



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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Instructions to Municipal Election Officials **Providing an Opportunity to Cure Defects on Absentee Ballot Envelopes before Rejection** ***Revised and Reissued October 20, 2020***

During the clerk's examination of returned absentee envelopes pursuant to Title 21-A, section 756, subsection 2, the clerk must make notes of any of the following issues:

- the signature on the return envelope and the signature on the absentee ballot application do not appear to have been written by the same person and are not due to the voter having obtained assistance under sections 753-A, subsection 5, or section 754-A, subsection 3, or both; or
- the return envelope is missing a signature; or
- the affidavit on the return envelope is not properly completed (the name or signature of an aide or witness is missing, for example).

If any of the foregoing issues are present, **the clerk must make a good faith effort to notify the voter as quickly as possible (within one business day at a minimum) that the ballot may be rejected or challenged unless the defect is cured.** If the ballot is received on election day or less than 24 hours before election day, the clerk should make a good faith effort to notify the voter as quickly as possible.

If the clerk sees a defect, the clerk must notify the voter of the defect either by:

- email, using the email address provided on the application; or
- telephone, using the phone number provided on the application.

The following procedure must be followed for each of the defects described below:

1) Mismatched voter signature: If the voter signature on the envelope does not appear to have been written by the same person as the voter whose signature appears on the absentee ballot application, then the clerk must:

- notify the voter of the issue by email asking the voter to call the clerk, or call the voter;
- on the phone, ask the voter to identify themselves by name, date of birth and voting residence address as you would do in handling a voter's telephone request for an absentee ballot;
- verify that the voter requested a ballot, cast the ballot, and placed the ballot in the envelope (or had their designated assistant do so, if they were assisted); and
- verify that the voter signed the envelope.
- If the voter verifies that they signed it, the clerk should accept the ballot (without a challenge) and write a note on the envelope: "voter confirmed that they personally signed the envelope."
- If the clerk is unable to reach the voter before 8:00 p.m. on election day, the clerk should accept the ballot but challenge it in accordance with Title 21-A section 673, subsection 1.

2) Missing voter signature: If the defect is a missing voter signature, then the clerk must:

- notify the voter of the defect by phone or email and inform the voter of the following options:
 - a) The voter may come to the town office to sign the envelope, after verifying their identity to the clerk; the clerk must then accept the ballot; or
 - b) The voter may request a duplicate ballot; or
 - c) If the voter does not wish to do (a) or (b), but the voter identifies themselves by name, date of birth and voting residence address over the telephone with the clerk, and acknowledges to the clerk that the voter requested a ballot, cast the ballot and placed the ballot in the envelope (or had their designated assistant do so, if they were assisted), then the clerk should accept the ballot but challenge it in accordance with Title 21-A section 673, subsection 1.
 - d) If the voter does not respond to the phone call or email or does not cure the defect by 8:00 p.m. on election day, then the ballot must be rejected in accordance with Title 21-A, section 759, subsection 3.

3) Aide or witness certificate not completed or completed incorrectly: If the aide or witness certificate is unsigned, or was not completed or was completed incorrectly for a ballot that has been assisted or handled by a person other than an immediate family member, then the clerk must:

- notify the voter of the defect by phone or email and inform the voter of the following options:
 - a) The voter may ask the witness or aide to come to the town office to sign and properly complete the affidavit, and if the aide or witness does so, the clerk must accept the ballot; or
 - b) The voter may request a duplicate ballot; or
 - c) If the voter does not wish to do (a) or (b), but identifies themselves by name, date of birth, and voting residence address over the telephone with the clerk, describes how they received the ballot, who assisted them if they received assistance, and who delivered and returned the ballot if it was a person other than an immediate family member, then the clerk should accept the ballot but challenge it in accordance with Title 21-A, section 673, subsection 1.
 - d) If the voter does not respond to the phone call or email or does not cure the defect by 8:00 p.m. on election day, then the ballot must be rejected in accordance with Title 21-A, section 759, subsection 3.

In response to any of the above circumstances, if the clerk issues a duplicate ballot to the voter, the clerk must enclose a note stating the reason for sending them the ballot and remind the voter what they need to do to comply (e.g., sign the envelope). The clerk must also write “second ballot issued” on the return envelope.

- The clerk must provide the duplicate ballot in the manner requested by the voter, which may include issuance to the voter in-person at the municipal office, by postal mail to the address requested on the original application, or delivery by an immediate family member or 3rd person as designated on the original application or authorized in writing by the voter.
- If the clerk is unable to reach the voter by telephone or email to determine the voter’s preferred method of receiving a duplicate ballot, then the clerk must send a duplicate ballot by postal mail to the voter’s address or to the address listed on the original absentee ballot request, if different.

