

| | FIRST REGU | LAR SESSION | |
|------------------------------|--|-------------------------------------|-------------------------|
| ON | E HUNDRED AND T | WELFTH LEGISLATUR | Е |
| Legislative Doc | ument | | No. 991 |
| H.P. 696 | Но | ouse of Representatives, I | March 12, 1985 |
| Referred to and ordered prin | | al Affairs. Sent up for c | oncurrence |
| | | EDWIN H | I. PERT, Clerk |
| Cosponsored | resentative Stevens of by Representative Du nd Representative Pa | iffy of Bangor, Represen | tative Warren |
| | STATE O | F MAINE | |
| N | | OF OUR LORD AND EIGHTY-FIVE | |
| AN ACT | | ivolous Challenge Ballots. | s to |
| Be it enacto follows: | ed by the Peopl | e of the State of | Maine as |
| Sec. 1. read: | 21 MRSA §86 | 3, sub-§1, ¶A is | enacted to |
| A. Onl be acce son: | y the following oted by the war | reasons for chal den. The challe | lenges may nged per- |
| (1 |) Is not a reg | istered voter; | |
| | ls not enrol ling in a prima | led in the proper ry election; | party, if |
| | Is not qua ter because he | lified to be a is not: | registered |
| | (a) At leas | t 18 years of age | ; |

| 1 2 | | (b) and | Ac | itize | en of | the | Unit | ed | State | es; |
|--|---|---|---|--|---|--|---|--|---|--|
| 3 | | (c) | Ar | eside | ent o | f the | munic | ipal | lity; | |
| 4 5 | (4) ballo | | not | prop | berly | apply | / for | an a | absen | tee |
| 6 7 | | | | | | | sentee Dsecti | | | as |
| 8 9 | | | | | | comple envel | ete th Lope; | e af | fida | vit |
| 10 11 | (7) affid | Did avit | not be | cast fore | the l | appro | or c opriat | omp] e of | lete ffici | the al; |
| 12 13 | | | | | | | nicati tion | | | ib- |
| 14 15 | | | | | | | eturn escrib | | e bal | <u>lot</u> |
| 16 17 | Sec. 2. 2 following enac | | | | | §3 is | repea | led | and | the |
| 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 | 3. Ballot ber on the out also complete "Challenged," the reason for warden shall p the ballot in An election sign his name signature of den and the 2 the ballot nu be placed in a cate #(certif the warden unt als pursuant t | side a ce the the lace a co cler as a the elec mber n en icat | of rtif na cha the nspi k f wit ward tion . T velo e nu t is | the licate me of llend numb cuous rom ness en. cler he cl pe ma mber sea | oallo of th of th ye ov oer w s pla each to t No o cks m halle arked)" an led w | t. The which e vote er his hich ce on polit he sta ne oth ay hav nged "Cha d sha | ne wa appea ar cha s sign was the c tical atemen ner th ve kn certif llenge ll be | rder rs ller atur wri ert: par ts an ica d d (reta | n sh the w nged re. tten ifica ty sh and the w edge te sh Certi ained | all ord and The on te. all the ar- of all fi- by |
| 34 35 | Sec. 3. 2 1977, c. 496, | | | | | | | | | PL |

1 1. Challenged ballot. A challenged ballot must 2 be counted the same as a regular ballot. The validity 3 of a challenged ballot need not be determined unless 4 it affects the result of an election. If the chal-5 lenged ballot affects the result of an election, its б validity shall be determined by in which case the en-7 velope containing the challenge certificate shall be 8 submitted to the Commission on Governmental Ethics 9 Election Practices and its validity shall be and 10 determined subject to the right of appeal provided in 11 section 1212, except where final determination of the election of a candidate is governed by the State 12 or 13 Federal Constitution or chapter 36. The challenge certificate shall be in such form as the Secretary of 14 15 State may by rule establish.

16 Sec. 4. 21 MRSA §926, sub-§2, as amended by PL 17 1977, c. 496, §21, is further amended to read:

18 2. Ballots replaced in containers. The election 19 clerks shall place the sealed packages of used bal-20 lots, envelopes containing challenged certificates, 21 unused ballots, spoiled ballots, defective ballots, 22 void ballots, used and unused absentee ballots, used 23 absentee envelopes and used absentee applications in 24 the containers in which they were delivered. They 25 shall then seal the containers publicly. total The 26 number of used ballots, unused ballots, spoiled bal-27 lots, defective ballots and absentee ballots shall 28 equal the number of ballots furnished by the Secre-29 tary of State to the municipal clerk, less the number 30 of absentee ballots issued to voters and not re-31 turned.

32 STATEMENT OF FACT

36

The purpose of this bill is to revise the proce dure for handling and processing challenged absentee
ballots in order to prevent frivolous challenges.

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Page 3-L.D. 991