

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1566

H. P. 1476

House of Representatives, April 9, 1975

Reported by Mrs. Boudreau from Committee on Election Laws. Printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Provide Accessible Polling Places for the Physically
Handicapped and the Elderly.

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

Sec. 1. 21 MRSA § 245, sub-§ 2, is amended to read:

2. Voting restricted to district. In a municipality which has voting districts, a voter may, except as provided in section 604, vote only in the district in which he resides on election day.

Sec. 2. 21 MRSA § 604 is enacted to read:

§ 604. Alternative accessible voting places for the physically handicapped and the elderly

1. Definitions. As used in this section, the following words and phrases shall have the following meanings:

A. Accessible voting place. "Accessible voting place" means a voting place in a building which has at least one entrance that provides access, by ramp or otherwise, to physically handicapped or elderly voters and in which the voting place is located on the first floor or is accessible by elevator or in a building which meets the standards of construction described in Title 25, chapter 331.

B. Elderly. "Elderly" means one experiencing the normal process of aging, specifically at age 60 or over.

C. Physical handicap. "Physical handicap" means an impairment which confines an individual to a wheelchair; or causes an individual to walk with

difficulty; or affects the sight or hearing to the extent that an individual functioning in public areas is insecure or exposed to danger; or causes faulty coordination or reduces mobility, flexibility, coordination and perceptiveness to the extent that special facilities are needed to provide for the safety of that individual.

2. **Alternative voting places.** In municipalities in which one or more voting places are inaccessible to elderly and handicapped voters and in which the office of the clerk is in a building which is accessible as defined in subsection 1, paragraph A, the municipal officers shall designate the office of the clerk as an alternative voting place for elderly and physically handicapped voters who reside in voting districts which do not have accessible voting places. In municipalities in which one or more voting places and the office of the clerk are inaccessible to elderly and physically handicapped voters, the municipal officers shall designate an accessible voting place, if available, as centrally located as possible, as the alternative voting place for elderly and physically handicapped voters who reside in voting districts which do not have accessible voting places. An elderly or physically handicapped voter who wishes to vote at the office of the clerk or at an alternative voting place must notify the clerk of the municipality at least 10 days prior to the date of any election. The clerk shall keep a list of the persons who give such notice.

When an elderly or physically handicapped voter votes at the office of the clerk or at an alternative voting place, his vote shall be by absentee ballot and the method of voting shall be the same as in section 1254. If an alternative voting place has been designated, the clerk shall furnish a reasonable number of absentee ballots and return envelopes to the warden. When the clerk or the warden receives such a ballot, he shall follow, as far applicable, the same procedure prescribed in chapter 29 for the clerk to follow in handling absentee ballots.

3. **Alternative paper ballots.** Paper ballots for use by voters who are physically unable to operate a voting machine shall be provided at all voting places which are equipped with voting machines.

STATEMENT OF FACT

The purpose of the new draft is to eliminate the requirement of the original bill that existing voting places be changed to other accessible locations or be modified. The bill now requires that elderly or handicapped persons must be allowed the option of voting at the clerk's office, if that is physically accessible, or, if it is not, at a designated alternative accessible voting place, if one is available. At either place, the elderly and the physically handicapped would use an absentee ballot, which would then be handled like a regular absentee ballot and sent back to their regular voting place for counting.