

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 214

6
7 H.P. 180

House of Representatives, January 29, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Weymouth of West Gardiner.

11 Cosponsored by Representative Zirnkilton of Mount Desert,
Representative Wentworth of Wells and Representative Begley of Waldoboro.

12 STATE OF MAINE
13

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

17 AN ACT to Prohibit Notaries Whose Names are
18 on the Ballot from Witnessing an
19 Absentee Ballot or Registering Voters.
20

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

23 Sec. 1. 21 MRSA §1579, as amended by PL 1981, c.
24 256, §3, is repealed.

25 Sec. 2. 21 MRSA §1579-A is enacted to read:

26 §1579-A. Class E crimes

27 The commission of any act described as follows in
28 this section is a Class E crime:

29 1. Public officials. An official who knowingly
30 fails or refuses to perform a duty required of him by
31 this Title;

1 2. False registration or enrollment. A person
2 who makes a false statement or who takes a false oath
3 before an official concerning the qualifications of
4 any person for registration or enrollment and he does
5 not believe the statement to be true;

6 3. Fraudulent placement or removal. A person who
7 places or removes the name of another on or from a
8 voting list or general register, knowing he has no
9 legal right to do so;

10 4. Failure to vote in person. A person who has
11 voted by absentee ballot but who is present and able
12 to vote in person at the proper voting place on elec-
13 tion day and fails to do so, unless that person was
14 engaged in registering voters for that election on
15 election day at the office of the registrar or the
16 board of registration and as a result was unable to
17 get to his voting place while the polls were open;

18 5. Removing ballots from voting place. A person
19 who knowingly removes a ballot from a voting place on
20 election day except as authorized by this Title;

21 6. Aiding ineligible voter. A person who aids
22 another in voting knowing that that other person is
23 not eligible to vote;

24 7. Soliciting certain votes. A person who solici-
25 its votes from another knowing that that other person
26 is under guardianship for reason of mental illness;

27 8. Interference with voter. A person who inter-
28 feres with a voter attempting to cast his vote or who
29 interferes with or attempts to influence a voter in
30 marking his ballot;

31 9. Assisting in voting. A person who assists or
32 offers to assist another at the voting place in mark-
33 ing his ballot unless he has been requested to do so
34 by the warden or ward clerk;

35 10. Ballot revealed. A person who shows his
36 marked ballot to another with the intent to reveal
37 how he voted;

1 11. General penalty. A person who knowingly vio-
2 lates any provision of this Title for which no penal-
3 ty has been provided;

4 12. Unofficial specimen ballot. A person, candi-
5 date or political committee who prepares or circu-
6 lates a paper in the form of a ballot or a part
7 thereof on which is imprinted the words SPECIMEN BAL-
8 LOT or the instructions in section 701, subsection 2,
9 paragraph A or section 702, subsection 2, paragraph
10 C;

11 13. Unauthorized activity within 250 feet of the
12 voting place or the registrar's office on election
13 day. A person who knowingly engages in unauthorized
14 activity as provided in section 892 within 250 feet
15 of the voting place or the registrar's office on
16 election day;

17 14. Failure of clerk to check absentee ballot
18 envelope. A clerk or deputy clerk of a municipality
19 who, when a person has voted by absentee ballot in
20 the clerk's office pursuant to section 1253, subsec-
21 tion 5, subscribes his name to an affidavit on the
22 absentee ballot return envelope when the affidavit is
23 not properly completed;

24 15. Return of absentee ballots. A 3rd person,
25 designated in an application or request for an absen-
26 tee ballot and to whom the clerk of a municipality
27 furnishes an absentee ballot in accordance with that
28 application or request, who, without good cause,
29 fails to return that absentee ballot to the clerk's
30 office within the time limit provided in section
31 1255; or

32 16. Candidates registering or witnessing. A
33 candidate in a primary or general election, or a mem-
34 ber of his immediate family, who, in his capacity as
35 a notary public, registers a voter or witnesses an
36 absentee vote.

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STATEMENT OF FACT

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This bill makes it a Class E crime for a candidate in a primary or general election, or a member of his immediate family, who is also a notary public, to register a voter or witness an absentee vote.

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