

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document
6

NO. 53

7 H.P. 50 House of Representatives, January 26, 1987
8 Reference to the Committee on Legal Affairs suggested and
9 ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Melendy of Rockland.

Cosponsored by Representative Holloway of Edgecomb,
Senator Kany of Kennebec and Representative Priest of
Brunswick.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
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-A MRSA §753, sub-§3, as amended by PL
24 1985, c. 357, §§10 and 19, is further amended to
25 read:

26 3. Application or request received. ~~On~~ Except
27 as provided in subsection 3-A, on receipt of a com-
28 pleted application or a request for an absentee bal-
29 lot signed by the applicant, the clerk shall immedi-
30 ately send or deliver an absentee ballot and return
31 envelope to the applicant or to a 3rd person desig-
32 nated in the application or request. The clerk shall
33 not deliver to a 3rd person any absentee ballot re-

1 requested under subsection 2-A. If a municipal elec-
2 tion is to be held on the same date as a statewide
3 election, absentee ballots for the municipal and
4 statewide election may be issued in response to the
5 same application. The clerk shall issue to any 3rd
6 person designated in an application or request only
7 enough absentee ballots to insure that that person
8 will not have more than 40 absentee ballots for vot-
9 ers in a municipality at any time. Such a 3rd person
10 must, unless good cause is shown, return an absentee
11 ballot to the clerk's office within the time limits
12 provided in section 755. The clerk shall include a
13 ballot application to be completed by the person who
14 signed only a written request, unless the written re-
15 quest is sufficient under subsection 2. The clerk
16 shall type or write in ink the name and the legal ad-
17 dress of the person for whom the absentee ballot is
18 intended in the upper left hand section of all return
19 envelopes.

20 A. If the clerk receives a duplicate application
21 from a person from whom the clerk has received a
22 return envelope apparently containing an absentee
23 ballot, the clerk shall not furnish another ab-
24 sentee ballot for that person.

25 B. The clerk may issue a 2nd absentee ballot to
26 an applicant, if the applicant requests one, in
27 person or in writing and:

28 (1) The applicant states good cause, in-
29 cluding, but not limited to, loss of, spoil-
30 ing of or damage to the first absentee bal-
31 lot; or

32 (2) An absentee ballot for the applicant
33 which was furnished to a designated 3rd per-
34 son is not returned to the clerk's office
35 within 5 business days of the date that bal-
36 lot was sent or delivered to the 3rd person
37 or by 10 a.m. on the day before election
38 day, whichever is earlier. This subpara-
39 graph shall not be construed to affect the
40 time for delivery of absentee ballots under
41 section 755.

1 No absentee ballot may be issued under this subsection
2 for a resident of a nursing home, hospice or
3 congregate housing unit, as set out in subsection
4 3-A, unless the municipality in which the nursing
5 home, hospice or congregate housing unit is located
6 has been exempted from the provisions of that subsection
7 by the Secretary of State.

8 Sec. 2. 21-A MRSA §753, sub-§3-A is enacted to
9 read:

10 3-A. Absentee balloting by residents of nursing
11 homes, hospices and congregate housing unit. On receipt
12 of a completed application or a request for an
13 absentee ballot for a resident of a nursing home,
14 hospice or congregate housing unit, the clerk or deputy
15 clerk shall deliver an absentee ballot to the individual
16 during such times as the clerk may specify
17 pursuant to this subsection, unless the individual
18 casts the absentee ballot in the presence of the
19 clerk or deputy clerk in the clerk's office as provided
20 in subsection 5.

21 The clerk shall designate no fewer than 3 days, which
22 shall not be more than 30 days prior to the election
23 for which the ballot is to be used, during which the
24 clerk or the deputy clerk shall be present in any
25 nursing home, hospice or congregate housing unit
26 within the municipality for the purpose of absentee
27 balloting by the residents of the nursing home,
28 hospice or congregate housing unit.

29 The Secretary of State may, upon a showing of undue
30 hardship by a municipality, exempt the municipality
31 from compliance with this subsection.

32 STATEMENT OF FACT

33 The procedure by which residents of nursing
34 homes, hospices and congregate housing units cast absentee
35 ballots has been seriously questioned in recent
36 years. Frequently, the residents of these facilities
37 are easily influenced in their voting by
38 persons assisting them in the absentee balloting process.
39 Accordingly, the true intent of the voter is

1 either diminished or suppressed. The wide-spread
2 practice in which representatives of candidates for
3 public office are actively involved in the absentee
4 ballot process in these facilities calls into serious
5 question the integrity of the voting process.

6 This bill will restore dignity to the absentee
7 balloting process and reduce the likelihood of im-
8 proper influence of persons casting absentee ballots
9 by requiring residents of nursing homes, hospices or
10 congregate housing units to cast their absentee bal-
11 lots before either the clerk or his deputies. The
12 resident will be allowed to vote either in the
13 clerk's office or at his residence on certain days,
14 not fewer than 3 in number, designated by the clerk.

15 Residential absentee balloting will be restricted
16 to a period within 30 days in advance of the elec-
17 tion.

18 An exemption by the Secretary of State from the
19 requirements of this bill would be available to those
20 municipalities which would realize an undue hardship
21 by compliance.

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