

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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**Legislative Document**

**No. 255**

**H.P. 170**

**House of Representatives, February 1, 1991**

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 SIMONDS of Cape Elizabeth.  
Cosponsored by Senator GILL of Cumberland.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE**

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**An Act to Correct Deficiencies in the Election Laws.**

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

Sec. 1. 21-A MRSA §122, sub-§6, as enacted by PL 1985, c. 307, §1, is repealed.

Sec. 2. 21-A MRSA §122, sub-§6-A is enacted to read:

6-A. Time for registration. The registrar shall accept registrations on any business day or other day that the clerk's office is open, except during the 5 business days before election day. In addition to any other days the clerk's office is open or the registrar is otherwise available to accept registrations, the registrar must be available to accept the registration of persons who appear in person at the following times:

A. In a municipality with a population of 2,500 or less, on the 6th business day before election day; and

B. In a municipality with a population of more than 2,500, on 3 of the 5 days beginning on the 11th day before election day and ending on the 6th day before election day, from 1 p.m. to 5 p.m. and 7 p.m. to 9 p.m.

Sec. 3. 21-A MRSA §122, sub-§7, as enacted by PL 1985, c. 307, §1, is repealed.

Sec. 4. 21-A MRSA §606, sub-§3-A, is enacted to read:

3-A. Verification of voting machines. Within 3 business days of receiving ballots from the Secretary of State the clerk in any district using an electronic voting system, as defined in section 841, shall perform a test to determine whether the automatic tabulating equipment used in the system will properly tabulate the ballots. The test may be performed by opening one package of ballots, filling out one or more ballots and processing them in the equipment, all in the presence of one or more witnesses. The clerk shall mark each ballot used in the test with the words "TEST BALLOT." All test ballots must be retained with the records of the clerk as provided in section 698. Not later than three business days after receiving the ballots, the clerk shall notify the Secretary of State of any discrepancies in content of the ballot or any deficiency in the ballot, including incorrect sizing or printing, that prevents the processing of the ballot in the equipment.

Sec. 5. 21-A MRSA §674, sub-§1, ¶¶E and F, as enacted by PL 1985, c. 161, §6, are amended to read:

E. A person who assists or offers to assist another at the voting place in marking his a ballot unless he that person has been requested to do so by the warden or ward clerk; or

2 F. A person who shows his a marked ballot to another with  
the intent to reveal how he that person voted, ; or

4 **Sec. 6. 21-A MRSA §674, sub-§1, ¶G** is enacted to read:

6 G. A person who votes in person on election day after  
8 having voted by absentee ballot.

10 **Sec. 7. 21-A MRSA §695, first ¶,** as enacted by PL 1985, c. 161,  
§6, is amended to read:

12 The election officials shall count the ballots under the  
14 supervision of the warden as soon as the polls are closed and the  
absentee ballots have been processed, except that if, in the  
16 opinion of the municipal clerk the public interests will best be  
served, referendum ballots may be counted on the day immediately  
18 following the election, provided that the count is completed  
within 24 hours after the polls are closed. If referendum  
20 ballots are counted under this exception, the municipal clerk is  
responsible for the security and safekeeping of the ballots until  
22 the count has been completed.

24 **Sec. 8. 21-A MRSA §758,** as amended by PL 1985, c. 357, §§15  
and 19, is repealed.

26 **Sec. 9. 21-A MRSA §758-A** is enacted to read:

28 **§758-A. No personal vote on election day**

30 A person who has voted by absentee ballot may not vote in  
32 person on election day.

34 **Sec. 10. 21-A MRSA §759, sub-§1,** as enacted by PL 1985, c.  
161, §6, is repealed and the following enacted in its place:

36 **1. Counting of absentee ballots.** At any time after the  
38 polls open the warden shall review the notes of the clerk on the  
return envelope of each absentee ballot.

40 **Sec. 11. 21-A MRSA §759, sub-§5-A** is enacted to read:

42 **5-A. Final processing of absentee ballots.** If the warden  
44 has not finished processing the absentee ballots before the polls  
close, the warden shall do so as soon as the polls close.

46 **Sec. 12. 21-A MRSA §759, sub-§6,** as enacted by PL 1985, c.  
48 161, §6, is amended to read:

50 **6. Ballots counted.** ~~As soon as the absentee ballots have~~  
~~been processed, they shall be removed from the ballot box and~~

2 Absentee ballots must be counted the same as regular ballots.  
Rejected ballots shall may not be counted.

4 Sec. 13. 21-A MRSA §791, sub-§1, ¶A, as amended by PL 1985, c.  
6 357, §§18 and 19, is repealed.

8  
10 **STATEMENT OF FACT**

12 This bill makes 3 changes in the election laws. First, it  
14 provides that no person may register to vote in the last 5  
16 business days before the election. This break in registration  
will give election clerks time to update the voting list so that  
registrars will have a single complete list to work with to  
verify election day registrations.

18 Second, the bill permits clerks to test election ballots in  
20 their electronic voting machines several days before election day  
so that any problems with the ballots and machines can be  
resolved before the election.

22 Finally, it permits election wardens to process absentee  
24 ballots while the polls are open on election day rather than  
waiting until the polls close as required under current law. The  
26 bill prohibits a person from voting in person on election day if  
he or she has voted by absentee ballot and repeals the  
28 requirement that a person vote in person if present in the  
municipality on election day even if that person has already sent  
30 in an absentee ballot.