

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1801

6
7 H.P. 1284 House of Representatives, January 9, 1986

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

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

10 EDWIN H. PERT, Clerk

Presented by Representative Cote of Auburn.

11 Cosponsored by Representative Swazey of Bucksport, Representative
Handy of Lewiston and Representative Joseph of Waterville.

12 STATE OF MAINE
13

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

17 AN ACT to Clarify and Make Corrections in the
18 Election Laws.
19

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

22 Sec. 1. 21-A MRSA §1, sub-§23, as enacted by PL
23 1985, c. 161, §6, is repealed and the following en-
24 acted in its place:

25 23. Member of the Armed Forces. "Member of the
26 Armed Forces" means:

27 A. Personnel serving in the Army, Navy, Air
28 Force, Marine Corps or Coast Guard and their
29 spouses and dependents;

30 B. Members of the Merchant Marine of the United
31 States, except those employed in the inland wa-
32 terways and their spouses and dependents;

1 C. Civilian employees of the United States
2 servng outside the territorial limits of the
3 several states and the District of Columbia,
4 whether or not paid from appropriated federal
5 funds and their spouses and dependents when ac-
6 companying them; and

7 D. Members of religious groups and welfare agen-
8 cies serving with or accompanying the Armed
9 Forces and their spouses and dependents.

10 Sec. 2. 21-A MRSA §103, sub-§6, as enacted by PL
11 1985, c. 161, §6, is amended to read:

12 6. Hours. In addition to the schedules under
13 ~~sections 123 and 124~~ section 122, each board shall be
14 open to act upon applications for registration and
15 enrollment on at least one business day in each of
16 the months of January, February and March in each
17 even-numbered year.

18 Sec. 3. 21-A MRSA §112, sub-§§12 and 13, as en-
19 acted by PL 1985, c. 161, §6, are repealed.

20 Sec. 4. 21-A MRSA §125, as enacted by PL 1985,
21 c. 161, §6, is amended to read:

22 §125. Notice of schedule

23 The registrar shall publish the time and hourly
24 schedules established under ~~sections 123 and 124~~ sec-
25 tion 122, or as changed by the municipal officers, in
26 a newspaper having general circulation in the munici-
27 pality at least 7 days before the schedule becomes
28 effective, except that, in municipalities with a pop-
29 ulation of 2,500 or less, the publication of the time
30 schedule by the registrar is discretionary rather
31 than compulsory.

32 Sec. 5. 21-A MRSA §126, as enacted by PL 1985,
33 c. 161, §6, is repealed.

34 Sec. 6. 21-A MRSA §130, as enacted by PL 1985,
35 c. 161, §6, is amended to read:

36 §130. Applications before notaries public

1 A notary public or other authorized person before
2 whom a person completes an application for registra-
3 tion to vote, as provided in section 152, shall de-
4 liver the application to the registrar before the
5 closed period for the acceptance of registrations in
6 the person's municipality, to be placed on the voting
7 list prior to the next election; except that applica-
8 tions completed under section ~~123~~ 122, subsection 5,
9 and ~~section 124~~, ~~subsection 4~~, may be delivered dur-
10 ing the closed period for immediate placement on the
11 voting list.

12 Sec. 7. 21-A MRSA §153, sub-§2, as enacted by PL
13 1985, c. 161, §6, is amended to read:

14 2. Procedure. On receipt of the request and
15 statement, the registrar shall visit the applicant
16 and shall register and, if desired, enroll the appli-
17 cant in accordance with this chapter. This section
18 is subject to the restrictions found in ~~sections 123~~
19 ~~and 124~~ section 122.

20 The municipality shall pay the registrar travel ex-
21 penses at the same rate as paid other municipal em-
22 ployees.

23 Sec. 8. 21-A MRSA §157, first ¶, as enacted by
24 PL 1985, c. 161, §6, is amended to read:

25 In a city or town which has a board of registra-
26 tion, the clerk shall accept applications for registra-
27 tion and enrollment when the board is not in ses-
28 sion, except during the closed period prior to elec-
29 tion day under ~~sections 123 and 124~~ 122.

