

MAINE STATE LEGISLATURE

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April 18, 1966

Governor John H. Reed
George C. West, Deputy

Executive
Attorney General

You have asked if the office of Town Clerk and Chairman of the Board of Registration of Voters is incompatible.

We cannot say that the two positions are incompatible. There is no actual conflict of interest whereby the actions of a Town Clerk would be in active conflict with the Board of Registration.

However, we feel it advisable to point out to you that there would be a number of instances where it might be rather difficult for a Town Clerk to carry on both positions at the same time. This is particularly true on election day. On that day the Board of Registration must be in session from the time the polls open until they close. The Board may have occasion to restore a person to the voting list in the instance of a woman who has remarried and been removed until she changes her name, or, in the instance where a person was erroneously taken off the list and now appears and convinces the Board that he should never have been removed from the list. There are occasions when the board is required to function on election day.

The Clerk has certain responsibilities on election day. He must deliver the ballots to the polling place or places prior to the opening of the polls. During the day and up until 3:00 P.M. where there is more than 1 polling place, and 5:00 P.M. where there is one voting place, he must receive, check, and mark absentee ballots. He must also deliver the absentee ballots to the polling places prior to the close of the polls.

In addition to this, section 4 of the election laws provides:

"In a town, the clerk shall perform the duties prescribed for the ward clerk of a city so far as applicable to an election in the town."

This means that he should be at the polling place to assist in checking voters in or out and to assist the warden and election clerks in the handling of ballots.

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Also, section 801, subsection 3, provides that at the opening of the polls the warden shall open the official ballot box, examine it and show that it is empty. Immediately after examination, the warden shall lock the box and deliver the key to the ward clerk who will keep it until the polls are closed. Naturally, he must deliver the key to the warden after the polls are closed to open the box.

From all the above, it would appear that a person who is Town Clerk and Chairman of the Board of Registration might be very hard put to carry on the duties of both offices at the same time.

Although I can find nothing incompatible or conflicting between the two offices, we feel we should point out to you these areas where it would appear that it would be most difficult for one person to handle both positions.

George C. West
Deputy Attorney General

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