

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1385

H.P. 1027 House of Representatives, April 29, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MURPHY of Berwick.
Cosponsored by Representative NORTON of Winthrop and
Senator DILLENBACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Prevent Candidates for Office from
Handling or Soliciting Absentee
Ballots.

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

Sec. 1. 21-A MRS A §503-A is enacted to read:

§503-A. Ballot clerks

Ballot clerks are governed by the following pro-
visions.

1. Appointment. The municipal officers of each
municipality shall appoint ballot clerks no later
than May 1st of each general election year. The mu-
nicipal officers shall appoint persons nominated by

1 the municipal committees of the major parties to
2 serve as ballot clerks for each voting place. They
3 must designate an equal number of ballot clerks from
4 each major party.

5 2. Number appointed. The municipal officers
6 shall appoint 2 ballot clerks, who must be residents
7 of the municipality, for each voting place in each
8 municipality.

9 A. They may appoint additional ballot clerks, if
10 necessary, who are nominated as provided in sub-
11 section 1.

12 B. They shall appoint alternate ballot clerks
13 who are nominated as provided in subsection 1 and
14 who may be called into service by the warden, as
15 needed, to fill a vacancy on election day.

16 If the municipal committee fails to nominate a suffi-
17 cient number of ballot clerks, the municipal clerk or
18 municipal officers shall appoint the necessary number
19 to fill the vacancy on election day.

20 3. Sworn to office. Before assuming the duties
21 of office, a ballot clerk must be sworn by the warden
22 or clerk and the fact of his having been sworn shall
23 be recorded by the clerk.

24 4. Term of office. A ballot clerk holds office
25 for 2 years from the date of his appointment and un-
26 til his successor is appointed and qualified.

27 5. Duties. Ballot clerks shall attend the vot-
28 ing places for which they are appointed at each elec-
29 tion. They shall accept and witness absentee bal-
30 lots. They shall be in attendance during voting
31 hours on election day.

32 6. Compensation. Ballot clerks shall be paid a
33 reasonable compensation as determined by the munici-
34 pal officers.

35 Sec. 2. 21-A MRSa §754-A, sub-§2, ¶A, as enacted
36 by PL 1985, c. 357, §§12 and 19, is amended to read:

1 A. The voter must mark his ballot in the pres-
2 ence of the following witness or witnesses: One
3 notary public, clerk of a municipality, dedimus
4 justice, clerk of courts or 2 ether individuals
5 designated as ballot clerks under section 503-A.
6 The 2 ballot clerks must be enrolled in different
7 political parties. The voter, before marking his
8 ballot, must show it to the witness or witnesses
9 who must examine it to be certain it is unmarked.

10

STATEMENT OF FACT

11 This bill makes certain changes in the absentee
12 ballot voting procedures.

13 Section 1 enacts a new section which creates bal-
14 lot clerks. This new law is modeled on existing leg-
15 islation for election clerks. These ballot clerks
16 will witness absentee ballots, a duty formerly dele-
17 gated in the laws to "2 individuals." This will ef-
18 fectively prohibit candidates from witnessing absen-
19 tee ballots.

20 Section 2 of the bill changes the language in the
21 laws so that 2 individuals may no longer witness ab-
22 sentee ballots; rather, 2 ballot clerks, each of a
23 different party, must be witnesses.

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