

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 241, L.D. 282)  
2 (New Title)  
3 FIRST REGULAR SESSION  
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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
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7 Legislative Document

No. 1594

9 H.P. 1105

House of Representatives, May 28, 1985

10 Reported by Representative Perry from the Committee on Legal Affairs  
11 and printed under Joint Rule 2. Original bill presented by Representative  
12 Aliberti of Lewiston. Cosponsored by Representative Roberts of Farmington  
and Senator Trafton of Androscoggin.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FIVE  
18

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19 AN ACT Concerning Absentee Voting at  
20 Designated Places.  
21

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

24 21-A MRSA §754-A is enacted to read:

25 §754-A. Voting in designated places

26 Assistance to absentee voters staying in desig-  
27 nated places, as described in this section, shall be  
28 provided by the clerk according to this section.

29 1. Municipal officers shall direct clerk. At  
30 least 120 days before an election for which assist-  
31 ance will be provided, the municipal officers, upon  
32 petition by at least one of the major parties or if  
33 the municipal officers find the action is appropri-  
34 ate, shall direct the clerk to carry out this sec-  
35 tion.

1           2. Clerk to establish list. The clerk shall es-  
2 ablish a list of places designated to receive as-  
3 sistance in voting at least 105 days before the elec-  
4 tion for which the assistance will be provided.

5           3. Designated places. The clerk shall designate  
6 places in which potential absentee voters are stay-  
7 ing, including:

8           A. Nursing homes, as defined in Title 22, sec-  
9 tion 1812-A;

10           B. Congregate housing for the elderly, as de-  
11 efined in Title 22, section 5152; and

12           C. Any other places that the clerk considers ap-  
13 propriate.

14 Except as provided in subsection 8, this section does  
15 not apply to any designated place which refuses to  
16 accept the assistance.

17           4. Establishment of polling days. At least 35  
18 days before the election, the clerk shall establish  
19 one or more polling days for providing assistance at  
20 each designated place. No polling day may be held  
21 within 7 days of the election. The clerk shall noti-  
22 fy each designated polling place of the established  
23 polling day or days for that place.

24           5. Procedure on polling days. The following  
25 procedures apply for each polling day.

26           A. The clerk may accept voter registration ap-  
27 plications, subject to final approval by the reg-  
28 istrar.

29           B. Voting shall be conducted as otherwise pre-  
30 scribed in this chapter. In municipalities with  
31 electronic voting systems, votes may be cast  
32 using ballot cards.

33           C. The clerk may provide a voting booth and a  
34 ballot box. When a ballot box is provided, the  
35 sealed and certified absentee ballot envelope  
36 containing the absentee ballot shall be deposited  
37 in the ballot box.

1           D. The clerk shall follow the procedures of section  
2           756 concerning his duties upon receipt of an  
3           absentee ballot.

4           E. Each major party shall be given an opportunity  
5           to observe each polling day at each designated  
6           place.

7           6. Notice. The clerk shall provide the following  
8           notices.

9           A. The clerk shall post in his office the list  
10           of the designated places as soon as it is established.  
11

12           B. The clerk shall post in his office the schedule  
13           for the polling day or days for each designated  
14           place as soon as it is established and shall clearly  
15           note any schedule changes as they occur.  
16

17           C. The clerk shall notify the chairman of the  
18           municipal committee of each major party of the  
19           following:

20                   (1) The places designated to receive as-  
21                   sistance;

22                   (2) The schedule for the polling day or  
23                   days at each designated place; and

24                   (3) Any subsequent changes to the schedule.

25           The clerk shall provide such notice a reasonable  
26           time before each polling day to allow each major  
27           party an opportunity to observe the polling day  
28           as provided in subsection 5, paragraph E.

29           7. Restrictions. Absentee voting by persons  
30           staying in the designated place must be in accordance  
31           with this section.

32           A. No absentee ballot may be issued to any person  
33           before the polling day established by the  
34           clerk for that place.

1           B. Any person who is issued an absentee ballot  
2           after the polling day for that place, and votes  
3           absentee, must vote according to section 753,  
4           subsection 7 or section 754.

5           8. Candidates prohibited. No person who is a  
6           candidate in the same electoral division as the vot-  
7           er, or who is a member of that candidate's immediate  
8           family, may collect absentee ballot applications or  
9           absentee ballots in any nursing home, congregate  
10           housing for the elderly or any designated place.

11           9. Campaigning in designated places. Each des-  
12           ignated place may set its own policy concerning visi-  
13           tation by candidates and other forms of campaigning.  
14           The policy must treat all candidates equally.

15           10. Application. This section applies to all  
16           elections held after January 1, 1986.

#### 17                               STATEMENT OF FACT

18           The purpose of this new draft is to set up proce-  
19           dures for the clerk of the municipality to collect  
20           absentee ballots in nursing homes, congregate housing  
21           for the elderly and other places in which potential  
22           absentee voters are staying.

23           The municipal officer will direct the clerk to  
24           designate the places appropriate for these proce-  
25           dures, including nursing homes and congregate housing  
26           for the elderly. No absentee ballots may be issued  
27           to any person who is staying in one of the places  
28           designated by the clerk until after the polling day  
29           for that place. After the polling day, voting should  
30           proceed as any other absentee voting.

31           The clerk shall notify the party committees, who  
32           will be provided an opportunity to observe the poll-  
33           ing days.

34           Candidates are prohibited from collecting absen-  
35           tee ballot applications and absentee ballots in any  
36           designated place or in any nursing home or congregate  
37           housing for the elderly which chooses to not accept  
38           the assistance of the clerk.

1           This new draft is intended to eliminate the abuse  
2 of the absentee voting process in nursing homes and  
3 other locations where absentee voters are staying.  
4 This new section applies to all elections held after  
5 January 1, 1986.

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