

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1180
6

7 H.P. 901

House of Representatives, March 14, 1983

8 Referred to the Committee on Election Laws. Sent up for concurrence
9 and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Nadeau of Lewiston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Voting by Citizens
18 Overseas.
19

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

22 Sec. 1. 21 MRSA §1252, first ¶, as repealed and
23 replaced by PL 1975, c. 623, §24-C, is amended to
24 read:

25 At least 3 months before any election, the Secre-
26 tary of State shall furnish each municipality with a
27 reasonable number of dated absentee ballot applica-
28 tions. ~~A reasonable time~~ At least 70 days before any
29 election, the Secretary of State shall furnish each
30 municipality with a reasonable number of absentee
31 ballots and return envelopes.

1 Sec. 2. 21 MRSA §1252, sub-§1, as enacted by PL
2 1981, c. 436, §2, is amended to read:

3 1. Absentee ballots to be identical; exception.
4 Except as provided in paragraph A, Absentee absentee
5 ballots shall be identical in respect to the regular
6 ballots used at an election, except that the words
7 "Absentee Ballot" shall be printed conspicuously on
8 at least one side of the folded ballot.

9 A. At least 90 days prior to the election to
10 which they pertain, the Secretary of State shall
11 furnish each municipality with a reasonable
12 number of blank absentee ballots for the exclu-
13 sive use of members of the Armed Forces. These
14 ballots shall be similar to regular ballots,
15 except that no candidate names may be printed.
16 The Secretary of State shall prepare a ballot
17 listing all offices to be selected with a space
18 after each office to write in the voter's prefer-
19 ence. The following instructions must be printed
20 in bold type at the top of the ballot: YOU MAY
21 VOTE FOR A PERSON BY PLACING THAT PERSON'S NAME
22 IN THE BLANK SPACE UNDER THE PROPER OFFICE.

23 Sec. 3. 21 MRSA §1254, sub-§2 is amended to
24 read:

25 2. Ballot unmarked. Before marking his ballot,
26 the voter, except when he is outside the United
27 States, shall show it to the official who shall exam-
28 ine it to be certain it is unmarked.

29 Sec. 4. 21 MRSA §1254, sub-§4, as amended by PL
30 1965, c. 451, §9, is further amended to read:

31 4. Ballot marked and sealed. The voter shall
32 mark his ballot according to section 921 or 922 in
33 such a way as to make it impossible for anyone to see
34 how he voted. He shall then seal the ballot in its
35 return envelope, and complete the affidavit on the
36 envelope in the presence of the official who shall
37 subscribe his name, note his title and may affix his
38 seal if he is a notary public. If the voter is out-
39 side the United States he shall complete the certifi-
40 cate of authenticity on the envelope, which shall be
41 in a form prescribed by the Secretary of State and

1 are not available, making it impossible for the voter
2 to complete the ballot envelope as required. This
3 bill corrects some of these problems.

4 Section 1 requires the Secretary of State to fur-
5 nish absentee ballots and return envelopes at least
6 70 days prior to the election to which they pertain.
7 This will enable clerks to supply absentee voters'
8 requests for absentee ballots sooner, thus eliminat-
9 ing much of the mail delay disqualification problem.

10 Section 2 establishes a blank absentee ballot for
11 exclusive use by members of the Armed Forces, in ad-
12 dition to regular absentee ballots. This form of
13 ballot can be used by service people whose duty re-
14 quirements make them unable to be present at a time
15 and place to receive a regular ballot. These voters
16 may obtain a blank ballot sooner and may write in
17 their choices and send them to their municipal
18 clerks.

19 Section 3 makes it clear that voters who are out-
20 side the United States do not have to have their ab-
21 sentee ballot checked to ensure it is unmarked prior
22 to completing it. This requirement currently exists
23 for absentee voters within the United States.

24 Section 4 eliminates the requirement that an
25 overseas' voter sign an affidavit on the outside of
26 the ballot return envelope. In certain areas of the
27 world, finding notarial services is extremely diffi-
28 cult. The bill eliminates the requirement that an
29 affidavit be signed and replaces it with a certifi-
30 cate of authenticity, the form of which is to be pre-
31 scribed by the Secretary of State. Making an
32 "unsworn falsification" is a violation of Title 17-A,
33 section 453, and is a Class D crime.

34 Section 5 makes it clear that only members of the
35 Armed Forces may obtain the blank absentee ballots
36 created by section 2 of the bill.

37 Section 6, like section 4, eliminates the affida-
38 vit requirement for members of the Armed Forces and
39 replaces it with a certificate of authenticity.