

MAINE STATE LEGISLATURE

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October 13, 1950

To Chairman, Board of Registration, Auburn
Re: Correct Handling of Absentee Ballots

. . . Section 7 (Ch. 6, R. S. 1944) sets out specifically that when the ballot is properly executed and enclosed and sealed in the envelope by the voter, who has endorsed thereon his name, address and voting place, he shall mail the same within the time prescribed in the following section.

Said following section, 8, provides that all ballots cast under the provisions of Section 7 shall be mailed on or prior to the day of election, or, if delivered, shall be delivered at least 24 hours before the opening of the polls at the voter's voting place on the day of the election. The postmark, if legible, shall be conclusive evidence of the time and place of mailing. Therefore the latest date on which an application for an absentee ballot can be issued by the city clerk is 24 hours before the opening of the polls at the voter's voting place on the day of the election. An absentee voter cannot vote on election day. Therefore an application cannot properly be issued by the city or town clerk.

In regard to receiving absentee ballots by mail, all envelopes should be preserved unopened until election day. When they are opened, the envelopes should be attached to the ballots, in the office of the ward clerk, to show what time each ballot was mailed. In case of an inspection before the Governor and Council, when there is a question relating to absentee ballots, the postmark is the only way to ascertain whether the ballot was mailed 24 hours before the polls opened.

Section 10 provides the manner in which the election officials at the polls shall check absentee ballots. If the ballots are not in proper order, they have certain duties to perform. They can check a ballot as defective, as not a voter, as not enrolled, or voted in person, as the case may be, and ballots so checked are not to be counted. All envelopes, opened or unopened, shall be retained with the ballots cast at the election and preserved and destroyed in the manner provided by law for the retention, preservation and destruction of official ballots, and the tally sheets shall show all rejected as well as accepted ballots of all absentee voters and ballots of voters physically incapacitated.

Ralph W. Farris
Attorney General

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