

MAINE STATE LEGISLATURE

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April 28, 1952

To Waldo Burgess, Representative
Re: Absent voting

We have your letter posing five questions relative to voting at primary elections.

We can answer only the first two questions with any degree of certainty, the last three not containing sufficient facts.

"(1) Provided John Jones name is on the voting check list and he has never been enrolled in any party, can he choose his party and enroll on Election day?"

Under the provisions of Chapter 4, Sections 2 and 27, it appears that a voter may change his enrollment at any time, provided he does not vote in any political caucus or primary election within six months thereafter; and provided he has not been enrolled, he may enroll the day of the election, if he has not voted at any caucus or primary election, as a member of any political party, within six months last past.

"(2) Can an absentee ballot be mailed to an absentee voter without a written request from the absentee voter?"

This question seems to be answered by Section 6 of Chapter 6 and Sections 3 and 4 of Chapter 92, P&SL 1944. These sections provide that absentee ballots may be provided voters upon written request. Upon the presence of these words we are inclined to believe that it is only upon written request that these absentee ballots may be sent to voters.

With respect to your last three questions we should like to make the statement that generally a soldier retains as his voting residence the town from which he was inducted or the town of which he was a resident at the time of his enlistment in the Armed Forces. We have, as most States have, special provisions relative to the voting of members of the Armed Forces, and these laws assume that the soldier is still a resident of the town from which he was inducted or enlisted.

A soldier's stay at an Army camp is usually indefinite and for that reason most jurisdictions hold that he cannot become a resident of the town in which he is stationed as a member of the Armed Forces. This, of course, is a general statement and cannot be assumed to be a rule where a soldier has his entire family in a particular town and, not having voted, intends to make that town his permanent residence. In the latter case we feel that he is clearly a resident of that town and should be granted voting privileges.

James G. Frost
Deputy Attorney General

jgf/c