

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 411

H. P. 1213 House of Representatives, Feb. 19, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Powers of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT Relating to Voting by Persons Physically
Incapacitated.

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

Sect. 1. Section one hundred and thirty-three of chapter 2 thirty-eight of the public laws of nineteen hundred and 3 twenty-one is hereby amended by adding in the fifth line 4 thereof after the word, "vote" the following: 'or who being 5 physically disabled, first files with the clerk of the town 6 wherein he is a legal voter, a certificate signed by a reput- 7 able physician, duly licensed to practice the art of healing, 8 setting forth the nature of such physical disability,' so that 9 said section as amended shall read as follows:

'Sect. 133. An absentee voter is hereby defined to be any
2 person who is a duly qualified registered voter, and in
3 respect to any primary election duly enrolled as a member
4 of the political party in the primary of which he proposes
5 to vote, but who through absence from the city or town in
6 which he is entitled to vote, or who being physically dis-
7 abled, first files with the clerk of the town wherein he is a
8 legal voter, a certificate signed by a reputable physician,
9 duly licensed to practice the art of healing, setting forth the
10 nature of such physical disability, is unable to cast his
11 ballot at the polling place where he is entitled to vote, at any
12 city election, at any primary election held pursuant to sec-
13 tions one, twenty-three and twenty-four of chapter six of
14 the revised statutes of Maine, or at any general or special
15 state election as the term state election is defined in section
16 one of chapter seven of the revised statutes of Maine, in-
17 cluding also elections for the choice of electors of president
18 and vice-president of the United States, elections held in
19 accordance with the initiative or referendum provisions of
20 the constitution of Maine, and elections to vote upon amend-
21 ments to the constitution of Maine.'

Sect. 2. Section one hundred thirty-four of said chapter
2 is hereby amended in section (c) by adding in the tenth
3 line thereof after the word "because" the following:

1. I shall be absent from said town.
 2. I am physically unable from attending the polling place.
- 2 so that said section (c) as amended shall read as follows:

2 affiant are true to the best of my knowledge and belief and
3 that I have no knowledge as to how said affiant voted.

(Official seal, if any.)

Name

Residence

Official Title

Sect. 3. Section one hundred thirty-eight of chapter thir-
2 ty-eight of the public laws of nineteen hundred twenty-one
3 is hereby amended by adding in the sixth line after the
4 word "person" the words 'or by messenger' and by adding
5 in the twenty-sixth line thereof after the word "person" the
6 words 'or by messenger,' so that said section as amended
7 shall read as follows:

'Sect. 138. A voter who has executed and filed an appli-
2 cation for an official absent voting ballot with the clerk of
3 the city or town in which he is a registered voter may, after
4 his application is certified and he has obtained an official
5 absent voting ballot as provided in the two sections last
6 preceding, vote by mailing said ballot as hereinafter pro-
7 vided or by delivering said ballot in person or by messenger,
8 to such city or town clerk. He shall mark said ballot in the
9 presence of any official authorized by law to administer
10 oaths, if the marking is done within the state of Maine, and
11 in the presence of any notary public having a seal, if the
12 marking is done outside of the state of Maine; but, in
13 either case, no person other than the voter and the official
14 taking his oath shall be present during the marking and

15 sealing of said ballot. Before marking said ballot, the voter
16 shall exhibit it to said official, who shall satisfy himself
17 that it is unmarked, but he shall not allow said official to
18 see how he marked it. Said official shall hold no communi-
19 cation with the voter, nor he with said official, as to how
20 he is to vote. Thereafter the voter shall enclose and seal
21 the ballot in the envelope provided for in clause (c) of
22 section two. He shall then execute before said official the
23 affidavit on said envelope as set forth in said clause (c),
24 said official shall endorse thereon the certificate provided for
25 in said clause (c) and affix his official seal, if any, and said
26 voter shall enclose and seal the envelope with the ballot in
27 the envelope provided for in clause (d) of section two, en-
28 dorse thereon his name, address and voting place, and mail
29 the same within the time prescribed in the following section,
30 by registered mail requesting return receipt therefor, postage
31 prepaid, at any post office, or may deliver same in person
32 or by messenger as above provided.'

Sect. 4. Section one hundred thirty-nine of chapter thirty-
2 eight of the public laws of nineteen hundred twenty-one is
3 hereby amended by adding in the fourth line thereof after
4 the word "election" the following: 'or if delivered by mes-
5 senger, shall be delivered to the clerk at least two hours
6 before the closing of the polls' and by adding in the seventh
7 line thereof after the word "person" the words 'or by mes-
8 senger,' so that said section as amended shall read as fol-
9 lows:

'Sect. 139. All ballots cast under the provisions of the
2 preceding section shall be mailed on or prior to the day of
3 election, or, if delivered in person, shall be delivered at least
4 twenty-four hours before the opening of the polls at the
5 voter's polling place on the day of the election, or if de-
6 livered by messenger, shall be delivered to the clerk at least
7 two hours before the closing of the polls. The postmark, if
8 legible, shall be conclusive evidence of the time and place of
9 mailing. Any clerk, if requested thereto, shall give to any
10 person delivering such ballot in person a receipt therefor
11 setting forth the precise date, hour, and minute of the de-
12 livery.'

Sect. 5. Section one hundred and forty-two of chapter
2 thirty-eight of the public laws of nineteen hundred twenty-
3 one is hereby amended by striking out the whole of said
4 section and inserting in place thereof the following:

'Sect. 142. All absent voting ballots shall be subject to
2 challenge when and as cast by any qualified elector of the
3 city or town where said ballot is presented for non-compli-
4 ance with this act, or for any reason disqualifying the per-
5 son whose ballot is challenged from voting same, and an
6 opportunity shall be given for such challenge by the officer
7 presiding at the polling place, and such officer presiding
8 shall note the fact of such challenge upon the voting list
9 used at said polling place. Said presiding officer shall also
10 note the fact of such challenge together with the name of
11 the voter upon the ballot so challenged, witnessed by two

12 election officers representing two different parties. Any fail-
13 ure to comply with the provisions of this section shall be
14 punishable by a fine not exceeding five hundred dollars or
15 by imprisonment not exceeding eleven months.'

Sect. 6. Section one hundred forty-seven of chapter thirty-
2 eight of the public laws of nineteen hundred twenty-one is
3 hereby amended by striking out the whole of said section
4 and inserting in place thereof the following:

'Sect. 147. Whoever, not being entitled to vote under the
2 provisions of this act votes or attempts to vote under the
3 provisions hereof, or whoever, being entitled to vote under
4 the provisions of this act, knowingly votes or attempts to
5 vote in violation of the terms hereof, or whoever being an
6 official entrusted with the execution of this act wilfully or
7 negligently violates any provision thereof, any physician
8 wilfully giving a false certificate or any magistrate admin-
9 istering the oath to any person subscribing to a false state-
10 ment shall be punished by a fine of not more than five
11 hundred dollars and by imprisonment in jail for not over
12 eleven months.'