

MAINE STATE LEGISLATURE

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New Draft of S. P. 729, L. D. 2141
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2526

S. P. 914

In Senate, February 25, 1974

Reported by Senator Shute of Franklin from Committee on Election Laws
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify Certain Election Laws.

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

Sec. 1. R. S., T. 21, § 43, amended. The first sentence of section 43 of Title 21 of the Revised Statutes, as amended by section 3 of chapter 398 of the public laws of 1965 and by section 3 of chapter 414 of the public laws of 1973, is further amended to read as follows:

In a city or town which has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major political parties, who shall be enrolled in the party by the city committee of which he is nominated, and appointed by the municipal officers, and the 3rd member appointed by the Governor with the advice and consent of the Council.

Sec. 2. R. S., T. 21, § 445, sub-§ 7, amended. Subsection 7 of section 445 of Title 21 of the Revised Statutes is amended to read as follows:

7. Signatures restricted. A voter may sign only as many primary petitions and nomination petitions under section 492 for each office as there are vacancies to be filled.

Sec. 3. R. S., T. 21, § 492, sub-§ 7, amended. Subsection 7 of section 492 of Title 21 of the Revised Statutes is amended to read as follows:

7. Signatures restricted. A voter may sign only as many nomination petitions and primary petitions under section 445 for each office as there are

vacancies to be filled. ~~The signing of a primary petition under section 445 does not prohibit a voter from signing a nomination petition~~

Sec. 4. R. S., T. 21, § 601, sub-§ 1, amended. The 3rd and 4th sentences of subsection 1 of section 601 of Title 21 of the Revised Statutes, as amended by section 22 of chapter 414 of the public laws of 1973, are further amended to read as follows:

All election materials must be packed in a sealed **package or packages** or box or boxes and sent to the clerk of each municipality. Each **package or box** must be labeled on the outside with the number of each kind of material enclosed and the name of the voting place for which they are intended.

Sec. 5. R. S., T. 21, § 602, sub-§ 4, amended. Subsection 4 of section 602 of Title 21 of the Revised Statutes, as enacted by chapter 218 of the public laws of 1973, is amended to read as follows:

4. Size. Municipalities must provide a polling place of sufficient size to allow at least one worker from each political party to remain outside the guardrail for the purpose of checking voters, challenging voters or viewing. Upon written complaint to the Secretary of State by the chairman of either state committee no later than ~~7~~ **30** days prior to an election, the Secretary of State shall authorize an inspection of the polling place deemed to be too small to allow party workers access. If the Secretary of State finds a polling place to be too small to allow party workers access, he shall instruct the municipal officers to change the location of the polling place to one of a suitable size. The municipal officers must advertise **at least 3 times** the change of the polling place in the daily **or weekly** newspaper, **or both**, that covers the area.

Sec. 6. R. S., T. 21, § 631, sub-§ 1, amended. Subsection 1 of section 631 of Title 21 of the Revised Statutes is amended to read as follows:

1. Municipality of 2,500 or less. In a municipality of 2,500 or less population, he shall accept registrations during the time prescribed by the municipal officers on at least one business day during the week before election day. He shall accept registrations **in person** on election day, but not on the business day next prior to it.

Sec. 7. R. S., T. 21, § 672, amended. The 3rd paragraph from the end of section 672 of Title 21 of the Revised Statutes, as amended by section 68-B of chapter 622 of the public laws of 1971, is further amended to read as follows:

The registrar of voters **or board of registration** will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person who becomes 18 years of age **or fulfills the residence requirements** on election day, or after the close of registrations prior to it; ~~(to accept new registrations if the municipality has a population of 2,500 or less);~~ and to accept new enrollments.

Sec. 8. R. S., T. 21, § 801, sub-§ 2, amended. Subsection 2 of section 801 of Title 21 of the Revised Statutes, as last repealed and replaced by section 37 of chapter 414 of the public laws of 1973, is amended to read as follows:

2. Election materials distributed and posted. At any time after receipt thereof and prior to the opening of the polls, the clerk may open the **packages** or boxes of election materials, break the seals on the packages not marked "ballots," use the materials for instructional purposes, and then the clerk or his designated agents shall post an adequate number of instruction posters and specimen ballots in the voting room outside the guardrail. At the opening of the polls, the warden shall break the seals on the packages containing the ballots, and distribute the ballots to the incoming election clerks.

Sec. 9. R. S., T. 21, § 831, sub-§ 3, reenacted. Subsection 3 of section 831 of Title 21 of the Revised Statutes, as amended and as last repealed by section 38 of chapter 414 of the public laws of 1973, is reenacted to read as follows:

3. Registration and enrollment. He shall accept registrations as provided in sections 631 and 632. He shall accept the enrollment of any voter as provided in section 133.

Sec. 10. R. S., T. 21, § 925-A, amended. Section 925-A of Title 21 of the Revised Statutes, as enacted by section 41 of chapter 414 of the public laws of 1973, is amended to read as follows:

§ 925-A. Disqualification of ballots

Any person engaged at ~~a primary or general~~ any election as a ballot clerk, assistant ballot clerk or any person employed as a counter of ballots shall use pens or pencils containing only red ink or red lead.

Sec. 11. 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~~ On election day, he shall deliver ~~or cause to be delivered~~ 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 those municipalities where the municipal officers have authorized the clerk to process absentee ballots. If more than one return envelope is received from the same voter, the clerk shall deliver ~~or cause to be delivered~~ to the warden for counting only the return envelope bearing the earliest date and time.

A. Exceptions. ~~In a presidential election, the clerk shall deliver the return envelopes with the applications received between 3 p.m. and the close of the polls and the list required by subsection 4 to the warden of the voting precinct as soon as he reasonably can following the closing of the polls. This exception~~ does not apply to municipalities with 2 or more voting precincts where absentee ballots are counted at a place other than the voting district.

