as amended by PL 1991, c. 362, §§2 and 3, is further amended to read:

5. Number of signatures required. Nomination petitions must be signed by the following numbers of voters:

- A. For a slate of candidates for the office of presidential elector, at least 4,000 and not more than ~~6,000~~ 5,000 voters;
- B. For a candidate for Governor, at least 4,000 and not more than ~~6,000~~ 5,000 voters;

C. For a candidate for United States Senator, at least 4,000 and not more than ~~6,000~~ 5,000 voters;

D. For a candidate for United States Representative, at least 2,000 and not more than ~~3,000~~ 2,500 voters;

E. For a candidate for county office other than county commissioner or county charter commission member, at least 300 and not more than 400 voters;

E-1. For a candidate for county commissioner, at least 100 and not more than 150 voters;

F. For a candidate for State Senator, at least 200 and not more than 300 voters;

G. For a candidate for State Representative, at least 50 and not more than 80 voters; and

H. For a candidate for county charter commission member, at least 50 and not more than 80 voters.

Sec. 7. 21-A MRSA §441, as enacted by PL 2019, c. 445, §4, is amended to read:

§441. Determination and date of primary; voter eligibility

1. Determination of primary. No later than ~~November~~ October 1st of the year prior to a presidential election year, the state committee of each party shall certify whether there is a contest among candidates for nomination as the presidential candidate. Upon receiving the certification from one or more parties, the Secretary of State shall announce the parties that will have a presidential primary election, which must be held on the first Tuesday after the first Monday in March of the presidential election year.

2. Eligible voter. No later than ~~December~~ October 1st of the year prior to a presidential election year, the state committee of each party shall notify the Secretary of State of the enrollment qualifications, subject to the restrictions in section 144, for voters eligible to vote in that party's presidential primary election. If no notice is received by that date, only voters enrolled in a political party may vote in that party's presidential primary election.

Sec. 8. 21-A MRSA §442, as enacted by PL 2019, c. 445, §4, is amended to read:

§442. Petitions

On or before ~~November~~ October 1st of the year prior to a presidential election year, the Secretary of State shall prepare and make available petitions for circulation by a person desiring to be a candidate in the state presidential primary election of any party. Petitions must be delivered to the registrar, or clerk at the request or upon the absence of the registrar, for certification by 5 p.m. on November 20th of the year prior to a presidential election year. This petition Petitions must be completed and filed with the Secretary of State no later than ~~5:00~~ 5 p.m. on ~~December 21st~~ 1st of the year prior to a presidential election year in the manner provided in sections 335 and 336.

Sec. 9. 21-A MRSA §503-A, sub-§1, as enacted by PL 2019, c. 64, §2, is amended to read:

1. Qualifications; compensation. Election clerks must be at least 18 years of age, must be registered to vote and must be residents of the municipality or the county in which

they serve, except that residents of a municipality or county who are ~~17~~ 16 years of age and who are conditionally registered to vote pursuant to section 155 also qualify to serve as election clerks. Election clerks are entitled to reasonable compensation as determined by the municipal officers.

Sec. 10. 21-A MRSA §601, sub-§3, as amended by PL 2007, c. 455, §19, is further amended to read:

3. Order of offices. The order of offices on the ballot is as follows: President, United States Senator, Governor, Representative to Congress, State Senator and Representative to the Legislature, and the county offices in the following order: judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney and county commissioner, except that the order may be modified to allow ranked-choice contests to be printed on the opposite side of the ballot, separate from contests other than ranked-choice contests.

Sec. 11. 21-A MRSA §723-A, sub-§5-B, as enacted by PL 2019, c. 539, §3 and affected by §6, is amended to read:

5-B. Presidential primary elections; selection of delegates. Notwithstanding any provision of this section to the contrary, for presidential primary elections, batch elimination may not be used for any candidates with more than 100 votes, tabulation must continue until only 2 continuing candidates remain, separate tabulations must be conducted statewide and for each congressional district and selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention.

Sec. 12. 21-A MRSA §752-B is enacted to read:

§752-B. Secured drop boxes for the return of absentee ballots

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Absentee voting period" means the time period beginning on the first date that absentee ballots are issued by the municipality and ending at 8 p.m. on election day.

B. "Secured drop box" means a device containing a slot or chute through which an absentee voter may deposit an absentee ballot into a secure, locked collection box in accordance with the requirements of this section.

