

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 200

S. D. No. 83

In Senate, February 13, 1925.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Cram of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Amend Sections One Hundred Thirty-three, One Hundred Thirty-four, One Hundred Thirty-six, and One Hundred Forty-five of Chapter Seven of the Revised Statutes, as Amended by Chapter Thirty-eight of the Public Laws of Nineteen Hundred Twenty-one, Relating to Absentee Voting.

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

Section 1. Section one hundred thirty-three of chapter 2 seven of the revised statutes as amended by chapter thirty-3 eight of the public laws of nineteen hundred twenty-one, 4 is hereby further amended by adding in the fifth line of 5 said section, after the word "vote" the words 'or who by

6 reason of physical infirmity or disability' and by adding at
7 the end of said section one hundred thirty-three the fol-
8 lowing: 'Provided, however, that such voter who by reason
9 of physical infirmity or disability will be unable to attend
10 the polling place on the day of such primary or general
11 election shall, on any of the three secular days next pre-
12 ceding the said day of election, procure from a duly regis-
13 tered physician, resident within the state of Maine, a cer-
14 tificate which shall set forth in detail the nature of such
15 infirmity or disability and also that in the judgment of
16 said physician, such voter will be thereby unable to attend
17 his polling place on such day of election. No such cer-
18 tificate shall be valid or have any force or effect if issued
19 prior to such third day previous to the day of election, nor
20 if issued on the day of election'; so that said section, as
21 amended, shall read as follows:

'Sect. 133. An absentee voter is hereby defined to be any
2 person who is a duly qualified registered voter, and in re-
3 spect to any primary election duly enrolled as a member
4 of the political party in the primary of which he proposes
5 to vote, but who through absence from the city or town in
6 which he is entitled to vote, or who by reason of physical
7 infirmity or disability, is unable to cast his ballot at the
8 polling place where he is entitled to vote, at any city elec-
9 tion, at any primary election held pursuant to sections one,
10 twenty-three and twenty-four of chapter six of the revised
11 statutes of Maine, or at any general or special state elec-

tion as the term state election is defined in section one of chapter seven of the revised statutes of Maine, including also elections for the choice of electors of president and vice-president of the United States, elections held in accordance with the initiative or referendum provisions of the constitution of Maine, and elections to vote upon amendments to the constitution of Maine. Provided, however, that such voter who by reason of physical infirmity or disability will be unable to attend the polling place on the day of such primary or general election shall, on any of the three secular days next preceding the said day of election, procure from a duly registered physician, resident within the state of Maine, a certificate which shall set forth in detail the nature of such infirmity or disability and also that in the judgment of said physician, such voter will be thereby unable to attend his polling place on such day of election. No such certificate shall be valid or have any force or effect if issued prior to such third day previous to the day of election, nor if issued on the day of election.'

Sect. 2. Section one hundred thirty-four of chapter seven of the revised statutes as amended by chapter thirty-eight of the public laws of nineteen hundred twenty-one is hereby further amended by inserting the words 'as appearing on the check list' after the word "any" in the fifteenth line of paragraph (b) of said section, and inserting the words 'my residence' after the word "and" in the sixteenth line of said section (b) and adding the words 'send ballot to'

9 after the blank following the word "now" in said sixteenth
 10 line of said section (b), so that said section (b) of section
 11 one hundred thirty-four as amended shall read as follows:
 12 'Blank forms of application for such ballots worded as
 13 follows, but varying the bracketed word (state) so as to
 14 properly designate the election then next to be held, and
 15 omitting the bracketed clause concerning enrolment in elec-
 16 tions other than primary:

I, _____, hereby apply for an official absent voting
 2 ballot. I am a legal resident of the city or town of
 3 in the county of _____, state of Maine. I am a duly
 4 qualified and registered voter, and am, as I believe, entitled
 5 to vote at the next (state) _____ election, at precinct _____,
 6 ward _____, in the city or town of _____, in the county
 7 of _____, and state of Maine.

