



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1202

H.P. 888

House of Representatives, April 8, 1993

An Act Concerning the Tallying and Challenging of Absentee Votes.

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

JOSEPH W. MAYO, Clerk

Presented by Representative LIPMAN of Augusta.

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

Sec. 1. 21-A MRSA §759, sub-§3, as amended by PL 1985, c.357, §§17 and 19, is further amended to read:

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3. Rejected if incorrect. The warden shall may not open the envelope and shall write "Rejected" on it, the reason why and his the warden's initials if he the warden finds that:

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A. The signatures do not appear to have been made by the same person and the discrepancy is not the result of the voter's having obtained assistance under section 753, subsection 4 or section 754-A, subsection 3, in cases where when an application is required;

B. The affidavit is not properly completed;

The voter has voted in person; or

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E. The ballot was received by the clerk after the deadline.

The person is not registered or enrolled where necessary;

Sec. 2. 21-A MRSA §759, sub-§§4, 5 and 6, as enacted by PL 1985, c. 161, §6, are amended to read:

Primary election provisions. At a primary election when
the warden removes a ballot from its envelope, he <u>the warden</u> shall check its color to be sure it is the ballot of the party in
which the voter is enrolled. If it is not, he <u>the warden</u> shall immediately replace it in its envelope, reseal the envelope and
write "Rejected" on it, the reason why and his <u>the warden's</u> initials.

5. Rejected ballots separate. The warden shall place the return envelopes containing rejected ballots in a separate lot. He-shall The warden may not deposit them in the ballot box.

 6. Ballots counted. As soon as the absentee ballots have
40 been processed, they shall must be removed from the ballot box and counted the same as regular ballots. Absentee ballots may
42 not be counted before regular ballots are counted. Rejected ballots shall are not be counted.

Sec. 3. 21-A MRSA §759, sub-§7, as amended by PL 1991, c. 862, $\S7$, is further amended to read:

7. Processing before close of polls. A notice signed by the municipal officers must be posted at least 7 days before
election day in the same manner as posting the warrant under

section 621, stating that the clerk intends to begin processing 2 absentee ballots after 2:00 p.m. on election day. Absentee ballots are subject to review by a candidate or that candidate's representative after 2:00 p.m. on election day. The warden may 4 review the notes of the clerk on each return envelope and deposit б the absentee ballots into the ballot box before after the close The clerk shall notify the chairs of of the polls. each 8 political party of the municipality, in writing, that this procedure is to occur. If the clerk is unable to notify the 10 chair of the municipal political party, the clerk shall notify the chair of the county or state political party.

Sec. 4. 21-A MRSA §759, sub-§8, as enacted by PL 1991, c. 466, 14 §32, is amended to read:

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16 8. Inspection after polls close. If a candidate notifies the warden before 8:00 p.m. that the candidate wishes to inspect 18 absentee ballot applications and envelopes after the polls close, the warden shall allow the candidate <u>or the candidate's</u> representative to inspect the applications and envelopes of 20 ballots that have not yet been deposited into the ballot box for 30-minutes one hour after the polls close. 22

STATEMENT OF FACT

This bi11 allows а candidate or the candidate's representative to review absentee ballots after 2:00 p.m. on 28 election day. It also gives the candidate or the candidate's representative one hour after the polls close to inspect absentee 30 ballots. The bill also requires regular ballots to be counted 32 before absentee ballots are counted. The bill also directs the wardens to deposit the absentee ballots after the close of the 34 polls, instead of before.