

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 39

H. P. 31

Office of the Clerk of the House

Filed December 12, 1974 under Joint Rule 6 by Mr. Rollins of Dixfield.
To be printed and delivered to the House of Representatives of the 107th
Legislature.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Rollins of Dixfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Validity of Absentee Ballots.

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

Sec. 1. 21 MRSA, § 1254, sub-§ 4, last sentence, as amended by PL 1965, c. 451, § 9, is further amended to read:

He shall then seal the ballot in its return envelope, and complete the affidavit on the envelope in the presence of the official who shall subscribe his name, note his title and ~~may~~ affix his seal if he is a notary public.

Sec. 2. 21 MRSA, § 1261, is amended by adding a new sentence at the end to read:

Lack of the name or title of a subscribing official, or in addition of the notary's seal if the subscribing official is a notary, on the envelope of an absentee ballot as required by section 1254, subsection 4, is not an immaterial irregularity under this section.

STATEMENT OF FACT

The election statutes require that an absentee ballot be sealed in its envelope in the presence of a notary, a justice of the peace or certain other types of officials and that the official put his name and title on the envelope. Occasionally, election clerks have held that lack of the name or title of a subscribing official on an absentee ballot envelope is an immaterial irregularity

and does not invalidate an absentee ballot. This Act specifies that the lack of the name or title of a subscribing official invalidates an absentee ballot.

This Act also requires a subscribing notary to affix his seal to any absentee ballot he notarizes, and specifies that lack of a notary's seal is not an immaterial irregularity when the notary subscribes to the absentee ballot.