

# MAINE STATE LEGISLATURE

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## CHAPTER 29

## ABSENTEE VOTING

Sec.

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**§ 1251. Proper at any election**

Absentee ballots may be cast at any election.

1961, c. 360, § 1.

**§ 1252. Materials furnished**

A reasonable time before any election the Secretary of State shall furnish each municipality with a reasonable number of absentee ballots, ballot applications and return envelopes.

**1. Absentee ballot.** An absentee ballot must be identical in all respects to the regular ballots used at an election, except that the words "Absentee Ballot" must be printed conspicuously on both sides of the folded ballot.

**2. Content of application.** The application must contain a place for the following: Name of applicant, address, address to which ballot is to be sent, title of election at which ballot is to be cast, name of party in which he is or desires to be enrolled, date of application and signature of applicant. It must contain a place for the applicant to designate the reason for requesting an absentee ballot, the name of a person to whom his ballot may be delivered and a place for the registrar to certify whether the applicant is registered and the party in which he is or desires to be enrolled.

**3. Quantity of materials furnished.** The Secretary of State shall send the voting materials to the clerk of each municipality.

If the clerk believes that a larger number should be furnished, he shall advise the Secretary of State who shall furnish them as promptly as possible.

1961, c. 360, § 1.

### § 1253. Procedure for obtaining

The following procedure must be observed in obtaining an absentee ballot:

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

**2. 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 3rd person designated in the application or request. He shall include a ballot application to be completed by the person who signed only a written request.

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

**4. 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.

1961, c. 360, § 1; c. 408, § 8.

### § 1254. Method of voting

The method of voting by absentee ballot is as follows:

**1. Marked before certain officials.** When an absentee voter is within the State, he must mark his ballot in the presence of one of the following officials: Justice of the peace, notary public, clerk or deputy clerk of a municipality, dedimus justice or clerk of courts. When he is outside the State, the voter must mark his ballot before a notary public having a seal or before any diplomatic or consular official of the United States.

**2. Ballot unmarked.** Before marking his ballot, the voter shall show it to the official who shall examine it to be certain it is unmarked.

**3. No communication.** There must be no communication between the voter and the official as to the person or party for whom the voter is to vote.

**4. Ballot marked and sealed.** The voter shall mark his ballot according to section 921 or 922 in such a way as to make it impossible for anyone to see how he voted. He shall then seal the ballot in its return envelope, and complete the affidavit on the envelope in the presence of the official who shall subscribe his name, note his title and affix his seal if he is a notary public.

**5. Ballot sent.** The voter shall then complete the address on the envelope and mail or deliver it personally or by agent to the clerk of the municipality of which he is a resident. He shall send a completed application in a separate envelope, if he has not previously done so.

1963, c. 78, § 20.

**6. Physically incapacitated voter.** A voter who is unable to mark his ballot because of physical incapacity may request one of the officials listed in subsection 1 to read the ballot to him and mark it for him according to his instructions. The same official may, at the request of the voter, complete and sign the affidavit on the envelope. (1963, c. 78, § 20.)

1961, c. 360, § 1; 1963, c. 78, § 20.

### § 1255. Deadline

In order to be valid, an absentee ballot must be delivered to the clerk before 3 p. m. on election day in a municipality having more than one voting district. In other municipalities, it must be delivered to the clerk before 5 p. m. on election day.

**1. Received after deadline.** An absentee ballot received by the clerk after the deadline must be kept by the clerk unopened. He shall write "Received after deadline" on it and keep it segregated from the other ballots, unopened.

1961, c. 360, § 1; c. 408, § 8-A.

### § 1256. Procedure on receipt

When the clerk receives a return envelope apparently containing an absentee ballot, he shall observe the following procedure:

**1. Time of receipt noted.** He shall note the date and time of delivery on each return envelope.

**2. Clerk to examine signatures and affidavit.** He shall compare the signature of the voter on the application with that on the corresponding return envelope. He shall examine the affidavit on the return envelope. If the signatures appear to have been made by the same person and if the affidavit is properly completed, he shall write "OK" and his initials on the return envelope. Otherwise, he shall note any discrepancy on the return envelope.

**3. Application attached.** He shall attach each application to the corresponding envelope. He shall not open any return envelope.

**4. Lists prepared.** In a municipality which has more than one voting district, he shall prepare a separate list of the names, addresses and districts of the voters as shown on the return envelopes, and the date on which each envelope was received.

**5. 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 1255 with the applications attached, and the list required by subsection 4 to the warden of the voting district in which the voter is registered. (1961, c. 408, § 9.)

1961, c. 360, § 1; c. 408, § 9.

### § 1257. Challenges

An absentee ballot may be challenged the same as a regular ballot as provided in section 863.

1961, c. 360, § 1.

### § 1258. Personal vote required when possible

A person who has voted by absentee ballot, but who is present in the municipality and able to vote in person at the voting place on election day must do so.

1961, c. 360, § 1.

### § 1259. Counting procedure

The following counting procedure must be observed at each voting place:

**1. Warden to review notes of clerk.** As soon as the polls are closed, and the regular ballots removed from the ballot box, the warden shall review the notes of the clerk on each return envelope.



**2. Deposited in ballot box if correct.** If the warden finds that the signatures appear to have been made by the same person and that the affidavit is properly completed, he shall examine the check list to determine whether the voter voted in person at the election. He shall then announce the name of each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk mark letters "AV" beside the name of each absentee voter on the voting list, he shall deposit the ballot in the ballot box.

**3. 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.

1961, c. 408, § 10.

**4. Primary provisions.** At a primary election, when the warden removes a ballot from its envelope, he shall check its color to be sure it is the ballot of the party in which the voter is enrolled. If it is not, he shall immediately replace it in its envelope, reseal the envelope, and write "Rejected" on it, the reason why and his initials.

**5. Rejected ballots separate.** The warden shall place the return envelopes containing rejected ballots in a separate lot. He shall not deposit them in the ballot box.

**6. Ballots counted.** As soon as the absentee ballots have been processed, they shall be removed from the ballot box and counted the same as regular ballots. Rejected ballots must not be counted.

1961, c. 360, § 1; c. 408, § 10.

### **§ 1260. Deceased voter; ballot rejected**

If an absentee voter dies before the opening of the polls on election day, and this fact comes to the attention of the clerk, registrar or any election official, he shall so advise the warden who shall reject the ballot of the dead person. He shall write on the unopened envelope "Rejected as deceased," and place it with the other rejected ballots.

1961, c. 360, § 1.

**§ 1261. Irregularities disregarded**

An absentee ballot may not be rejected for any immaterial irregularity in completing the application or affidavit on the return envelope.

1961, c. 360, § 1.

**§ 1262. Return of election materials**

As soon as the ballots have been counted, the applications, absentee ballots, return envelopes, lists required by section 1256 and other election materials shall be repacked in accordance with section 926 and returned to the clerk. The clerk shall keep them in his office for 3 months after election day unless sooner released to the Secretary of State.

1961, c. 360, § 1.