



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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Guidance for Conducting Absentee Voting at Licensed Facilities for the November 3, 2020 Elections *Revised by the Secretary of State, September, 2020*

Authorization for Guidance: Executive Order 8 FY 20/21, signed by the Governor on August 26, suspended the requirement in 21-A M.R.S. § 753-B(5) that the municipal clerks make personal visits to licensed facilities to facilitate absentee voting for the residents and ordered that such balloting be conducted in accordance with guidance from the Secretary of State in consultation with municipal clerks, the Department of Health and Human Services and Maine Center for Disease Control, so as to maximize voter participation, while reducing personal contact and protecting the health and safety of voters and municipal staff.

Covered facilities under Title 21-A: Nursing Homes, Level IV Residential Care Facilities (with more than 6 beds) and Assisted Living Facilities (with more than 6 beds)

Overview of procedures: Instead of in-person absentee voting in the presence of the municipal clerk at certain licensed facilities, the municipal clerk shall facilitate absentee voting by written request of the voters by providing each covered facility with absentee ballot application forms and facilitating the retrieval of completed forms; by delivering requested absentee ballots in sealed delivery envelopes to each facility; and by retrieving the sealed return envelopes containing voted absentee ballots from each facility prior to election day. These procedures are intended to facilitate absentee voting by facility residents but still preserve the chain of custody of the ballots and security of the process.

Absentee Voting Procedures

1. The Municipal Clerk **must provide a copy of this guidance document and the Application for Absentee Ballot forms** to each facility in their town with instructions for having the resident voters complete and sign the applications, as follows:
 - a. provide applications as soon as possible after receiving this guidance
 - b. can provide a copy or the link to a copy of the application via email or by mailing or delivering printed copies to the facility directly
2. The facility staff must distribute the applications to the residents, and collect them for return to the municipality – the facility and the municipality should agree on how the applications should be returned – preferably in one batch, by one of the following methods:
 - a. scanning and emailing them to the town,
 - b. faxing them to the town,
 - c. hand-delivering them to the town,
 - d. having the clerk pick them up from the facility, or
 - e. mailing them to the town in one batch.

NOTE: the completed applications should be returned to the town as soon as possible to allow sufficient time for the municipality to assemble and deliver the ballot materials to the facility.

3. The Municipal Clerk or designee enters the requests into the Central Voter Registration (CVR) absentee tracking system and prepares delivery and return envelopes labeled for each voter, along with voting instructions. Staff places the correct ballot(s) into each delivery envelope and seals them. Clerk delivers the ballots to the facility as soon as possible after they are prepared.

NOTE: If the Municipal Clerk receives an application from a voter who is not registered to vote in the municipality, the Clerk provides the facility with a Maine Voter Registration Application (either a printed form or the PDF version posted on the Secretary of State's website) with instructions for the voter to complete and return the application so that the ballot can be issued.

4. The facility staff distributes the sealed envelopes to each resident voter.
5. The voter opens the delivery envelope and removes the ballot(s), instructions, and return envelope.
 - a. If the voter is able to read and/or mark the ballot(s) without assistance, the voter marks the choices on the ballot using a black or blue ballpoint pen to fill in each oval.
 - b. If the voter needs assistance in reading and/or marking the ballot, the facility staff arranges a time when that can occur with an assistant and another staff person to witness.

NOTE: Assistance is limited to the assistant reading the ballot (including the voting instructions) to the voter and/or marking the ballot as directed by the voter. No one may influence the voter's choices on what to mark. The role of the witness is to ensure the ballot is unmarked before the voting process starts and to observe the marking process to be sure the voter is not influenced.

6. The voter (or assistant if needed) folds the marked ballots and puts them into the return envelope and seals the envelope (by wetting the adhesive or taping the envelope shut).
7. The voter signs the envelope flap where indicated (or if the voter is unable to sign, the assistant signs "Jane Doe assistant on behalf of voter John Smith" or "John Smith voter signed by Jane Doe assistant"). If assistance was provided for signing the envelope or reading and/or marking the ballot according to the voter's wishes, then the assistant must complete and sign the aide certificate in the presence of a witness who completes and signs the witness certificate – both of which are printed on the back of the envelope.
8. When all voters have completed the voting process, the facility staff collects all the sealed ballot envelopes and returns them to the municipality (or, the facility director should contact the Municipal Clerk who will retrieve the ballots from the facility). This should be done at least a week before the election, so there is time to resolve any issues.
9. The Municipal Clerk or designee reviews each envelope and enters the return information into the CVR absentee tracking system as per usual process.