

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1277

6
7 S.P. 474

In Senate, April 9, 1985

8 Referred to the Committee on Legal Affairs. Sent down for concurrence
9 and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

Cosponsored by Representative Nadeau of Lewiston.

11
12 STATE OF MAINE
13

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

17 AN ACT Relating to Absentee Balloting by
18 Residents of Nursing Homes, Hospices
19 and Congregate Housing Units.
20

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

23 Sec. 1. 21 MRSA §1253, sub-§2, as amended by PL
24 1983, c. 289, is further amended to read:

25 2. Application or request received. On Except
26 as provided in subsection 2-B, on receipt of a com-
27 pleted application or a request for an absentee bal-
28 lot signed by the applicant, the clerk shall send or
29 deliver an absentee ballot and return envelope forth-
30 with to the applicant or to a 3rd person designated
31 in the application or request. If a municipal elec-
32 tion is to be held on the same date as a statewide
33 election, absentee ballots for the municipal and
34 statewide election may be issued pursuant to the same
35 application. The clerk shall issue to any 3rd person
36 so designated only enough absentee ballots to insure

1 that such a person shall not be in possession at any
2 time of more than 40 absentee ballots for voters in a
3 municipality. Such a 3rd person shall, unless good
4 cause is shown, return an absentee ballot to the
5 clerk's office within the time limits provided in
6 section 1255. The clerk shall include a ballot ap-
7 plication to be completed by the person who signed
8 only a written request, unless the written request is
9 sufficient as provided in subsection 1-A. The clerk
10 shall type or write in ink the name and the legal ad-
11 dress of the person for whom the absentee ballot is
12 intended in the upper left hand section of all return
13 envelopes.

14 If the clerk receives a duplicate application from a
15 person from whom the clerk has received a return en-
16 velope apparently containing an absentee ballot, the
17 clerk shall not furnish another absentee ballot for
18 such person.

19 The clerk may issue a 2nd absentee ballot to an ap-
20 plicant if the applicant in person or in writing re-
21 quests one and:

22 A. If such applicant states good cause, includ-
23 ing, but not limited to, loss of, spoiling of or
24 damage to the first absentee ballot; or

25 B. If an absentee ballot for such applicant
26 which was furnished to a designated 3rd person is
27 not returned to the clerk's office within 5 busi-
28 ness days of the date such ballot was sent or de-
29 livered to such 3rd person or by 10 a.m. on the
30 day before election day, whichever is earlier.
31 This paragraph shall not be construed to affect
32 the time for delivery of absentee ballots under
33 section 1255.

34 No absentee ballot may be issued under this subsec-
35 tion for a resident of a nursing home, hospice or
36 congregate housing unit, as set out in subsection
37 2-B, unless the municipality in which the nursing
38 home, hospice or congregate housing unit is located
39 has been exempted from the provisions of that subsec-
40 tion by the Secretary of State.

41 Sec. 2. 21 MRSA §1253, sub-§2-B is enacted to
42 read:

1 lots before either the clerk or his deputies. The
2 resident will be allowed to vote either in the
3 clerk's office or at this residence on certain days,
4 not fewer than 3 in number, designated by the clerk.

5 Residential absentee balloting will be restricted
6 to a period within 30 days in advance of the elec-
7 tion.

8 An exemption by the Secretary of State from the
9 requirements of this bill would be available to those
10 municipalities which would realize an undue hardship
11 by compliance.

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