

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1931

H. P. 1697

House of Representatives, June 11, 1975

Was reported by the Committee on Election Laws pursuant to Joint Order
H. P. 136.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Clarify the Election Laws.

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

Sec. 1. 21 MRSA § 1, sub-§ 8 is amended to read:

8. **County office.** "County office" means the office of judge of probate, register of probate, ~~clerk of courts~~ county treasurer, register of deeds, sheriff, ~~county attorney~~ and county commissioner.

Sec. 2. 21 MRSA § 1, sub-§ 11 is amended to read:

11. **Election official.** "Election official" includes a clerk, warden, ward clerk and election clerk.

Sec. 3. 21 MRSA § 1, sub-§ 21 is repealed and the following enacted in place thereof:

21. **Party.** "Party" refers to a political organization which polled at least 1% of the total vote for Governor or President cast in the State at the last gubernatorial or presidential election and which has organized to fulfill the requirements for existing political parties as prescribed by chapters 11 and 13.

Sec. 3-A, 21 MRSA § 72, sub-§ 1 is amended to read:

1. **Request and statement.** The applicant must make a written request to the registrar accompanied by a written statement from his attending physician certifying to his the applicant's physical inability to appear.

Sec. 4. 21 MRSA § 72, sub-§ 2 is amended by inserting after the first sentence the following new sentence:

This section is subject to the restrictions found in section 631.

Sec. 5. 21 MRSA § 72, sub-§ 2, ¶ A is repealed and the following enacted in place thereof:

A. Travel expense. The registrar is entitled to travel expense which shall be paid by the municipality at the same rate as paid other employees of the municipality.

Sec. 6. 21 MRSA § 102, sub-§ 2, last sentence is amended to read:

~~He~~ The registrar shall register a woman by her first name, middle name or initial, and married surname or maiden name, or by her first name or initial, middle name and married surname or maiden name.

Sec. 7. 21 MRSA § 102-A, sub-§ 1, as last amended by PL 1973, c. 414, § 5, is repealed and the following enacted in place thereof:

1. Application. In addition to the procedure provided by section 102, a person may register to vote by completing an application which shall be designed by the Secretary of State, containing the following information:

- A. First name and middle name or initial, or first name or initial and middle name, and surname or maiden name;
- B. Legal address (street, apartment number, town, county and zip code);
- C. Mailing address;
- D. Date of birth;
- E. Sex;
- F. Most recent prior residence;
- G. Most recent prior registration;
- H. Whether a citizen by birth or naturalization. If by naturalization, the date, place and court of naturalization. The applicant must also produce his or her certificate of naturalization or a certified copy of the court record of such naturalization from the court by which the applicant was naturalized, for inspection by the registrar or any other official empowered to register voters;
- I. Notification that failure to complete the entire application may prevent registration; and
- J. A certification that all information is correct, sworn before an official empowered to register voters, and a warning that anyone knowingly giving false information will be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Sec. 8. 21 MRSA § 133, sub-§ 1 is amended to read:

1. Application delivered to warden. The election clerk who receives the completed application shall initial it and deliver it to the ~~registrar~~ warden, who shall cause it to be delivered to the registrar, after the polls are closed.

Sec. 9. 21 MRSA § 171, sub-§ 2, 1st sentence is amended to read:

~~He~~ The registrar shall keep a 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. 10. 21 MRSA § 171, sub-§ 3 is repealed and the following enacted in place thereof:

3. List of deceased residents. The clerk shall, upon request of the registrar, furnish the registrar with a list of the deceased in the municipality.

Sec. 11. 21 MRSA § 172, 2nd sentence, as last repealed and replaced by PL 1967, c. 172, is amended to read:

Upon receipt of such notification, the voter shall reply to the registrar within ~~60~~ 30 days stating his reasons why his name should not be removed from the voting list.

