

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 188

S.P. 85

In Senate, January 11, 1999

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.  
Cosponsored by Representative COWGER of Hallowell and  
Senators: ABROMSON of Cumberland, CAREY of Kennebec, HARRIMAN of Cumberland,  
LONGLEY of Waldo, O'GARA of Cumberland, Representative: NASS of Acton.

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

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

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

12       **Sec. 2. 21-A MRSA §501, sub-§3**, as amended by PL 1997, c. 436,  
14       §65, is further amended to read:

16       **3. Provisions applicable to both towns and cities.** A  
18       warden, ward clerk or any deputy warden may not be an officer of  
20       a municipal committee of a political party. Ward clerks or  
22       deputy wardens shall perform the duties of the warden when  
24       necessary and may not replace election clerks prescribed by this  
26       Title. The warden, ward clerk and deputy wardens must be  
28       registered voters of the municipality, except when a nonresident  
30       clerk is acting as either warden, ward clerk or deputy warden.  
32       The warden, ward clerk and deputy wardens may be either enrolled  
34       or unenrolled voters of the municipality.

36       **Sec. 3. 21-A MRSA §502**, as amended by PL 1997, c. 436, §66,  
38       is further amended to read:

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

42       In the event of a vacancy in the office of warden or in the  
44       absence or incapacity of the warden, the ward clerk may perform  
46       the duties of the warden. A vacancy in the office of ward clerk  
48       may be filled by an election clerk appointed by the warden. When  
50       ~~a ward clerk is elected in a partisan election, 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.

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

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

      A. ~~The municipal officers shall consider persons nominated~~  
      ~~by the municipal committees of the major parties to serve as~~  
      ~~election clerks. -- The municipal officers shall appoint at~~  
      ~~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. If  
22 the unenrolled voters fail to submit nominations for  
election clerks, the municipal officers may appoint  
24 unenrolled voters to serve as election clerks.

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  
30 request.

32 C. Notwithstanding subsection 1, the municipal officers may  
also consider persons who are 17 years of age to serve as  
34 student election clerks for a specific election. A student  
election clerk may not assist a voter unless the voter  
36 specifically requests assistance from the student election  
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~~  
42 ~~to submit a list of nominees to serve as~~ nominations for election  
clerks, the municipal officers may appoint registered voters  
44 enrolled in that party to serve as election clerks. If the  
unenrolled voters fail to submit nominations for election clerks,  
46 the municipal officers may appoint unenrolled voters to serve as  
election clerks.

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## SUMMARY

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