

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 652

H.P. 461

House of Representatives, February 19, 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

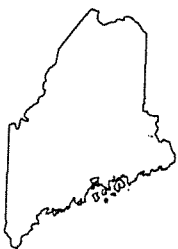
Presented by Representative LIBBY of Kennebunk.

Cosponsored by Representative CARLETON of Wells, Representative STEVENS of Sabattus and Representative SKOGLUND of St. George.

STATE OF MAINE

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

**An Act to Expedite and Improve Procedures Relating to Election
Materials.**



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

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

6 3-A. Verification of voting machines. Within 3 business
8 days of receiving ballots from the Secretary of State, the clerk
10 in any district using an electronic voting system, as defined in
12 section 841, shall perform a test to determine whether the
14 automatic tabulating equipment used in the system properly
16 tabulates the ballots. The test may be performed by opening one
18 package of ballots, filling out one or more ballots and
20 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
 sealed in containers as required in section 698, subsection 2.
 Not later than 3 business days after receiving the ballots, the
 clerk shall notify the Secretary of State of any deficiency in
 the ballot, including incorrect sizing or printing that prevents
 the processing of the ballot in the equipment or any
 discrepancies in the content of the ballot.

22 Sec. 2. 21-A MRSA §674, sub-§1, ¶¶E and F, as enacted by PL
24 1985, c. 161, §6, are amended to read:

26 E. A person who assists or offers to assist another at the
28 voting place in marking his the other's ballot unless he the
 person has been requested to do so by the warden or ward
 clerk; ~~or~~

30 F. A person who shows his that person's marked ballot to
32 another with the intent to reveal how he that person voted; ~~;~~
 or

34 Sec. 3. 21-A MRSA §674, sub-§1, ¶G is enacted to read:

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

40 Sec. 4. 21-A MRSA §695, first ¶, as enacted by PL 1985, c. 161,
 §6, is amended to read:

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

2 Sec. 5. 21-A MRSA §698, sub-§2, as amended by PL 1987, c. 188,
§6, is further amended to read:

4 2. **Ballots replaced in containers.** The election clerks
6 shall place the sealed packages of used ballots, envelopes
containing challenge certificates, unused ballots, spoiled
8 ballots, defective ballots, void ballots, test ballots, used and
unused absentee ballots, used absentee envelopes and used
10 absentee applications in the containers in which the regular
ballots were delivered, except that referendum ballots may be
12 sealed in separate containers. They shall then seal the
containers publicly. The total number of used ballots, unused
14 ballots, spoiled ballots, defective ballots, void ballots, test
ballots and absentee ballots must equal the number of ballots
16 furnished by the Secretary of State to the municipal clerk, less
the number of absentee ballots issued to voters and not returned.

18 Sec. 6. 21-A MRSA §758, as amended by PL 1985, c. 357, §§15
and 19, is repealed.

20 Sec. 7. 21-A MRSA §758-A is enacted to read:

22 §758-A. No personal vote on election day

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

28 Sec. 8. 21-A MRSA §759, sub-§1, as enacted by PL 1985, c. 161,
§6, is repealed and the following enacted in its place:

30 1. Counting of absentee ballots. At any time after the
32 polls open, the warden shall review the notes of the clerk on the
return envelope of each absentee ballot.

34 Sec. 9. 21-A MRSA §759, sub-§5-A is enacted to read:

36 5-A. Final processing of absentee ballots. If the warden
38 has not finished processing the absentee ballots before the polls
close, the warden shall do so as soon as the polls close.

40 Sec. 10. 21-A MRSA §759, sub-§6, as enacted by PL 1985, c.
42 161, §6, is amended to read:

44 6. **Ballots counted.** ~~As--soon--as--the--absentee--~~ Absentee
46 ~~ballots have been processed, they shall~~ must be removed from the
~~ballet box and~~ counted the same as regular ballots. Rejected
48 ballots shall may not be counted.

50 Sec. 11. 21-A MRSA §791, sub-§1, ¶A, as amended by PL 1985, c.
357, §§18 and 19, is repealed.

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STATEMENT OF FACT

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

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The bill also requires election wardens to process absentee ballots while the polls are open on election day, rather than after the polls close as required under current law. The bill prohibits a person from voting in person on election day if that person has voted by absentee ballot, and repeals the requirement that a person vote in person if that person is present in the municipality on election day, even if that person has already sent in an absentee ballot.

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