

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1425

S. P. 518

In Senate, February 26, 1963

Reorted by Senator Stitham of Somerset from Committee on Election Laws
and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Revise the Election Laws.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., c. 3-A, § 1, amended. The 17th paragraph of section 1 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961 and as repealed and replaced by section 1-B of chapter 408 of the public laws of 1961, is amended to read as follows :

“Members of the armed forces” include the Army, Navy, **Air Force**, Marine Corps, Coast Guard, their spouses and dependents, members of the Merchant Marine of the United States, except those employed in the inland waterways, their spouses and dependents, civilian employees of the United States serving outside the territorial limits of the several states and the District of Columbia, whether or not paid from appropriated federal funds, and their spouses and dependents when accompanying them, and members of religious groups and welfare agencies serving with or accompanying the armed forces and their spouses and dependents.’

Sec. 2. R. S., c. 3-A, § 1, amended. The 23rd paragraph of section 1 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows :

“Pauper” means a person who has been directly or indirectly furnished supplies by a municipality within 3 months of any election at which he seeks to vote; **except that this definition shall not apply to a veteran, a recipient of old age assistance, aid to the blind, aid to the disabled or to a relative with whom a recipient of aid to dependent children is living as provided in chapter 25, section 236.** The fact that money for the payment of wages of a person employed by

a municipality is derived from relief funds does not give that person the status of a pauper.'

Sec. 3. R. S., c. 3-A, § 6, sub-§ I, amended. Subsection I of section 6 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding at the end 2 new sentences, as follows:

'If the registrar is to be absent from the municipality for a period exceeding 15 consecutive days, he shall appoint a deputy registrar who must be physically present in the municipality. If the registrar fails to appoint such deputy and is absent from the municipality for more than 15 consecutive days, the clerk shall serve as registrar pro tem.'

Sec. 4. R. S., c. 3-A, § 18, sub-§ II, amended. Subsection II of section 18 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'II. List current. He shall keep the list current at all times by adding the names of new voters and by removing the names of those who have died, moved from the municipality more than 3 months previously **with an apparent intention of abandoning their residence therein**, or become disqualified to vote.'

Sec. 5. R. S., c. 3-A, § 18, sub-§ II-A, additional. Section 18 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new subsection II-A, to read as follows:

'II-A. List of deceased voters. The clerk shall, upon request of the registrar, furnish the registrar with a list of deceased voters.'

Sec. 6. R. S., c. 3-A, § 20, amended. Section 20 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'Sec. 20. Declaration of rights. If the registrar removes a name from the voting list or refuses to place it on the voting list, the interested person may petition the Superior Court or the District Court for a declaratory judgment under chapter 107, sections 38 to 50, naming the registrar as defendant. **The District Court is expressly granted the same powers and jurisdiction as the Superior Court has under said chapter 107, sections 38 to 50, in petitions arising out of this section.**

I. Early hearing. On receipt of the petition, the court shall set the matter for hearing at the earliest reasonable time.'

Sec. 7. R. S., c. 3-A, § 37-A, additional. Chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new section 37-A to read as follows:

'Sec. 37-A. When nomination vacated. When a person already nominated for any state or county office accepts nomination to fill a vacancy, the first nomination is thereby vacated.'

Sec. 8. R. S., c. 3-A, § 40, sub-§ XI, additional. Section 40 of chapter 3-A

of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new subsection XI, to read as follows:

'XI. Petition challenged. Anyone who desires to challenge the validity of a candidate's primary petition as filed with the Secretary of State must notify the Secretary of State of his intent to do so within 7 days after the final filing date of such petition.'

Sec. 9. R. S., c. 3-A, § 52, sub-§ II, ¶ C, additional. Subsection II of section 52 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 and amended by section 3 of chapter 408, both of the public laws of 1961, is further amended by adding a new paragraph C, as follows:

'C. Alternate clerks. They shall appoint alternate election clerks who are nominated as provided in subsection I and who may be called into service by the warden, as needed, to fill a vacancy on election day.'

Sec. 10. R. S., c. 3-A, § 86, sub-§ II, amended. Subsection II of section 86 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'II. Limited time within guardrail or voting machine. A voter may not remain within the guardrail for more than 10 minutes, and may not occupy a voting booth or voting machine for more than 5 minutes.'

Sec. 11. R. S., c. 3-A, § 103, sub-§ IV, repealed and replaced. Subsection IV of section 103 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is repealed and the following enacted in place thereof:

'IV. Form of ballot label. The titles of offices may be arranged horizontally with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically with the names of candidates for an office arranged horizontally opposite the title of the office, or the titles of offices and the names of candidates for an office may be arranged in any horizontal and vertical combination as may be deemed advisable by the Secretary of State.'

