

MAINE STATE LEGISLATURE

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September 7, 1948

To Franklin Fisher, Esquire
Re: Removal and Renewed Residence of Voter

I have your letter of September 4th, inquiring if there is any reason why the name of Nellie M. Cobb* cannot be placed on the voting list in Auburn without her appearing personally before the Board. You call my attention to Section 19 of Chapter 3, R. S., as amended by Chapter 317, P. L. 1945, which requires a person to appear personally before the board to prove that he possesses the qualifications of a voter. I agree with you that the intent of the legislature was that this provision should apply to a person who had never qualified as a voter. You cite in your letter Section 16 of Chapter 3, R. S., which provides that the board shall not place on the voting list the name

"of any person who shall not personally appear before the board in open session and request it; but nothing in this chapter shall be so construed as to require any voter, whose name is already upon any ward list and who afterwards moves from such ward to any other ward in such city, to appear personally before the board in order that his name may be transferred from one ward list to another."

So, in reading all the provisions we find that this section applies only to those voters who are transferred from ward to ward in the city where they have once qualified as voters and have been duly registered. You will note that the legislature made this exception, but that they did not go far enough to except those who had qualified and then gone to another city or town and registered there, because the voter who has been outside of the city must re-qualify, to establish the statutory requirements as to eligibility to vote again in the city of Auburn. Any other construction, in my opinion, would open the door to fraud. That is the reason the legislature limited the construction to apply only to those who move from ward to ward in a given city.

You state that evidently a person who has ever proved that he is a qualified voter does not have to prove it again to the same board of registration. There again I call your attention to the fact that the personnel of the boards of registration changes and although the original registration card of Nellie M. Cobb may be somewhere in the files of the office of the board of registration, yet she has lost her voting residence in the city of Auburn and must qualify again as to her residence in Auburn before she can be placed on the list. She must personally appear before the board in open session and request registration, so that the members of the board will have an opportunity to correct her card and qualify her again as a registered voter in the city of Auburn. .

Ralph W. Farris
Attorney General

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*Former resident, unable "because of physical infirmity" to appear before the board in person.