

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE-HUNDRETH LEGISLATURE

Legislative Document

No. 1694

S. P. 617

In Senate, November 27, 1961

The Committee on Elections suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Erwin of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Clarify the Election Laws.

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

Sec. 1. R. S., c. 3-A, § 8, sub-§ III, ¶ A, additional. Subsection III of section 8 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new paragraph A, to read as follows:

'A. Exception. When there is a vacancy in the office of chairman of the board, the Governor, with the advice and consent of the Council, shall appoint a qualified person to fill the vacancy for the remainder of the term.'

Sec. 2. R. S., c. 3-A, § 51, amended. Section 51 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'Sec. 51. Wardens and ward clerks. In a city, the election, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this chapter. ~~In a town, the chairman of the municipal officers shall appoint a municipal officer as warden of each voting place before each election. He may designate himself as a warden.~~ In a town, the chairman of the municipal officers shall appoint a warden and one or more deputy wardens to serve in the absence or disability of the warden. The warden and deputy wardens must be municipal officers. The chairman may designate himself as warden or deputy warden. In a town which has more than one voting place, the clerk may appoint a special deputy to help perform his duties on election day.'

Sec. 3. R. S., c. 3-A, § 52, sub-§ II, amended. The first paragraph of subsection II of section 52 of chapter 3-A of the Revised Statutes, as enacted by section I of chapter 360 of the public laws of 1961, is amended to read as follows:

‘The municipal officers shall appoint 4 election clerks for each voting place in each municipality **who must be residents of the electoral divisions in which they are to serve.**’

Sec. 4. R. S., c. 3-A, § 66, sub-§ II, ¶ C, amended. Paragraph C of subsection II of section 66 of chapter 3-A of the Revised Statutes, as enacted by section I of chapter 360 of the public laws of 1961, is amended to read as follows:

‘**C. Further instructions.** The following instructions must be printed in bold type across both columns ~~below~~ **above** the party name: **“IF YOU DO NOT VOTE A STRAIGHT TICKET, MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE RIGHT OF THE NOMINEE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF NOMINEES TO BE ELECTED TO EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT IN THE PROPER BLANK SPACE AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE RIGHT. DO NOT ERASE NAMES.”**’

Sec. 5. R. S., c. 3-A, § 89, sub-§ I, ¶ A, additional. Subsection I of section 89 of chapter 3-A of the Revised Statutes, as enacted by section I of chapter 360 of the public laws of 1961, is amended by adding a new paragraph A, as follows:

‘**A. Exception.** In a primary election the election clerks designated by the warden must be of the same political party as the voter.’

Sec. 6. R. S., c. 3-A, § 121, amended. The first sentence of section 121 of chapter 3-A of the Revised Statutes, as enacted by section I of chapter 360 of the public laws of 1961, is amended to read as follows:

‘Within 10 days after ~~an~~ a general election, the registrar shall send a report to the Secretary of State stating the number of voters in each voting district of the municipality at the close of the polls on election day.’

Sec. 7. R. S., c. 3-A, § 131, amended. Section 131 of chapter 3-A of the Revised Statutes, as enacted by section I of chapter 360 of the public laws of 1961, is amended to read as follows:

‘**Sec. 131. Determination of election results.** The Governor and Council shall review the tabulation of the vote, hear appeals and determine the result of referendum questions and the persons to whom the Governor shall issue certificates of election or notices of apparent election **except** where the final determination as to their election depends on the Federal or State Constitution.’

Sec. 8. R. S., c. 3-A, § 142, repealed and replaced. Section 142 of chapter 3-A of the Revised Statutes, as enacted by section I of chapter 360 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 142. Procedure for obtaining absentee ballot. The following procedure must be observed in obtaining an absentee ballot:

I. Applications available. On request, the clerk shall furnish a reasonable number of ballot applications to any person.

II. Application or request received. On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall send or deliver an absentee ballot and return envelope forthwith to him or to a third person designated in the application or request. He shall also include a ballot application to be completed by the person who signed only a written request.

III. Clerk to list. The clerk shall keep a list of the persons to whom he furnishes absentee ballots, until after election day.

IV. Application checked by registrar. As soon as reasonably possible the clerk shall deliver the completed application to the registrar. If the applicant is registered, and enrolled where necessary, the registrar shall so certify on the application. If not, the registrar shall write 'Not registered' or 'Not enrolled' upon the face of the application and sign his name. He shall return all applications to the clerk forthwith.'

Sec. 9. R. S., c. 3-A, § 145, sub-§ V, amended. Subsection V of section 145 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'V. Envelopes and lists delivered. Before the polls are closed on election day, he shall deliver the return envelopes including those received after the deadline prescribed by section 144 with the applications attached, and the list required by subsection ~~III~~ IV to the warden of the voting district in which the voter is registered.'

Sec. 10. R. S., c. 3-A, § 148, sub-§ III, amended. Subsection III of section 148 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'III. Rejected if incorrect. If the warden finds that the signatures do not appear to have been made by the same person, that the affidavit is not properly completed, that the person is not registered or enrolled where necessary, that the voter has voted in person or that the ballot was received by the clerk after the deadline, he shall not open the envelope. He shall write "Rejected" on it, the reason why and his initials.'

Sec. 11. R. S., c. 3-A, § 166, amended. The last sentence of section 166 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'The instructions must be printed in bold type on each page of the petition.'

Sec. 12. R. S., c. 3-A, § 176, sub-§ I, amended. Subsection I of section 176 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

I. Regular election. It shall meet in Augusta 7 days before a regular primary or general election to review the preliminary campaign reports. ~~It shall meet again in Augusta 30 days after a regular primary or general election to review the final campaign reports~~ It shall meet again in Augusta to review the final campaign reports for the regular primary or general election within 3 days after the filing date provided by section 173, subsection II.'

Sec. 13. R. S., c. 3-A, § 205, sub-§ VI, amended. Subsection VI of section 205 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

VI. Procedure at election. ~~The registration commissioner shall act as warden, ward clerk and has the powers of moderator in the conduct of the election~~ The registration commissioner shall act as a warden, ward clerk and clerk and shall perform all their duties in the conduct of the election. He shall appoint 2 election clerks, if available and qualified, who are Indian residents of the district, and who represent the 2 major parties from candidates nominated by the chairman of the county political committee. Each election clerk shall receive \$10 per day.'