

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

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H.P. 1078

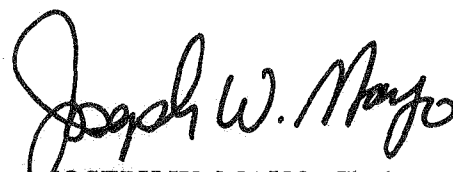
House of Representatives, March 13, 1997

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

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.

Cosponsored by Representatives: McELROY of Unity, SPEAR of Nobleboro.

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

2  
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 amended by PL 1995, c. 459,  
§32, is further 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  
14 committee of a political party. Deputy wardens shall perform the  
duties of the warden when necessary and may not replace election  
16 clerks prescribed by this Title. The warden and deputy wardens  
must be registered voters of the municipality, except when a  
18 nonresident clerk is acting as either warden or deputy warden.  
The warden and deputy wardens may be either enrolled or  
20 unenrolled voters of the municipality.

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  
28 absence or incapacity of the warden, the ward clerk may perform  
the duties of the warden. A vacancy in the office of ward clerk  
30 must be filled by an election clerk appointed by the warden.  
~~Except when an election to the position of ward clerk is~~  
32 ~~nonpartisan and no party affiliation is required, an election~~  
~~clerk appointed by the warden must be enrolled in the same~~  
34 ~~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~~  
36 the ward clerk is an enrolled voter, the election clerk must be  
enrolled in the same political party as the ward clerk. If the  
38 ward clerk is an unenrolled voter, the election clerk must be an  
unenrolled voter.

40       **Sec. 4. 21-A MRSA §503, sub-§2**, as repealed and replaced by PL  
42 1995, c. 459, §33, is amended to read:

44       **2. Representation of parties.** The municipal officers shall  
consider the following for appointment as election clerks.

46       ~~A. The municipal officers shall consider persons nominated~~  
48 ~~by the municipal committees of the major parties to serve as~~  
~~election clerks. The municipal officers shall appoint at~~  
50 ~~least one election clerk from each of the major parties to~~

2 serve at each voting place during the time the polls are  
open. ~~The municipal officers shall also appoint a~~  
4 ~~sufficient number of election clerks to serve as counters~~  
~~after the polls close. The election clerks must be selected~~  
6 ~~so that the number of election clerks from one major party~~  
~~does not exceed the number of election clerks from another~~  
8 ~~major party by more than one. The municipal officers shall~~  
~~request nominations for election clerks from the major~~  
10 ~~parties and from the municipality's unenrolled voters.~~  
Nominations are governed by the following.

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

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

20 The municipal officers shall select and designate election  
clerks from the nominees obtained under this paragraph.  
22 They shall designate an equal number of election clerks from  
among the nominees of each major party and the unenrolled  
24 voters.

26 B. The municipal officers shall appoint at least one  
election clerk nominated by the municipal committee of a  
28 qualified minor party represented on the last general  
election ballot for each voting place at the committee's  
request.

30 C. Notwithstanding subsection 1, the municipal officers may  
32 also consider persons who are 17 years of age to serve as  
student election clerks for a specific election. A student  
34 election clerk may not assist a voter unless the voter  
specifically requests assistance from the student election  
36 clerk.

38 All nominations for election clerks must be submitted to the  
municipal officers no later than April 1st of each general  
40 election year. If a municipal committee of a major party fails  
or the unenrolled voters fail to submit a list of nominees  
42 nominations to serve as election clerks, the municipal officers  
may appoint registered voters enrolled in that a party or  
44 unenrolled voters to serve as election clerks.

## 46 SUMMARY

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