The duplicate (cured) ballot must be received in the clerk’s office by 8 p.m. on election day in order to be counted. If a duplicate ballot has been issued to a voter, only one returned ballot from that voter may be accepted and counted.

Procedures for Handling Cured, Challenged and Rejected Ballots

The following instructions originally were included in the *Supplemental Guidance on Absentee Voting* issued by the Secretary of State on October 8, 2020.

- When a municipality receives an absentee ballot envelope that contains a possible issue or defect (e.g., possible voter signature mismatch, missing voter signature or aide/witness certificate not completed correctly), the Municipal Clerk must hold the envelope aside for one day, and not enter the return information into CVR, while attempting to reach the voter (as described previously).
- If the Municipal Clerk is able to resolve the issue within the 1-day “hold” period and accept the ballot (with or without a challenge), then the ballot will be coded as accepted in CVR with the original date of receipt of the ballot.
- If the issue is not resolved within the 1-day “hold” period, then the ballot must be coded in CVR as rejected with the appropriate reason for rejection listed along with the original date of receipt of the ballot. **If the voter subsequently “cures” the defect in accordance with the guidelines, then the coding in CVR must be changed from rejected to accepted, even if the ballot must be challenged under the cure guidelines.**
- The only instances when a ballot will remain coded as rejected in CVR is when the voter’s signature is missing, or the aide or witness signature is missing (when required), and the voter cannot be reached to cure the problem before 8:00 p.m. on Election Day.

Procedures for Coding the Accepted but Challenged Absentee Ballots in CVR

- In the Ballot Return Information of the absentee record, enter the date/time received and how ballot received information, as usual, and check the box to accept the ballot.
- Check the box for Ballot was Challenged and select “Challenge Not Removed” from the Challenge Status field. Select “Return Envelope Not Completed Properly” from the Challenge Reason dropdown as the reason for the challenge.

Ballot Return Information

Date Ballot Received: 10 / 17 / 2020
Time Ballot Received: 11 : 43 : AM
How Ballot Received: MAIL

Select if Ballot Accepted
 Select if Ballot Rejected

Rejection Reasons: [dropdown]
Other (max 30 chars): [text]

Select if Ballot was Challenged
Challenge Status: CHALLENGE NOT REMOVED
Challenge Reason: RETURN ENVELOPE NOT COMPLETED PROPERLY
Other (max 50 chars): [text]

Select if Voter Assisted

- When you generate an Absentee Voter Report or an Absentee Voter File, the first column will contain a “Y” if the absentee ballot has been challenged:

- In the example below, the first voter – Grayson Green – has been flagged to vote a challenged ballot in his voter record, but that does not result in a “Y” in the CH column in the Absentee Voter Report.

ABSENTEE VOTER REPORT - CHELSEA														Generated By: STATE		
GENERAL REFERENDUM ELECTION 11/03/2020																
CH	DES	Name	Address	P	W/P	CG	SS	SR	CC	REQ REC Type / Date	REQ DEN	ISSUED Type / Date	RECEIVED Type / Date	DUP	ACC REJ	REJ RSN
		GREEN, GRAYSON	1 M & M LN	U	1-1	1	14	88	1	WV / 10/01/2020		MV / 10/01/2020	MA / 10/17/2020 12:26		ACC	
Y		GREEN, GRETA	1 SINGING PINE RD	U	1-1	1	14	88	1	WV / 10/01/2020		MV / 10/01/2020	MA / 10/17/2020 12:08		ACC	

PROOF OF RESIDENCY

Proof of Residency provided Form of Proof of Residency provided Other Form of Residency

Voter Status: ACTIVE Challenged Ballot due to a lack of Proof of ID or Residency

- When the box is checked for Challenged Ballot status in the voter’s record, the challenge flag appears on the Incoming Voting List (for voters who vote at the voting place on Election Day).
- The second voter – Greta Green – appears in the Absentee Voter Report because her absentee ballot was challenged in her absentee record. Challenging an absentee record is a separate step from assigning challenged ballot status in the voter’s record and must be done in the absentee record.
- In the Absentee Voter File, the challenged absentee status is indicated by a “Y” in the first (CH) column, when the data is imported in Excel:

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	CH	DES	VOTER ID	P	W/P	CG	SS	SR	CC	REQTYPE	REQDATE	REQDEN	ISSTYPE	ISSDATE	RECTYPE	RECDATE	DUP	ACC/REJ	REJRSN
37			100777898	U	1-1	1	14	88	1	WV	10/01/2020		MV	10/01/2020	MA	10/17/2020 12:26 pm		ACC	
38	Y		100777878	U	1-1	1	14	88	1	WV	10/01/2020		MV	10/01/2020	MA	10/17/2020 12:08 pm		ACC	