



Shenna Bellows
Secretary of State

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Julie L. Flynn
Deputy Secretary of State

Guidance for Curing Rejected Absentee Ballots for the November 8, 2022 General Election *Guidance Reissued by the Secretary of State, September 2022*

Authorization for Guidance:

Authorization for curing defects with absentee ballots was enacted into law by the 130th Legislature, as section 756-A of Title 21-A, effective October 18, 2021. The curing process allows election officials to follow certain procedures to contact absentee voters whose ballots otherwise would have been rejected due to missing signatures or other defects. Guidance for curing ballots was first issued by the Secretary of State due to increased usage of absentee ballots in both the July Primary Election and the November General Election in 2020. Guidance provided in 2020 was authorized by the Executive Orders issued by Governor Mills prior to both elections. The legal requirements are similar to the 2020 procedures and are reflected in this guidance document.

Procedure upon Receipt of Absentee Ballots:

Title 21-A section 756, subsection 2 requires the clerk to examine the voter's signature and affidavit on the absentee return envelope and note any discrepancies that could result in rejection of the ballot.

Current Guidance on Curing Rejected Absentee Ballots:

During the clerk's examination of returned absentee envelopes, the clerk must make notes of any of the following issues:

- a discrepancy in the signature on the return envelope;
- the return envelope is missing a signature; or
- the affidavit on the return envelope is not properly completed (including assistance and witnessing requirements).

If any of the foregoing issues are present, which would cause the clerk or warden to reject an absentee ballot, and the voter has provided a telephone number and/or email address on the ballot application, the clerk shall notify the voter within one business day of receiving the ballot, unless the 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, using the phone number that was provided on the application. If the clerk calls the voter but does not speak directly with the voter, the clerk shall leave a voicemail message and notify the voter by email if the voter provided an email address on the application. If the voter did not provide a telephone number, the clerk shall notify the voter by email.

The following procedures shall be taken for each defect indicated:

Mismatched voter signature (signature on envelope does not match signature on application)

- The voter may cure the defect in person or by telephone by self-identifying by name, date of birth (DOB) and residence address and confirming the voter requested and returned the ballot – the clerk accepts the ballot without challenging it and makes a notation on the return envelope.
- If the voter does not cure the defect as described above, the clerk accepts the ballot but challenges it.

Missing voter signature

- The voter may cure in person at clerk’s office by self-identifying by name, DOB and residence address and either signing the original or a new return envelope – the clerk accepts the ballot without challenge.
- The voter may cure by telephone by self-identifying by name, DOB and residence address and confirming that the voter requested and returned the ballot – the clerk accepts the ballot but challenges it.
- If the voter does not cure this defect as described above, the clerk shall reject the ballot.

Aide or witness certification incomplete

- The voter contacts the aide or witness and requests that the aide/witness appear in person at the clerk’s office and complete the affidavit/certification – the clerk accepts the ballot without challenge.
- The voter may cure the defect by telephone by self-identifying by name, DOB and residence address and explaining whether a 3rd person other than the voter’s immediate family member returned the ballot or whether the voter received the assistance of an aide in reading, marking or placing the ballot in the return envelope – if the voter provides the required information, the clerk accepts the ballot but challenges it.
- If the voter does not cure the defect by either process as described above – the clerk rejects the ballot.

Voter may request/be issued duplicate ballot

- If the voter prefers to receive a second absentee ballot rather than following the cure procedures described for each scenario above, the voter may request that the clerk issue a second absentee ballot to voter or, if the clerk was unable to reach the voter by phone or email and the ballot must be rejected, the clerk may issue a second absentee ballot to the voter and explain why the first ballot could not be accepted. If a duplicate ballot is issued, the second ballot must be received by 8 p.m. on Election Day.

Recording Date of Receipt/Challenged Status of Ballot

- The revised CIV-I absentee ballot envelope (Rev. 2/22) now has a space in the “Municipal Clerk Notes” section to record notes regarding curing procedures taken for an absentee ballot.
- If the clerk determines there is a defect with an absentee ballot and that defect is cured pursuant to these procedures, the clerk shall note on the envelope whether the ballot was accepted, or accepted but challenged, and list the date that the defect was cured as the date the ballot was received. This is also the date that should be entered into the CVR. The absentee record is flagged as challenged in CVR, so it will show up on the Absentee Voter Report as challenged.
- If the ballot must be challenged, the basis for the challenge must be noted on the return envelope.
- If the defect is not corrected under the cure procedures, the clerk shall initial the return envelope and indicate that the ballot is accepted but challenged, or rejected, and the basis for rejecting or challenging the ballot.
- The clerk is not required to conduct a hearing when a clerk accepts but challenges an absentee ballot.
- If a voter fails to provide a phone number or email address and the ballot cannot be cured, the clerk must initial the return envelope and indicate that the ballot is rejected and the basis for the rejection.