Sec. 12. R. S., c. 3-A, § 103, sub-§ VIII-A, additional. Section 103 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new subsection VIII-A, to read as follows:

'VIII-A. Device for printing or photographing candidate or question counters. It may be provided with a device or devices for printing and photographing candidate and question counters which will provide a record before the polls open and after the polls close.'

Sec. 13. R. S., c. 3-A, § 109, sub-§ I, amended. Subsection I of section 109 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'I. Content of label. The ballot label must contain the names of the candi-

dates or nominees of each political party arranged as nearly as practicable in accordance with the requirements for paper ballots, and subject to section 103, subsection IV.'

Sec. 14. R. S., c. 3-A, § 114, sub-§ I, amended. Subsection I of section 114 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding at the end, 2 new sentences, as follows:

'If the machine is provided with a device or devices for printing or photographing candidate and question counters, it shall not be necessary to open the door concealing the counter. The warden or his designated election clerk shall proceed to operate the mechanism provided to produce one 'before election inspection record' showing whether the candidate and question counters register '000' and sign the certificate as prescribed by the Secretary of State.'

Sec. 15. R. S., c. 3-A, § 115-A, additional. Chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new section 115-A, to read as follows:

'Sec. 115-A. Challenge of right to vote. A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting his vote but must use an official absentee voting ballot.'

Sec. 16. R. S., c. 3-A, § 117, sub-§ I, amended. Subsection I of section 117 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding at the end, 3 new sentences, as follows:

'If the machine is provided with a device for printing or photographing candidate and question counters, it shall not be necessary to open the door concealing the counters. The warden or his designated election clerk shall proceed to operate the mechanism provided to produce a record of the votes cast on the candidate and question counters. Such record may be deemed an official statement or certificate of returns for that machine and may be endorsed, delivered and filed as required by the Secretary of State.'

Sec. 17. R. S., c. 3-A, § 118, sub-§ III, ¶ A, amended. Paragraph A of subsection III of section 118 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding at the end, a new sentence, as follows:

'If the machines were equipped with a device or devices which had produced a printed or photographed record of the vote shown on the candidate and question counters, the clerk shall remove the totals and retain the printed or photographed record for the balance of the 3-month period.'

Sec. 18. R. S., c. 3-A, § 122, amended. The first sentence of section 122 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'Within ~~45~~ 20 days after an election, the Secretary of State shall tabulate the election returns and submit the tabulation to the Governor and Council.'

Sec. 19. R. S., c. 3-A, § 127, amended. The first sentence of section 127 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

‘On the written application of a candidate in any election ~~within not later than 10 days after copies of the tabulation are made available to the candidates of the~~ **vote is submitted to the Governor and Council**, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations.’

Sec. 20. R. S., c. 3-A, § 143, sub-§§ V-VI, repealed and replaced. Subsections V and VI of section 143 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, are repealed and the following enacted in place thereof:

V. Ballot sent. The voter shall then complete the address on the envelope and mail or deliver it personally or by agent to the clerk of the municipality of which he is a resident. He shall also send a completed application in a separate envelope, if he has not previously done so.

VI. Physically incapacitated voter. A voter who is unable to mark his ballot because of physical incapacity may request one of the officials listed in subsection I to read the ballot to him and mark it for him according to his instructions. The same official may, at the request of the voter, complete and sign the affidavit on the envelope.’

Sec. 21. R. S., c. 3-A, § 173, sub-§ II, amended. Subsection II of section 173 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

II. When filed. A preliminary report must be filed with the Secretary of State not less than 10 nor more than 15 days before ~~an~~ a general election. A final report must be filed with the Secretary of State within 30 days after ~~the~~ any election showing the totals of the entire campaign.’

Sec. 22. R. S., c. 3-A, § 176, sub-§ I, amended. Subsection I of section 176 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961 and as amended by section 12 of chapter 408 of the public laws of 1961, is further amended to read as follows:

I. Regular election. It shall meet in Augusta 7 days before a ~~regular~~ primary or general election to review the preliminary campaign reports. It shall meet again in Augusta to review the final campaign reports for the regular primary or general election within ~~3~~ 7 days after the filing date provided by section 173, subsection II.’

Sec. 23. R. S., c. 3-A, § 201, sub-§ XIV, amended. Subsection XIV of section 201 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

XIV. Aiding ineligible voter. A person who ~~knowingly~~ aids another in voting ~~who knowing that the voter~~ is not eligible to ~~do so~~ vote;’

Sec. 24. R. S., c. 3-A, § 201, sub-§ XX, amended. Subsection XX of section

201 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'XX. Improper voting. A person who ~~knowingly~~ votes or attempts to vote ~~without being knowing that he is not~~ eligible to do so, or who votes ~~twice~~ **more than once** at the same election;'

Sec. 25. R. S., c. 3-A, § 201, sub-§ XXVII, additional. Section 201 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new subsection XXVII, to read as follows:

'XXVII. Failure to pay fine. A person who fails to pay any fine assessed by the Campaign Reports Committee.'