

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

From:
The Attorney General

July 21, 1942

To:
Harold I. Goss,
Acting Secretary of State

The Absent Voting Law (R. S. Chapter 9, § 6, as most recently amended by P. L. 1941, Chapters 15, 17 and 170) provides that a voter who is in the armed services of the country, whether within or outside the State of Maine, may mark his ballot "in the presence of any commissioned officer of the army, navy or marine corps, including officers of the national guard, officers' reserve corps, naval militia, naval reserve, or marine corps reserve in federal service" who are respectively authorized under said Chapter 17 to administer the oaths required in said Absent Voting Law.

The statute provides further that the voter shall enclose and seal the envelope and mail the same "by registered mail requesting return receipt thereof, postage prepaid at any post office, or may deliver the same in person or by his or her accredited agent as above provided". (See said Chapter 15)

The Federal Congress has provided that men in the armed forces of the Federal Government may send mail without paying postage. Therefore the words "postage prepaid" are meaningless as far as soldiers' mail is concerned.

The provision "by registered mail requesting a return receipt therefor" cannot, in my opinion, be regarded as mandatory, but simply as a protective measure. Certainly there can be no connection between the registering of the envelope containing the ballot and the acceptance of that ballot by the municipal officers. The voter gets evidence that his ballot has been received if he sends it by registered mail and gets back a return receipt, but otherwise this provision is of no particular value to him and certainly it can be of no value to a municipality or to the State. I find, as a matter of fact, that the town and city clerks accept absentee ballots as a matter of course when they come through the mail even though they are not registered, and that procedure is to my mind the correct one.

FRANK I. COWAN

Attorney General

From:
Frank I. Cowan, Attorney General

July 22, 1942

To:
Harold I. Goss, Secretary of State

I have your memo of July 21st, asking several questions in regard to nominations "outside the primaries". I will answer the questions in the order in which you ask them.

1. The fact that a candidate has been such in a primary does not bar him from the right to nomination outside of the primary under