(I have conformed to all the requirements of the laws of
 2 Maine relative to enrolment and am entitled to vote for the
 3 nomination of candidates of the _____ party.)

My address, including street and number if any, as ap-
 2 pearing on the check list, on April first of the present year
 3 was _____ and my residence is now _____.
 4 Send ballot to _____.

(Signature).....

And by adding in the tenth line of paragraph (c) after
 2 the word "from" the words 'or unable to vote in,' so that
 3 said paragraph (c) shall read as follows: 'Envelopes of
 4 sufficient size to contain the ballots specified in clause (a)

5 bearing on their reverse the following affidavit:

State of
County of, ss.

I, _____, do solemnly swear that I am a legally reg-
2 istered voter in the city or town of _____, in the county
3 of _____, and state of Maine, and entitled to cast within
4 ballot; that I am unable to cast my ballot on election day
5 at the polling place where I am entitled to vote because I
6 shall be absent from or unable to vote in said town of
7 _____, on election day, for the following reasons: (here
8 insert reasons) _____; that I have carefully read
9 the instructions forwarded to me with the ballot herein
10 inclosed; that I showed to the undersigned person taking
11 my oath hereto, said ballot unmarked; that I then marked
12 said ballot and sealed it in this envelope, all in his presence
13 and in the presence of no other person, but without his
14 seeing how I marked said ballot and without communicating
15 to him how I voted or intended to vote.

(Signature).....

Subscribed and sworn to before me by the above affiant,
2 personally known to me, this _____ day of _____,
3 19 _____, in the city or town of _____, state of _____.

I hereby certify that the above statements made by said
2 affiant are true to the best of my knowledge and belief and
3 that I have no knowledge as to how said affiant voted.

(Official seal, if any) Name.....
Residence
Official Title.....'

Sect. 3. Section one hundred thirty-six of said chapter 2 seven of the revised statutes as amended by said chapter 3 thirty-eight of the public laws of nineteen hundred twenty- 4 one is hereby further amended by striking out the word 5 "otherwise" in the third line of said section and inserting 6 instead thereof the words 'in person,' so that said section 7 one hundred thirty-six as amended shall read as follows: 8 'The papers mentioned in clauses (b) and (e) of sec- 9 tion one hundred thirty-four shall, as soon as they can 10 be prepared be delivered to any person who by mail or 11 in person applies therefor to the clerk of the city or town 12 where he is entitled to vote. All other papers described 13 in said section shall be mailed without unnecessary delay, 14 postage prepaid, by the city or town clerk applied to as 15 aforesaid, to all absentee voters who seasonably file the 16 application set forth in said clause (b), provided said applica- 17 tion is duly certified by the proper officials as set forth in 18 the next following section of this act.'

Sect. 4. Section one hundred forty-five of chapter seven 2 of the revised statutes as amended by chapter thirty-eight 3 of the public laws of nineteen hundred twenty-one is here- 4 by further amended by adding after the word "person" in 5 the eighth line of said section one hundred forty-five the 6 words 'unless unable so to do by reason of physical in- 7 firmity or disability as hereinbefore provided,' so that said 8 section one hundred forty-five as amended shall read as 9 follows:

‘Sect. 145. Nothing herein contained shall prevent a voter
2 who has undertaken to vote at an election in accordance
3 with the provisions of this act from voting at said election
4 in person. In case such voter shall be present on the day
5 of said election, in the city or town where he is entitled
6 to vote, for so long after the opening or so long before the
7 close of the polls therein as to give him time so to do, he
8 shall go in person to the polling place where he is entitled
9 to vote and cast his ballot, or offer to cast his ballot, in
10 person, unless unable so to do by reason of physical in-
11 firmity or disability as hereinbefore provided. Any such
12 voter who shall wilfully or knowingly neglect to comply
13 with the provisions of this section shall be deemed guilty
14 of a misdemeanor, and upon conviction thereof shall be
15 punished by a fine of not more than one hundred dollars
16 or by imprisonment not more than thirty days in jail, or
17 by both such fine and imprisonment.’