

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
FIRST SPECIAL SESSION (Filing No. H-1018)
107TH LEGISLATURE

HOUSE AMENDMENT "A" to H.P. 2122, LD. 2271, Bill, "AN ACT
Relating to Absentee Voting."

Amend said Bill by striking out all of the ~~Emergency~~ preamble.

Further amend said Bill by inserting after the enacting
clause the following:

'Sec. 1. 17-A MRSA §701, sub-§4, as enacted by PL 1975,
c. 499, §1, is amended to read:

4. "Written instrument" includes any token, coin, stamp,
seal, badge, trademark, credit card, other evidence or symbol
of value, right, privilege, ~~or~~ identification or ballot, and any
paper, document, or other written instrument containing written
or printed matter or its equivalent;'

Further amend said Bill by inserting at the beginning of
the first line after the enacting clause the following: 'Sec. 2.'

Further amend said Bill by inserting at the end of subsection
2 of that part designated "§1252." the following new sentence:
'The application shall be sworn to on oath before a notary public
or justice of the peace.'

Further amend said Bill by striking out all of the 2nd para-
graph of subsection 2 of that part designated "§1253." and
inserting in place thereof the following:
'(On)
~~Election Day~~ and within 6 business days prior to the election, upon
receipt of an application from a person who is physically incapable
of attending the polls, the clerk shall deliver or cause to be
delivered by a special team, an absentee ballot to the applicant.
The team shall be composed of 2 persons consisting of one
representative from each of the 2 major parties. These teams shall

be designated by the clerk from names supplied by municipal committees of the 2 major parties.'

Further amend said Bill by striking out all of subsection 2 of that part designated "§1254." and inserting in place thereof the following:

'2. No communication. At the time of absentee voting, except as provided in subsection 4, there shall be no communication between the voter and the official as to the person or party for whom the voter is to vote.'

Further amend said Bill by striking out all of the last sentence of subsection 3 of that part designated "§1254." and inserting in place thereof the following:

'The team shall be responsible for delivering the sealed ballot to the clerk or deputy clerk no later than 8 p.m. on election day.'

Further amend said Bill by striking out all of subsection 4 of that part designated "§1254." and inserting in place thereof the following:

'4. Assistance. A voter who is unable to read or mark his ballot because of blindness or other physical disability or because of illiteracy or whose religious faith prevents him from marking the ballot may obtain assistance in marking the ballot from 2 election officials or from the voter's father, mother, brother, sister, husband, wife or child, as selected by the voter, or from a person selected by the voter with the approval of an election official, provided that such aide is ^{of} voting age and that no candidate for election shall act as aide. When the assistance of election officials is requested, the warden shall designate 2 election officials representing different political parties, but in primary elections representing the same political party as the voter. When 2 such election officials assist a voter, they shall mark the ballot or assist the voter in doing so without attempting to influence his vote. They shall write on the outside of the ballot that it was marked by them or by the voter with their assistance and shall sign their names. When an aide, as described in this subsection, assists a voter, the warden shall write on the outside of the ballot that it was marked by such aide and the aide shall sign his name.'

Further amend said Bill↔ by inserting at the end of that part designated "§1262." the following new sentence:

'An irregularity in the required oath of the notary public or justice of the peace is deemed a material irregularity.'

Further amend said Bill by striking out all of the emergency clause.

Statement of Fact

The following provisions are contained in this amendment:

1. The emergency preamble and emergency clause are removed;
2. The application shall be sworn to on oath before a notary public or justice of the peace;
3. The provision providing for a team delivering an absentee ballot to a voter on election day or within 6 business days prior to the election has been clarified; and
4. The amendment further clarifies "written instrument" in the Maine Criminal Code to assure inclusion of "ballot" in the definition.

Filed by Mr. Mackel of Wells.

Reproduced and distributed under the direction of the Clerk of the House.
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