Sec. 12. 21 MRSA § 172, sub-§ 1, as last amended by PL 1967, c. 544, § 53, is further amended to read:

1. Content of notice. The notice shall contain the following message:

Dear Sir:

This is to advise you that your name has been removed from the voting list of (name of municipality) for the following reason: (Here state reason for removal). Your failure to reply within ~~60~~ 30 days will be deemed to indicate your agreement with this action.

(Name of registrar)

Registrar of voters
(Name of Municipality)

Sec. 13. 21 MRSA § 172, sub-§ 3, 2nd sentence is amended to read:

If not, he shall notify the person within ~~a reasonable time~~ 14 days that the reason given appears to be insufficient and that his name has not been replaced on the voting list.

Sec. 14. 21 MRSA § 201, sub-§ 1, as last amended by PL 1969, c. 109, § 2, is repealed and the following enacted in place thereof:

1. Content of general register. The general register must contain the following information concerning each person on the voting list on index cards filed alphabetically by surname or maiden name:

A. First name and middle name or initial, or first name or initial and middle name, and surname or maiden name;

B. Legal address (street, apartment number, town, county and zip code);

C. Mailing address;

D. Date of birth;

E. Sex;

F. Most recent prior residence;

G. Most recent prior registration;

H. Whether a citizen by birth or naturalization. If by naturalization, the date, place and court of naturalization and the date on which the official empowered to register voters inspected the certificate or certified copy of the court record of naturalization;

I. Remarks concerning registration or enrollment.

Sec. 15. 21 MRSA § 362, as last amended by PL 1967, c. 225, § 1, is repealed and the following enacted in place thereof:

§ 362. Voting list

On request, at least 5 business days in advance of a municipal caucus by the person or persons calling it, the registrar shall prepare a certified copy of the voting list for use at the caucus, at the expense of the municipality. The secretary of the municipal committee shall obtain the copy from the registrar.

Sec. 16. 21 MRSA § 445, sub-9, as last amended by PL 1973, c. 414, § 17, is further amended to read:

9. **When filed.** It must be filed in the office of the Secretary of State by or before 9 p.m. 5 p.m. on April 1st of the election year in which it is to be used.

Sec. 17. 21 MRSA § 491, sub-§ 1, as last amended by PL 1971, c. 263, is repealed and the following enacted in place thereof:

1. **Political designation restricted.** A person who seeks nomination by petition may not use as his political designation the name or combination thereof of a political party which is entitled to nominate candidates by primary election, or his own name or combination thereof, nor may he use any political designation which exceeds three words in length. No 2 candidates for the same office who seek nomination by petition may utilize the same political designation. If 2 or more such candidates file petitions bearing the same political designation, that candidate who files his petitions first with the Secretary of State shall have exclusive right to the use of that political designation for that office for that election. A candidate for nomination by petition may use the word "none" as a party designation.

Sec. 18. 21 MRSA § 492, sub-§ 11, as last amended by PL 1971, c. 544, § 68, is further amended to read:

11. **Petition void.** A nomination petition on file after 9 p.m. 5 p.m. on the date of primary election which does not meet the requirements of subsections 1, 5, 6, 8, 9 or 10 is void.

Sec. 19. 21 MRSA § 494, sub-§ 1, as last amended by PL 1971, c. 544, § 70, is further amended to read:

1. **Limitation.** Corrections or additional signatures may not be submitted after 9 p.m. 5 p.m. on the date of primary election.

Sec. 20. 21 MRSA § 494, sub-§ 2, as last amended by PL 1971, c. 544, § 72, is further amended to read:

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 9 p.m. 5 p.m. on the date of primary election.

Sec. 21. 21 MRSA § 634, 1st paragraph is amended to read:

The registrar shall publish his time schedule established by sections 631 and 632, or as changed by the municipal officers, in a newspaper having general circulation in the municipality ~~a reasonable time~~ at least 7 days before it becomes effective.

