

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 151

S. P. 72

In Senate, January 13, 1971

Referred to Committee on Election Laws. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Shute of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Clarifying and Revising Certain Election Laws.

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

Sec. 1. R. S., T. 21, § 1, sub-§ 6-A, additional. Section 1 of Title 21 of the Revised Statutes, as amended by section 1 of chapter 35 of the public laws of 1969, is further amended by adding a new subsection 6-A to read as follows:

6-A. Circulate. "Circulate" shall mean the presenting of a petition to a voter with an accompanying request that the voter sign it.

Sec. 2. R. S., T. 21, § 1, sub-§ 22, repealed. Subsection 22 of section 1 of Title 21 of the Revised Statutes is repealed as follows:

22. Pauper. "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 Title 22, section 3743. 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., T. 21, § 1 sub-§ 33, amended. Subsection 33 of section 1 of Title 21 of the Revised Statutes is amended to read as follows:

33. Registrar. "Registrar" means the registrar or the board of registration of voters of a municipality.

Sec. 4. R. S., T. 21, § 241, sub-§ 2, repealed. Subsection 2 of section 241 of Title 21 of the Revised Statutes is repealed as follows:

2. **Ability to read.** He must read from the Constitution of the State of Maine in a manner which shows he is neither being prompted nor reciting from memory. He must write his name in English.

A. **Exception.** This subsection does not apply to a person who is prevented by physical disability from performing its requirements, but he may be required to supply reasonable proof of his knowledge.

Sec. 5. R. S., T. 21, § 241, sub-§ 3, amended. Subsection 3 of section 241 of Title 21 of the Revised Statutes is amended to read as follows:

3. **Age.** He must be at least ~~21~~ 20 years of age.

Sec. 6. R. S., T. 21, § 241, sub-§ 4, repealed and replaced. Subsection 4 of section 241 of Title 21 of the Revised Statutes is repealed and the following enacted in place thereof:

4. **Residence.** He must reside in the State and within the voting district in which he seeks to register at least 30 days prior to an election.

Sec. 7. R. S., T. 21, § 242, sub-§ 2, amended. Subsection 2 of section 242 of Title 21 of the Revised Statutes is amended to read as follows:

2. **Becoming 20 on federal property.** A person who becomes ~~21~~ 20 years of age while residing on federal property as a patient at or an employee of a federal agency, or while in the Armed Forces, is deemed to have gained a voting residence in the municipality in which he resided at the time he became such a patient, employee or serviceman.

Sec. 8. R. S., T. 21, § 242, sub-§ 6, additional. Section 242 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 6 to read as follows:

6. **Federal property.** A person residing on federal property, except as stated in subsection 4, shall be eligible to register and vote in the voting district in which the federal property is located.

Sec. 9. R. S., T. 21, § 243, amended. Section 243 of Title 21 of the Revised Statutes is amended by adding a new sentence at the end to read as follows:

A registered voter who moves to another state within 30 days next preceding a presidential election must not be removed from the voting list. He shall be allowed to vote at such presidential election in person or by absentee ballot.

Sec. 10. R. S., T. 21, § 441, amended. The first sentence of section 441 of Title 21 of the Revised Statutes, is amended to read as follows:

The nomination of a candidate by a party for any state or county office, excluding Presidential Elector, must be made by primary election.

Sec. 11. R. S., T. 21, § 445, sub-§ 4, repealed. Subsection 4 of section 445 of Title 21 of the Revised Statutes is repealed as follows:

~~4. Residence added. After his name, the voter must personally add his place of residence. Ditto marks are permitted.~~

Sec. 12. R. S., T. 21, § 445, sub-§ 11, amended. Subsection 11 of section 445 of Title 21 of the Revised Statutes is amended to read as follows:

11. 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 in writing setting forth his reasons of his intent ~~to do so~~ within 7 days after the final filing date of such petition April 1st prior to the primary election.

Sec. 13. R. S., T. 21, § 447, sub-§ 1, amended. Subsection 1 of section 447 of Title 21 of the Revised Statutes is amended to read as follows:

1. Limitation. ~~Additional~~ Corrections or additional signatures may not be submitted after the date on which the petition must be filed April 1st prior to the primary election.

Sec. 14. R. S., T. 21, § 491, amended. The first sentence of section 491 of Title 21 of the Revised Statutes is amended to read as follows:

The nomination of a candidate, other than by a party, for any state or county office ~~may~~ must be made by nomination petition.

Sec. 15. R. S., T. 21, § 492, sub-§ 3, amended. Subsection 3 of section 492 of Title 21 of the Revised Statutes, as amended by section 4 of chapter 35 of the public laws of 1969, is further amended to read as follows:

3. How signed. It must be signed personally by the voter in such manner to satisfy the registrar of each municipality concerned that the person signing the petition is, in fact, listed on the voting list of that municipality and resides in the electoral division for which nomination is sought. Ditto marks are permitted.

