

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2046

H.P. 1455

House of Representatives, January 15, 1998

An Act to Improve Voter Participation.

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TESSIER of Fairfield.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: CHIZMAR of Lisbon, FISHER of Brewer, GAGNE of Buckfield, TRUE of
Fryeburg, TUTTLE of Sanford, Senator: CAREY of Kennebec.

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

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Sec. 1. 21-A MRSA §751, as amended by PL 1997, c. 436, §105,
4 is further amended to read:

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§751. Proper at any election

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Absentee ballots may be cast at any election by a any voter
who is unable to cast his a ballot for one of the following
10 reasons:

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~~1. Absence. Absence from the municipality during the time
the polls are open on election day;~~

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~~2. Incapacity. Physical incapacity;~~

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~~3. Religious belief. Religious belief which prohibits his
doing so;~~

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~~4. Confinement. Confinement in a penal institution;~~

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~~5. Distance from polls. Unreasonable distance from the
polls, if he is a resident of a township or a coastal island ward
or district;~~

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~~6. A. Working when polls are open. Working during the entire
time the polls in his municipality are open;~~

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~~7. Residence in certain facilities. Residence in a
licensed nursing home, as defined in Title 22, chapter 405,
licensed boarding home, as defined in Title 22, chapter 1665, or
certified congregate housing unit, as defined in Title 22,
chapter 1665. Residents of these facilities may cast absentee
ballots when the clerk is present;~~

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~~8. Citizens outside the United States. If a citizen
residing outside the United States does not have a place of abode
or other address in the State, or if the citizen's intent to
return to this State is uncertain, the citizen may vote by
absentee ballot in elections in the State, as long as the
following qualifications are met:~~

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~~A. The citizen must have been domiciled in the State
immediately before the citizen's departure from the United
States;~~

44

46

~~B. The citizen must not maintain a domicile, not be
registered to vote, and not be voting in any other state or~~

48

territory or in any territory or possession of the United States;

G. ~~The citizen must maintain citizenship in the United States; and~~

D. ~~The citizen has registered to vote under section 154; or~~

9. ~~Marginal literacy. Marginal literacy, which relates to the inability of an individual to read, write or compute well enough to perform common tasks.~~

Absentee ballots may be cast in any election by any voter who ~~is unable to vote in person at the voting place on election day~~ requests an absentee ballot as allowed by this subchapter. ~~The voter's belief that the voter will be unable to vote in person at the voting place is sufficient reason to allow an absentee ballot to be cast.~~ The voter need not specify any reason to receive an absentee ballot.

Sec. 2. 21-A MRSA §752, sub-§2-A is enacted to read:

2-A. One-year application. An individual who qualifies under this section may request absentee ballots for a given calendar year. The individual shall complete an application and certification regarding the voter's incapacity to go to the polls. The application must contain all the provisions of subsection 2 and must also contain a sworn statement by the individual that the individual will be unable to vote in person at any time during the given calendar year due to disability or hospitalization. The clerk shall keep a list of individuals who have qualified and provide all ballots to those individuals for that calendar year without further application.

Sec. 3. 21-A MRSA §753, sub-§7, as amended by PL 1997, c. 436, §111, is further amended to read:

7. Absentee voting in presence of clerk. A person who wishes to vote by absentee ballot ~~because that person will not be able to vote in person at the voting place on election day~~ may, without completing an application, vote by absentee ballot in the presence of the clerk. The method of voting is otherwise as prescribed in this Article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a

2 voter's decision regarding a candidate or ballot issue is
3 prohibited within the clerk's office and on public property
4 within 250 feet of the entrance to the clerk's office.

6 A. This subsection does not apply to the display or
7 distribution of any campaign advertising material on private
8 property that is within 250 feet of the entrance to the
9 clerk's office.

10 B. This subsection does not apply to campaign advertising
11 material on automobiles traveling to and from the municipal
12 office or parked on municipal property while visiting the
13 municipal office to conduct municipal business. It does not
14 prohibit a person who is at the municipal office for the
15 purpose of conducting municipal business or for absentee
16 voting from wearing a campaign button when the longest
17 dimension of the button does not exceed 3 inches.

18 **Sec. 4. 30-A MRSA §2528, sub-§§3-A and 5-A are enacted to read:**

20 3-A. Voting by mail in municipal elections. In municipal
21 elections only, the municipal officials may choose to conduct the
22 election by mail ballot. Mail elections may be conducted for
23 local issue ballots and local candidate ballots, excluding state
24 Representative or state Senator. The following procedure must be
25 followed in elections conducted by mail.

28 A. The municipal clerk shall mail all official ballots with
29 a secrecy envelope, a return mailing envelope and
30 instructions sufficient to describe the voting process to
31 each registered voter on the registrar's list.

32 B. The ballots must be mailed no sooner than 20 days before
33 the date of the election and no later than 10 days before
34 the date of the election.

36 C. All ballots must be mailed by first class mail to the
37 last address listed for each registered voter in the
38 registration records. The envelope must be prominently
39 marked "Do Not Forward."

42 D. Upon receipt of the ballot, the voter shall mark the
43 ballot, place it in the secrecy envelope, sign the return
44 envelope supplied with the ballot and comply with the
45 instructions provided with the ballot. The voter shall
46 mail, deliver or have delivered the marked ballot so that it
47 reaches the municipal clerk no later than 7 p.m. the day of
48 the election. The ballot must be returned in the return
mailing envelope.

2 E. The return mailing envelope must contain a statement in
4 substantially the following form:

6 I, _____, do solemnly swear (or affirm) that I am a
8 (print name)

10 registered voter in this election and that I have not and
12 will not vote using more than one ballot in this election.

14 _____
16 (Signature)

18 _____
20 (Residence Address)

22 F. If the ballot is destroyed, spoiled, lost or not
24 received by the voter, the voter may obtain a replacement
26 ballot from the municipal clerk as provided in this
28 paragraph. The voter seeking a replacement ballot shall
30 sign a sworn statement that the ballot was destroyed,
32 spoiled, lost or not received and present such statement to
34 the municipal clerk prior to 7 p.m. on the day of the
36 election. The municipal clerk shall keep a record of each
38 replacement ballot provided under this paragraph.

40 G. A ballot is counted only if:

42 (1) It is returned in the return mailing envelope;

44 (2) The voter's signature has been verified as
46 provided in this subsection; and

48 (3) It is received by the municipal clerk no later
50 than 7 p.m. on the day of the election.

52 H. The municipal clerk shall verify the signature of each
54 voter on the return envelope with the signature on the
56 voter's registration card without opening the ballot. The
58 municipal clerk may commence the verification at any time
60 prior to the counting of ballots. The municipal clerk shall
62 secure the unopened ballots until the counting of ballots
64 begins. If the municipal clerk determines that a voter to
66 whom a replacement ballot has been issued under paragraph F
68 has voted more than once, the first ballot received is
70 counted. All other ballots are void.

72 5-A. Voting by mail in municipal referendum elections.
74 Municipal officers may choose to conduct a municipal referendum
76 election by mail ballot. The provisions of subsection 3-A apply
78 to this subsection when voting by mail is used in municipal
80 referendum elections.

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SUMMARY

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6 This bill amends the election laws by making it easier for a
8 person to vote by absentee ballot. The bill allows any voter to
10 vote by absentee ballot at any election. The bill further allows
12 a voter whose physical incapacity prevents the voter from going
to the polls to obtain an absentee ballot for all elections
during a calendar year, after submission of a properly completed
application. The bill also allows municipalities to conduct
elections by mail for municipal officers or a municipal
referendum.