

MAINE STATE LEGISLATURE

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April 29, 1938

To Honorable James C. Oliver, M. C., House Office Building
Re: Absent Voting by Blind Person

. . . There is no reason why a blind person cannot use an absentee voter's ballot. The City Clerk in Portland tells me that they have been used there in a number of cases. Of course, the applicant for an absentee ballot, who is blind, should sign his application by mark and have his mark witnessed and he should with his application disclose the fact that he is blind and cannot mark his ballot without assistance. The Town Clerk then should instruct him as to the manner of marking his ballot because this duty is placed on the city and town clerks by Chapter 8 of the Revised Statutes.

You will remember that the official who takes the oath of an absentee ballot of an absentee voter has to certify in his affidavit that he has not seen the voter mark the ballot so that it would be necessary to have the assistance of some other party, or parties, and in my opinion they should endorse the fact on the back of the absentee ballot and sign their names to a certificate to the effect that they had assisted the voter in marking his ballot.

In an ordinary election where a blind person applies for a ballot the warden in charge usually designates one of the election officials from each of the two major parties to go to the booth with the blind person, assist him and endorse the fact of their assistance on the back of the ballot over their signatures. In the case of an absentee voter this, of course, would have to be done by some other person, and that is why I believe the City or Town Clerk should be apprised of the fact in the application, or in a letter accompanying it, that the applicant is unable to mark his ballot without assistance and asking the Clerk to outline some method of procedure for the obtaining of disinterested assistance.

If I can be of help in any specific cases, please call upon me and I would be very glad to get in touch with the officials involved and work out some method of procedure. . .

Franz U. Burkett
Attorney General

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