2. Secured drop boxes authorized. A municipality may obtain and install a secured drop box that meets the requirements of this section. The secured drop box may be used by voters who are authorized to return absentee ballots in a secured drop box pursuant to section 754-A, subsection 1, paragraph D.

3. Location and number of secured drop boxes. The secured drop box must be located outside the municipal office building or the building where in-person absentee voting takes place before an election. If the secured drop box is positioned within or against an outside wall of the municipal office building, it must be bolted or otherwise securely fastened to the wall or to the deck or landing to prevent its removal by an unauthorized person. Otherwise, the secured drop box must be securely affixed to a post that is sunk into the ground, affixed to a post that is set into a concrete pad or bolted or otherwise securely

affixed to a platform or other structure in a manner that prevents removal of the drop box by an unauthorized person.

A municipality may seek approval from the Secretary of State to obtain and install an additional secured drop box or boxes at other locations within the municipality by certifying to the Secretary of State at least 90 days before the election that the additional secured drop box or boxes meet all of the requirements of this section, other than the requirement that the secured drop box be located outside of the municipal office building or the building where in-person absentee voting takes place before an election.

4. Secured drop box design; accessibility. The slot or chute of a secured drop box must be designed to prevent an individual from reaching into the slot or chute and accessing the contents of the secure collection box and to protect the contents of the secure collection box from the elements. The secured drop box must include a mechanism to close and lock the slot or chute in a manner that prevents the deposit of additional absentee ballots at 8 p.m. on election day as provided in subsection 8. A secured drop box must comply with guidelines issued by the Secretary of State to ensure accessibility to individuals with disabilities.

5. Monitoring of secured drop box. During the absentee voting period, each secured drop box must be monitored periodically by law enforcement personnel, municipal staff or a surveillance camera.

6. Labeling of secured drop box. A secured drop box must be labeled, or a sign must be posted on or near the secured drop box, to indicate that it is an official secured drop box for the return of absentee ballots. Unless the secured drop box is affixed to the outside wall of the municipal office building, the label or sign must include the name of the municipality. A municipality may include on the label or sign instructions for voters regarding absentee voting requirements and warnings against use of the secured drop box by voters of other municipalities.

7. Use and access during absentee voting period. The secured drop box must be used only for the return of absentee ballots and not for the deposit of other municipal office filings during the absentee voting period. During the absentee voting period, only the municipal clerk or designees under subsection 8 may possess the key to the secured drop box or have access to the contents of the secured collection box. If items other than returned absentee ballots are deposited in the secured drop box during the absentee voting period, the municipal clerk or designees shall deliver those items to the appropriate municipal official.

8. Periodic retrieval of ballots. During the absentee voting period, the municipal clerk or a team of 2 people designated by the clerk shall periodically remove absentee ballots from each secured drop box and deliver the absentee ballots to the clerk's office to be stored in a secure manner. At a minimum, absentee ballots must be removed from each secured drop box by the clerk or team of 2 designees:

A. At least once on each day that the clerk's office is open during the absentee voting period;

B. At all additional times necessary to ensure that additional absentee ballots deposited in the secured drop box fit within the secured collection box and are not accessible to unauthorized persons; and

C. At 8 p.m. on election day.

The identity of the persons who remove the absentee ballots from each secured drop box and the date and time that the absentee ballots are removed must be recorded on a form designed by the Secretary of State and initialed or signed by the clerk or team of 2 designees who removed the absentee ballots.

9. Locking of secured drop boxes when polls close. The municipal clerk or team of 2 designees under subsection 8 shall lock the secured drop box at 8 p.m. on election day to prevent the deposit of additional absentee ballots in the secured drop box.

Sec. 13. 21-A MRSA §753-A, sub-§3, ¶A, as enacted by PL 2003, c. 447, §28, is amended by amending subparagraph (1) to read:

(1) The voter's name and date of birth;

Sec. 14. 21-A MRSA §753-A, sub-§6, as amended by PL 2009, c. 563, §1, is further amended to read:

6. Application by electronic means. A municipal clerk shall accept absentee ballot applications by the electronic means authorized by the Secretary of State. The Secretary of State shall design or approve the form of the absentee ballot application to be submitted by electronic means.

A voter may make an application for the voter's own ballot by electronic means using the form designed or approved by the Secretary of State. The voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. An electronic application must be accepted by the clerk if it contains the voter's name, the voter's date of birth, the voter's residence address or other address sufficient to identify the voter and, if applicable, a different address to which the applicant requests the ballot be sent or delivered. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address and ~~birth~~ date of birth with the information in the voter's record. The clerk shall print the electronically submitted application and write "electronic request" on the application.