Sec. 16. R. S., T. 21, § 492, sub-§ 4, repealed. Subsection 4 of section 492 of Title 21 of the Revised Statutes, as amended by section 4 of chapter 35 of the public laws of 1969, is repealed as follows:

~~4. Residence added. After his name, the voter must personally add his place of residence and his street address, if any. Ditto marks are permitted.~~

Sec. 17. R. S., T. 21, § 492, sub-§ 11, amended. The first sentence of subsection 11 of section 492 of Title 21 of the Revised Statutes is amended to read as follows:

A nomination petition on file after August 15th which does not meet the requirements of ~~this section~~ subsections 1, 5, 6, 8 9 or 10 is void.

Sec. 18. R. S., T. 21, § 494, sub-§ 1, amended. Subsection 1 of section 494 of Title 21 of the Revised Statutes is amended to read as follows:

1. Limitation. ~~Additional~~ Corrections or additional signatures may not be submitted after the date on which the petition must be filed August 15th.

Sec. 19. R. S., T. 21, § 494, sub-§ 2, amended. Subsection 2 of section 494 of Title 21 of the Revised Statutes, as enacted by section 5 of chapter 35 of the public laws of 1969, is amended to read as follows:

2. Challenge of validity of petitions. Anyone desiring to challenge the validity of a nomination petition must notify the Secretary of State, in writing **setting forth his reasons**, of such challenge within 7 days after ~~the final filing date of such petitions~~ **August 15th.**

Sec. 20. R. S., T. 21, § 701, sub-§ 2, ¶ A, amended. Paragraph A of subsection 2 of section 701 of Title 21 of the Revised Statutes is amended by adding at the end thereof the following sentence:

NAMES WRITTEN IN OR ON STICKERS MUST SHOW THE MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDIDATE.

Sec. 21. R. S., T. 21, § 702, sub-§ 2, ¶ C, amended. Paragraph C of subsection 2 of section 702 of Title 21 of the Revised Statutes is amended by adding at the end the following new sentence:

NAMES WRITTEN IN MUST SHOW THE MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDIDATE.

Sec. 22. R. S., T. 21, § 704, sub-§ 4, amended. Subsection 4 of section 704 of Title 21 of the Revised Statutes is amended by adding at the end the following new sentences:

A single specimen ballot so published may carry the name of each candidate for State Senator and Representative to the State Legislature having residence in the area covered by the circulation of the newspaper. The name of the voting district need not be printed on the published specimen ballot.

Sec. 23. R. S., T. 21, § 921, sub-§ 2, amended. The first sentence of subsection 2 of section 921 of Title 21 of the Revised Statutes is amended to read as follows:

If he wishes to vote for a person whose name is not on the ballot, he shall write the name and municipality of residence or paste a sticker containing the name and municipality of residence in the blank space provided at the end of the list of candidates for nomination to the office in question.

Sec. 24. R. S., T. 21, § 922, sub-§ 3, amended. The first sentence of subsection 3 of section 922 of Title 21 of the Revised Statutes is amended to read as follows:

If he wishes to vote for a person whose name is not on the ballot, he shall write the name and municipality of residence in the blank space provided at the end of the list of nominees for the office in question.

Sec. 25. R. S., T. 21, § 1255, amended. The last sentence of section 1255 of Title 21 of the Revised Statutes, as repealed and replaced by section 18 of chapter 225 of the public laws of 1967, is amended to read as follows:

In order to be valid, an absentee ballot must be delivered to the clerk before 3 p. m. on election day, except in the presidential election, absentee ballots may be delivered to the clerk at any time before the closing of the polls.

Sec. 26. R. S., T. 21, § 1256, sub-§ 5, amended. Subsection 5 of section 1256 of Title 21 of the Revised Statutes, as amended, is further amended to read as follows:

5. Envelopes and lists delivered. Before the polls are closed on election day, he shall deliver the return envelopes prescribed by section 1255 with the applications attached, and the list required by subsection 4 to the warden of the voting district in which the voter is registered, **except in the presidential election when the clerk may deliver within ½ hour after closing of the polls the above items received that day between 3 p. m. and closing of the polls.**

Sec. 27. R. S., T. 21, § 1353, amended. The last sentence of section 1353 of Title 21 of the Revised Statutes is amended to read as follows:

The instructions must be printed in bold type or capital letters on the petition.

Sec. 28. R. S., T. 21, § 1579, sub-§ 5, repealed. Subsection 5 of section 1579 of Title 21 of the Revised Statutes is repealed as follows:

5. Failure to enforce educational test. ~~A registrar or deputy who knowingly or willfully fails or refuses to require an applicant for registration to prove that he can read and write as provided in section 247;~~

STATEMENT OF FACT

The purpose of this Act is to correct a number of problems that have arisen with interpretation of the election laws and to clarify certain procedural areas of the election laws. Additionally, it is designed to bring existing statutes into conformity with the recently passed federal voting rights act.