Sec. 22. 21 MRSA § 701, sub-§ 2, ¶ A, as last amended by PL 1973, c. 160, § 1, is further amended to read:

A. Instructions printed. The following instructions must be printed in bold type at the top of the ballot: "MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE ~~LEFT~~ RIGHT OF THE NAME OF THE CANDIDATE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF CANDIDATES TO BE NOMINATED FOR EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH HIS NAME ON IT IN THE PROPER BLANK SPACE, AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE ~~LEFT~~ RIGHT. DO NOT ERASE NAMES. NAMES WRITTEN IN OR ON STICKERS MUST SHOW THE MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDIDATE.

Sec. 23. 21 MRSA § 701, sub-§ 2, ¶ F, as last amended by PL 1973, c. 160, § 2, is repealed and the following enacted in place thereof:

F. Squares printed. A square must be clearly and distinctly printed at the right of the name of each candidate or write-in space, so that a voter may designate his choice clearly by a cross (X) or a check mark (✓).

Sec. 24. 21 MRSA § 701, sub-§ 2, ¶ H, as enacted by PL 1973, c. 160, § 3, is repealed and the following enacted in place thereof:

H. Name printed. The name of each nominee shall appear on the ballot as follows: Surname or maiden name first, in block capital letters, followed by the given name and middle name or initial or maiden name; or surname or maiden name first in block capital letters, followed by the given name or the first initial and the middle or maiden name.

Sec. 25. 21 MRSA § 702, sub-§ 2, ¶ C, as last amended by PL 1973, c. 160, § 5, is further amended to read:

C. Further instructions. The following instructions must be printed in bold type at the top of the ballot: "MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE ~~LEFT~~ **RIGHT** OF THE NOMINEE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF NOMINEES TO BE ELECTED TO EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT IN THE PROPER BLANK SPACE AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE ~~LEFT~~ **RIGHT**. DO NOT ERASE NAMES. NAMES WRITTEN IN MUST SHOW THE MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDIDATE."

Sec. 26. 21 MRSA § 702, sub-§ 2, ¶ F, as last amended by PL 1973, c. 414, § 34, is further amended to read:

F. Space for write-ins. At the end of the list of nominees to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write the name, with the surname or maiden name first or last, without any title, of any person for whom he desires to vote, in which event he shall write in the residence of the person whose name is written in before his vote shall be counted.

Sec. 27. 21 MRSA § 702, sub-§ 2, ¶ H, as last amended by PL 1973, c. 160, § 6, is repealed and the following enacted in place thereof:

H. Squares printed. A square must be clearly and distinctly printed at the right of the name of each nominee or write-in space, so that a voter may designate his choice clearly by a cross or a check mark.

Sec. 28. 21 MRSA § 702, sub-§ 2, ¶ I, as enacted by PL 1973, c. 160, § 7, is repealed and the following enacted in place thereof:

I. Name printed. The name of each nominee shall appear on the ballot as follows: Surname or maiden name first, in block capital letters, followed by the given name and middle name or initial or maiden name; or surname or maiden name first, in block capital letters, followed by the given name or first initial and the middle or maiden name.

Sec. 29. 21 MRSA § 704, sub-§ 3 is amended to read:

3. Clerk to post. The clerk shall post or cause to be posted a specimen ballot at least 7 days before the election in a conspicuous, public place in each voting district.

Sec. 30. 21 MRSA § 706, sub-§ 5, as last amended by PL 1973, c. 60, is repealed and the following enacted in place thereof:

5. Separate ballot box for constitutional amendments and referenda. A municipality having 5,000 or more inhabitants shall, and one with fewer in-

habitants may, by vote of its municipal officers, use separate ballot boxes at elections for deposit of votes on consitutional amendments and referenda. If such separate ballot boxes are to be used, they shall be subject to all the provisions relating to official ballot boxes, as provided in this section. They shall be furnished by the Secretary of State at the expense of the municipality.

Sec. 31. 21 MRSA § 801, sub-§ 1, 1st sentence, is amended to read:

Before the opening of the polls, the clerk shall deliver or cause to be delivered the election materials marked for each voting place to the warden at that voting place.