30 Sec. 9. 21-A MRSA §171, sub-§1, ¶G, as enacted
31 by PL 1985, c. 161, §6, is amended to read:

32 G. Whether a citizen by birth or naturalization:
33 If by naturalization, the date, place and court
34 ~~or~~ of naturalization;

35 Sec. 10. 21-A MRSA §354, sub-§7, ¶B, as enacted
36 by PL 1985, c. 161, §6, is repealed and the following
37 enacted in its place:

1 B. Petitions must be delivered to the registrar
2 for certification at least 5 business days before
3 the date of the primary election.

4 Sec. 11. 21-A MRSA §354, sub-§7, ¶C is enacted
5 to read:

6 C. The registrar of each municipality concerned
7 shall certify which names on a petition appear on
8 the voting list of the municipality as registered
9 voters and shall strike out any names which do
10 not satisfy subsection 3.

11 Sec. 12. 21-A MRSA §622, as enacted by PL 1985,
12 c. 161, §6, is amended to read:

13 §622. Warrant

14 The warrant for announcing an election must read
15 substantially as follows.

16 (Title of election) ELECTION WARRANT

17 (Name of county), ss. State of Maine

18 To (name of constable or resident), a constable
19 (or resident) of (name of municipality): You are
20 hereby required in the name of the State of Maine to
21 notify the voters of ~~(name of municipality)~~ this
22 municipality of the election described in this war-
23 rant.

24 To the voters of (name of municipality and voting
25 district, if any):

26 You are hereby notified that ~~the~~ an (title of
27 election) election ~~in this municipality~~ will be held
28 at (name of voting place) on (day and date of elec-
29 tion) for the purpose of ~~effecting the~~ (nominating
30 nomination or electing election to the following of-
31 fices: (list of offices); and determining the fol-
32 lowing referendum questions: (list of questions).

33 The polls shall be opened at _____ a.m. and
34 closed at _____ p.m.

1 The registrar of voters or board of registration
2 will hold office hours while the polls are open to
3 correct any error in or change a name or address on
4 the voting list; to accept the registration of any
5 person eligible to vote and to accept new
6 enrollments.

7 A person who is not registered as a voter may not
8 vote in any election. A voter who is not enrolled
9 in a political party may not vote in a primary elec-
10 tion.

11 Dated at {name of municipality},

(date signed).

12
13
14
15
16
17

18 Majority of municipal officers
19 of (name of municipality)

20 Sec. 13. 21-A MRSA §661, sub-§3, as enacted by
21 PL 1985, c. 161, §6, is amended to read:

22 3. Registration and enrollment. The registrar
23 shall accept registrations under ~~sections 123 and 124~~
24 section 122. He shall accept the enrollment of any
25 voter under section 143.

26 Sec. 14. 21-A MRSA §672, as enacted by PL 1985,
27 c. 161, §6, is repealed and the following enacted in
28 its place:

29 §672. Assistance

30 A voter who is unable to read or mark his ballot
31 because of physical disability, illiteracy or reli-
32 gious faith may request another person, other than
33 the voter's employer or agent of that employer or of-
34 ficer or agent of the voter's union, to assist the
35 voter in reading or marking the ballot.

36 1. Assistance by election officials. The voter
37 may request one or more election officials to assist.

1 2. Assistance by persons not voters. The as-
2 sistant need not be a voter or of voting age.

3 Sec. 15. 21-A MRSA §698, sub-§2, as amended by
4 PL 1985, c. 357, §§5 and 19, is further amended to
5 read:

6 2. Ballots replaced in containers. The election
7 clerks shall place the sealed packages of used bal-
8 lots, envelopes containing challenge ~~certificate~~
9 certificates, unused ballots, spoiled ballots, defec-
10 tive ballots, void ballots, used and unused absentee
11 ballots, used absentee envelopes and used absentee
12 applications in the containers in which the regular
13 ballots were delivered. They shall then seal the
14 containers publicly. The total number of used bal-
15 lots, unused ballots, spoiled ballots, defective bal-
16 lots and absentee ballots must equal the number of
17 ballots furnished by the Secretary of State to the
18 municipal clerk, less the number of absentee ballots
19 issued to voters and not returned.

