

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1106

H.P. 794

House of Representatives, April 11, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

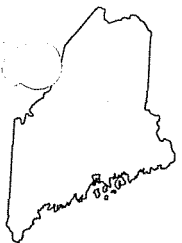
Presented by Representative MANNING of Portland.

Cosponsored by Representative PRIEST of Brunswick, Senator BALDACCI of Penobscot and Senator MATTHEWS of Kennebec.

STATE OF MAINE

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

**An Act to Allow Municipal Clerks to Inspect Blank Ballots Prior to
Election Day.**



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

3 Sec. 1. 21-A MRSA §606, sub-§5 is enacted to read:

5 5. Inspection by clerk. At any time within 10 days before
6 the date of an election, the municipal clerk, acting in the
7 presence of 2 witnesses, may open any box or package containing
8 blank ballots in order to inspect for accuracy each type of
9 ballot to be used at that election. Any error must be promptly
10 reported to the Secretary of State. Whether or not the ballots
11 inspected are found to be accurate, each package or box of
12 ballots opened for inspection must be promptly closed at the
13 conclusion of the inspection and resealed by the clerk before the
14 same witnesses. The clerk and witnesses must sign or initial
15 each box or package resealed. The clerk may make any additional
16 notation on the box or package as deemed necessary with respect
17 to the accuracy of the contents.

19 Sec. 2. 21-A MRSA §651, sub-§2, as amended by PL 1985, c. 272,
20 is further amended to read:

21 2. Election materials distributed and posted. At any time
22 after the materials are received and before the polls are open,
23 the clerk may open the packages or boxes of election materials,
24 break the seals on the packages not marked "ballots," and use the
25 materials for instructional purposes. Sealed packages containing
26 ballots may be inspected prior to election day as provided in
27 section 606. Then the clerk or his the clerk's designated agents
28 shall post an adequate number of instruction posters, posters of
29 specimen ballots for constitutional resolutions and statewide
30 referenda, including the Attorney General's explanatory
31 statements prepared under Title 1, section 353, materials setting
32 out the full text of constitutional resolutions and statewide
33 referenda, and specimen ballots in the voting room outside the
34 guardrail enclosure. When the polls are opened, or no more than
35 1/2 hour before the opening of the polls, the warden shall break
36 the seals on the packages containing the ballots and distribute
37 the ballots to the election clerks in charge of them. The
38 breaking of the seals on the packages containing the ballots is a
39 public proceeding and any member of the public may be present.

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45 STATEMENT OF FACT

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48 Current law prohibits inspection of ballots until 1/2 hour
49 before the opening of the polls, which is too late to correct any
mistake. This bill would authorize inspection and resealing of
the ballots within 10 days of election day.