Sec. 32. 21 MRSA § 802 is repealed and the following enacted in place thereof:

§ 802. Certified voting list and official ballot box

The certified copies of the voting list provided by the registrar and only official ballot boxes must be used exclusively at each voting place.

Sec. 33. 21 MRSA § 862, sub-§§ 1 and 4, repealed and the following enacted in place thereof:

1. Blindness or physical disability. A voter who is blind or unable to mark his or her ballot because of physical disability may obtain assistance in marking his or her ballot from 2 election officers, not of the same political faith, but may be of the same political faith at primary elections, or father, mother, brother, sister, husband, wife or child as he or she may select, provided that said aide is of voting age and that no candidate for election shall act as aide.

Sec. 34. 21 MRSA § 921, sub-§ 1, as last amended by PL 1973, c. 414, § 39, is further amended to read:

1. Individual square method. ~~He~~ The voter shall place the mark in the square at the ~~left and close to~~ right of each candidate for nomination for whom he or she wishes to vote.

Sec. 35. 21 MRSA § 921, sub-§ 2, last sentence, as last amended by PL 1973, c. 414, § 39, is further amended to read:

~~He~~ The voter shall then place the mark in the square at the ~~left~~ right of it.

Sec. 36. 21 MRSA § 922, sub-§ 1, as last amended by PL 1973, c. 414, § 40, is further amended to read:

1. Individual square method. ~~He~~ The voter shall make a cross or a check mark in the square at the ~~left and close to~~ right of each nominee for whom he or she wishes to vote, regardless of political designation, but must follow directions as to the number of nominees to be elected to each office.

Sec. 37. 21 MRSA § 922, sub-§ 2, 2nd sentence, as last amended by PL 1973, c. 414, § 40, is further amended to read:

~~He~~ The voter shall then place the mark in the square at the ~~left~~ right of it.

Sec. 38. 21 MRSA § 925, sub-§ 2, ¶ D is enacted to read:

D. Improper location of mark. If a voter fails to mark his or her ballot so that some part of the cross or check mark is within the proper square, the mark is ineffective and that vote for the candidate or question concerned must not be counted.

Sec. 39. 21 MRSA § 1254, sub-§ 6, 1st sentence, is amended to read:

A voter who is unable to mark his or her ballot because of physical incapacity may request one of the officials listed in subsection 1 or his or her father, mother, brother, sister, husband, wife or child as he or she may select, provided that said aide is of voting age to read the ballot to him or her and mark it for him or her according to ~~his~~ the voter's instructions.

Sec. 40. 21 MRSA § 1256, sub-§ 2 is amended by adding at the end the following new sentence:

~~He~~ The clerk shall not open any return envelope.

Sec. 41. 21 MRSA § 1256, sub-§ 3 is repealed.

Sec. 42. 21 MRSA § 1256, sub-§ 5, 1st sentence, as last amended by PL 1973, c. 782, § 13, is further amended to read:

On election day, ~~he~~ the clerk 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.

Sec. 43. 21 MRSA § 1259-A, sub-§ 1, as enacted by PL 1973, c. 414, § 51, is amended to read:

1. Envelopes and lists retained. The clerk shall retain in his or her possession return envelopes with the ~~applications attached and~~ the list required by section 1256, subsection 4.

Sec. 44. 21 MRSA § 1261 is amended by adding at the end the following new sentence:

The following information must be contained on the envelope in order for the ballot to be accepted: Voter's name and legal address typed or printed by clerk in upper left-hand corner; voter's signature; voter's reason for voting absentee and certifying official's signature.

Sec. 45. 21 MRSA § 1262, first sentence is amended to read:

As soon as the ballots have been counted, the application, where required, absentee ballots, return envelopes, lists required by section 1256 and other election materials shall be repacked in accordance with section 926 and returned to the clerk.

STATEMENT OF FACT

This bill clarifies the election laws pursuant to Joint Order H. P. 136.