Sec. 12. R. S., T. 21, § 1309, amended. The first sentence of section 1309 of Title 21 of the Revised Statutes, as repealed and replaced by section 22 of chapter 225 of the public laws of 1967, is further amended to read as follows:

The clerk shall accept all absentee ballots delivered to him before 3 p.m. 8 p.m. on election day.

Sec. 13. R. S., T. 21, § 1397, sub-§ 1-A, additional. Section 1397 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 1-A to read as follows:

1-A. Exception. The state committees of the major political parties and candidates for federal office and the treasurers of the political committees of such candidates shall file one copy of the completed report required of them by federal law with the Secretary of State on the same day as required by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election. Candidates for Governor and the treasurers of their political committees shall file a report of the same form and content on the same dates as required of federal candidates by the federal law, except for the first campaign report, which shall be filed on or before April 10th of the election year and except for the final campaign report, which shall be filed not later than 45 days after the election.

Sec. 14. R. S., T. 21, § 1572, sub-§ 1, amended. Subsection 1 of section 1572 of Title 21 of the Revised Statutes, as amended by section 11 of chapter 451 of the public laws of 1965 and by section 57 of chapter 414 of the public laws of 1973, is further amended by adding at the end a new sentence to read as follows:

If the municipal officers determine that there is no building within a voting district which is suitable for a voting place as described in section 601, the municipal officers may, subject to the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building which is as close as possible to the voting district and as convenient as possible to the voters of the voting district.

Sec. 15. R. S., T. 21, §§ 1573, 1573-A and 1573-B, repealed and replaced. Section 1573 of Title 21 of the Revised Statutes; section 1573-A, as enacted by section 1 of chapter 12 of the public laws of 1965 and section 1573-B, as enacted by section 69-A of chapter 622 of the public laws of 1971 and as amended, are repealed and the following enacted in place thereof:

§ 1573. Voting districts in the unorganized territories

There are created and established 3 voting districts in the unorganized territories as follows: The unorganized townships of Connor and Sinclair, T. 17, R. 4, in Aroostook County, and the unorganized township of Kingman in Penobscot County.

§ 1573-A. Election procedure in voting districts in the unorganized territories

The following provisions apply to each voting district:

1. **Ballot and voting material.** A reasonable time before any election, the Secretary of State shall furnish the registration commissioner of each district

with ballots, specimen ballots, instruction posters and other materials necessary for conducting and reporting the results of the election.

2. Voting place. The registration commissioner shall provide a suitable building for use as a voting place for all elections. He shall equip it with voting booths, guardrails and other necessary equipment as required by this Title.

3. Registration commissioner. The Governor, with the advice and consent of the Council, shall appoint a qualified person as registration commissioner of each voting district. The commissioner shall serve for 2 years from the date of his appointment. He shall receive a salary of \$25 for each day actually and necessarily employed in the performance of his duties. In case of a vacancy in the office of registration commissioner, the Governor shall make a new appointment in the same manner as the original appointment for a full term. If there is insufficient time before the next election, in the opinion of the Governor, to obtain a person to serve, he may appoint a temporary registration commissioner to conduct that election only. The appointment of a temporary registration commissioner may be made without the advice and consent of the Council.

4. Duties of registration commissioner. The registration commissioner shall determine the constitutional qualifications of residents of his voting district who desire to register. If an applicant has been a resident of the district, and meets the requirements of the Constitution, Article II, Section 1, the registration commissioner may permit him to register as a voter and enroll as a member of any political party. An applicant may register and enroll on election day.

5. Office hours. The registration commissioner shall hold office hours at the voting place, or in some other convenient location in his district, on the Tuesday before each election from 2 to 5 p.m. and from 7 to 9 p.m. for the purpose of registering and enrolling voters.

6. Procedure at election. The registration commissioner shall act as a warden, ward clerk and clerk and shall perform all their duties in the conduct of the election. He shall appoint 4 election clerks, if available and qualified, who are residents of the district, and who represent the 2 major parties from candidates nominated by the chairman of the county political committee. Each election clerk shall receive \$15 per day.

7. Election notified. The registration commissioner shall notify each election by issuing a warrant and posting attested copies of it in at least 2 conspicuous, public places in the district. The copies of the warrant shall be posted at least 7 days before the election, and an attested copy with the return of the registration commissioner stating the manner of notice, and the time it was given, shall be filed by him in the office of the Secretary of State before the day of the election for which the warrant was issued.

8. Law applicable. Registration, enrollment and the conduct of the election is governed by this Title, except as otherwise provided by this section.

9. **Election return.** After the votes have been sorted, counted and the ballots preserved according to this Title, the election clerks shall fill out the election return, the registration commissioner shall attest it and deliver it promptly to the office of the Secretary of State.

10. **Compensation.** After each election, the registration commissioner shall prepare an itemized bill stating the amount due him and the election clerks. He shall submit the bill to the Treasurer of State for payment.

Sec. 16. R. S., T. 21, § 1576, sub-§ 1, repealed. Subsection 1 of section 1576 of Title 21 of the Revised Statutes, as repealed and replaced by section 2 of chapter 402 of the public laws of 1973, is repealed.

Sec. 17. Appropriation. There is appropriated from the General Fund to the Treasurer of the State the sum of \$1,000 to carry out the purposes of section 10 of this Act. The breakdown shall be as follows:

| | |
|---------------------------|----------------|
| | 1974-75 |
| TREASURER OF STATE | |
| All Other | \$1,000 |

STATEMENT OF FACT

The purpose of this new draft is to include amendments to the original sections of the bill and to include additional sections to clarify the election laws.