Sec. 15. 21-A MRSA §753-A, sub-§7 is enacted to read:

7. Telephone and e-mail contact information. In addition to any required information, a voter applying for an absentee ballot under this section must be asked to provide that voter's telephone number and e-mail address, if available. Notwithstanding Title 1, chapter 13, subchapter 1, the voter's telephone number and e-mail address are confidential and may be used only by municipal election officials to contact the voter.

Sec. 16. 21-A MRSA §753-B, sub-§1, as amended by PL 2011, c. 399, §22, is further amended to read:

1. Application or written request received. 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. 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.

Sec. 17. 21-A MRSA §753-B, sub-§2, ¶C, as enacted by PL 2011, c. 399, §23, is amended to read:

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; ~~or~~

Sec. 18. 21-A MRSA §753-B, sub-§2, ¶D, as amended by PL 2011, c. 534, §18, is further amended by amending subparagraph (4) to read:

(4) An incapacity or illness that has resulted in the voter's being unable to leave home or a treatment facility; ~~or~~

Sec. 19. 21-A MRSA §753-B, sub-§2, ¶E is enacted to read:

E. To any candidate, except for the candidate's own ballot.

Sec. 20. 21-A MRSA §753-B, sub-§6, ¶A, as amended by PL 2013, c. 457, §3, is further amended to read:

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 ballot was requested, issued and received; and a notation of whether the application and the ballot were 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.

Sec. 21. 21-A MRSA §753-B, sub-§8, as amended by PL 2011, c. 399, §24, is further amended to read:

8. Absentee voting in presence of clerk. 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. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, 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.

Sec. 22. 21-A MRSA §756, sub-§2, as amended by PL 2009, c. 538, §9, is further amended to read:

2. Clerk to examine signatures and affidavit. The clerk shall compare the signature of the voter on the application, ~~where~~ 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. ~~If the signatures appear to have been made by the same person and if the affidavit is properly completed, the clerk shall write "OK" and the clerk's initials on the return envelope. Otherwise, the clerk shall note any discrepancy 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.

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.

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.

Sec. 23. 21-A MRSA §756-A is enacted to read:

§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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Sec. 24. 21-A MRSA §759, sub-§2, as amended by PL 2007, c. 455, §42, is further amended to read:

2. Accepted if correct. If the warden finds that the affidavit ~~is and the aide and witness certification, if required, are~~ properly completed, that the clerk has verified that the signature on the envelope matches the signature on the application ~~where~~ or that the voter confirmed that the voter personally signed the return envelope pursuant to section 756-A, subsection 2 when applicable, that the ~~person~~ voter is registered and enrolled ~~where~~ when necessary, the warden shall then examine the incoming voting list to determine whether the voter voted in person at the election. The warden shall then announce the name of each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk from a political party different from that of the warden mark the letters "AV" beside the name of each absentee voter on the incoming voting lists and place a check mark or horizontal line in red ink on the list beside the voter's name, the warden shall accept the ballot.

Sec. 25. 21-A MRSA §759, sub-§3, ¶A, as amended by PL 1999, c. 645, §9, is repealed.

Sec. 26. 21-A MRSA §759, sub-§3, ¶A-1 is enacted to read:

A-1. The clerk's notes on the envelope indicate that the ballot was rejected;

Sec. 27. 21-A MRSA §759, sub-§3, ¶B, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 28. 21-A MRSA §765 is enacted to read:

§765. Absentee ballot tracking

The Secretary of State shall establish and maintain an online service that allows a voter who requests an absentee ballot to track the status of the absentee ballot process.

Sec. 29. 21-A MRSA §803, as amended by PL 1989, c. 166, §6, is further amended to read:

§803. Duties of Governor

As soon as possible after the presidential electors are chosen, the Governor shall send a certificate of the determination of the electors to the Archivist of the United States under the state seal. The certificate ~~shall~~ must state the names of the electors and the number of votes ~~which each received~~ each candidate for President received statewide and for each congressional district in the final round of tabulation under section 723-A. The Governor shall deliver 6 certificates under the state seal to the electors on or before the first Monday after the 2nd Wednesday of December, following their election.

Sec. 30. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 21-A, section 232, subsection 5 takes effect January 1, 2022.