

**Instructions to Municipal Election Officials**  
**Providing an Opportunity to Cure Defects on Absentee Ballot Envelopes before Rejection**  
*issued by Secretary of State's Office for the November 3, 2020 General Election*  
*(September 18, 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 defect 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 3<sup>rd</sup> 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.