20 Sec. 16. 21-A MRSA §753, sub-§2-A, ¶B, as en-
21 acted by PL 1985, c. 357, §§10 and 19, is amended to
22 read:

23 B. The clerk shall ask the voter for the infor-
24 mation required on the application and shall fill
25 in the application with that information, except
26 the voter's signature and shall write "telephone
27 request" on the application.

28 Sec. 17. 21-A MRSA §763, as enacted by PL 1985,
29 c. 161, §6, is repealed and the following enacted in
30 its place:

31 §763. Return of election materials

32 As soon as the ballots have been counted, the ap-
33 lications, where required, absentee ballots, return
34 envelopes, lists required by section 756 and other
35 election materials shall be repacked, in accordance
36 with section 698, and returned to the clerk. The
37 clerk shall keep them in the clerks's office for the
38 time required by section 23, subsection 7.

39 Sec. 18. 21-A MRSA §827, sub-§3, ¶A, as enacted
40 by PL 1985, c. 161, §6, is amended to read:

1 A. If the occurrence of another election re-
2 quires the removal of the counter totals within ~~2~~
3 22 months after an election, the municipal clerk
4 must have them photographed in his presence and
5 in the presence of the warden and an election
6 clerk of a party other than that of the warden.
7 The warden must make a statement showing the num-
8 ber and counter totals of each machine as it is
9 photographed. He must sign the statement, have it
10 attested and deliver it to the municipal clerk
11 who shall record it. As soon as the photographs
12 are printed legibly, the municipal clerk shall
13 remove the totals and retain the photographs for
14 the balance of the ~~2-month~~ 22-month period. If
15 the machines were equipped with a device or de-
16 vices which had produced a printed or photo-
17 graphed record of the vote shown on the candidate
18 and question counters, the municipal clerk shall
19 remove the totals and retain the printed or pho-
20 tographed record for the balance of the ~~2-month~~
21 22-month period.

22 Notwithstanding the requirements of this para-
23 graph, counter totals for municipal elections
24 conducted under this Title, referenda elections
25 or special legislative elections shall be kept
26 for 2 months.

27 Sec. 19. 21-A MRSA c.13, sub-c.III, as amended,
28 is repealed.

29 Sec. 20. 30 MRSA §2062, sub-§1, as enacted by PL
30 1985, c. 161, §9, is amended to read:

31 1. Procedure. The absentee voting procedure out-
32 lined in Title ~~21~~ 21-A shall be used, except the du-
33 ties of the Secretary of State shall be performed by
34 the clerk.

35 Sec. 21. 30 MRSA §2062, sub-§2, as amended by PL
36 1985, c. 161, §10, is further amended to read:

37 2. Absentee ballot. The absentee ballot require-
38 ments of Title ~~21~~ 21-A, section ~~752~~ 762, shall apply,
39 provided that the words "Absentee Ballot" may be
40 marked conspicuously, instead of printed, on both
41 sides of the folded ballot, if at least one such

1 marking includes an attestation with the written sig-
2 nature of the clerk and is sealed with the municipal
3 seal.

4 Sec. 22. 30 MRSA §2066, as amended by PL 1985,
5 c. 161, §11, is further amended to read:

6 §2066. Applicability of provisions

7 Except as otherwise provided by this Title or by
8 charter, the method of voting and the conduct of a
9 municipal election are governed by Title ~~21~~ 21-A. The
10 qualifications for voting in a municipal election
11 conducted under this Title are governed solely by Ti-
12 tle ~~21~~ 21-A, section ~~241~~ 111.

13 Sec. 23. 30 MRSA §5356, sub-§2, as enacted by PL
14 1985, c. 383, §16, is amended to read:

15 2. Municipal referenda campaigns. Title 21-A,
16 chapter 13, ~~subchapter III~~ subchapter IV, does not
17 apply to municipal referenda campaigns.

18 STATEMENT OF FACT

19 The purpose of this bill is to make a number of
20 technical changes and corrections in the election
21 laws.

22 5034010286