

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 397

H.P. 293

House of Representatives, February 6, 1995

An Act to Allow Unenrolled Voters to Serve as Election Workers at Polls.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.

Cosponsored by Representatives: CLUKEY of Houlton, CROSS of Dover-Foxcroft, LANE of Enfield, MARSHALL of Eliot, STROUT of Corinth, Senator: LORD of York.

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

4 **Sec. 1. 21-A MRSA §1, sub-§46-A** is enacted to read:

6 **46-A. Unenrolled voter.** "Unenrolled voter" means an individual who is registered to vote but has not enrolled in a political party.

8
10 **Sec. 2. 21-A MRSA §501, sub-§3,** as enacted by PL 1985, c. 161, §6, is amended to read:

12 **3. Provisions applicable to both towns and cities.** Neither the warden nor any deputy warden may be an officer of a municipal committee of a political party. Deputy wardens shall perform the duties of the warden when necessary and may not replace election clerks prescribed by this Title. The warden and deputy wardens must be registered voters of the municipality. The warden and deputy wardens may be either enrolled or unenrolled voters of the municipality.

20
22 **Sec. 3. 21-A MRSA §502,** as amended by PL 1993, c. 447, §8, is further amended to read:

24 **§502. Duties and vacancies -- warden and ward clerk**

26 In the event of a vacancy in the office of warden or in the absence or incapacity of the warden, the ward clerk may perform the duties of the warden. A vacancy in the office of ward clerk must be filled by an election clerk appointed by the warden. ~~Except when an election to the position of ward clerk is nonpartisan and no party affiliation is required, an election clerk appointed by the warden must be enrolled in the same political party as the ward clerk and shall serve as ward clerk pro tem.~~ The election clerk serves as a ward clerk pro tem. If the ward clerk is an enrolled voter, the election clerk must be enrolled in the same political party as the ward clerk. If the ward clerk is an unenrolled voter, the election clerk must be an unenrolled voter.

40 **Sec. 4. 21-A MRSA §503, sub-§1,** as amended by PL 1991, c. 466, §18, is further amended to read:

42 **1. Appointment.** The municipal officers of each municipality must appoint election clerks no later than May 1st of each general election year. ~~They shall appoint persons nominated by the municipal committees of the major parties to serve as election clerks for each voting place and post a public listing of those nominated and appointed. They must designate an equal number of election clerks from each major party. At the request of the municipal committee of any minor party represented~~

2 ~~en the last general election ballot, the municipal officers shall~~
3 ~~appoint one election clerk nominated by that committee for each~~
4 ~~voting place. They shall appoint persons in the following manner.~~

5 A. The municipal officers shall request nominations for
6 election clerks from the major parties and from the
7 municipality's unenrolled voters. Nominations are governed
8 by the following.

9 (1) The municipal committees of the major parties may
10 submit nominations for election clerks.

11 (2) Unenrolled voters in the municipality may submit
12 nominations, for themselves or other unenrolled voters
13 of the municipality, for election clerks.

14 B. The municipal officers shall select and designate
15 election clerks from the nominees obtained under paragraph
16 A. They shall designate an equal number of election clerks
17 from among the nominees of each major party and the
18 unenrolled voters. The municipal officials shall post a
19 public listing of the individuals nominated and selected.

20 At the request of the municipal committee of any minor party
21 represented on the last general election ballot, the municipal
22 officers shall appoint one election clerk nominated by that
23 committee for each voting place.

24 **Sec. 5. 21-A MRSA §503, sub-§2**, as amended by PL 1985, c. 314,
25 is further amended to read:

26 **2. Number appointed.** The municipal officers shall appoint
27 2 election clerks, who must be residents of the municipality, for
28 each voting place in each municipality.

29 A. They may appoint additional election clerks, if
30 necessary, who are nominated and appointed as provided in
31 subsection 1.

32 B. They shall appoint alternate election clerks who are
33 nominated and appointed as provided in subsection 1 and who
34 may be called into service by the warden, as needed, to fill
35 a vacancy on election day.

36 C. The municipal clerk may appoint a sufficient number of
37 election clerks, ~~an equal number from each political party,~~
38 who are nominated and appointed as provided in subsection 1,
39 to serve as counters when the polls close. Counters shall
40 must be paid a reasonable compensation as determined by the
41 municipal officers.
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2 If the municipal ~~committee-fails~~ committees and unenrolled voters
3 fail to nominate a sufficient number of election clerks, the
4 municipal clerk or municipal officers shall appoint the necessary
5 number to fill the vacancy on election day.
6

8 **STATEMENT OF FACT**

10 This bill permits registered voters who are not enrolled in
a political party to serve as election workers.