

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FOURTH LEGISLATURE

House Document

No. 338

H. P. 1054

House of Representatives, Feb. 12, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Tucker of Sanford.

STATE OF MAINE

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

AN ACT Relating to Voting by Persons Physically Incapacitated.

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

Section 1. Section one hundred and thirty-three of chapter thirty-eight of the public laws of nineteen hundred and twenty-one is hereby amended by adding in the fifth line thereof after the word, "vote" the following: 'or who, being confined to his home in this state by illness or physical disability and first files with the clerk of the town wherein he is a legal voter, a certificate signed by a reputable physician, duly admitted to the practice of medicine in this

9 state, setting forth the nature of such physical incapacity,'
10 so that said section as 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
3 respect 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, being confined to his
7 home in this state by illness or physical disability and first
8 files with the clerk of the town wherein he is a legal voter,
9 a certificate signed by a reputable physician, duly admitted
10 to the practice of medicine in this state, setting forth the
11 nature of such physical incapacity, is unable to cast his
12 ballot at the polling place where he is entitled to vote, at
13 any city election, at any primary election held pursuant to
14 sections one, twenty-three and twenty-four of chapter six
15 of the revised statutes of Maine, or at any general or special
16 state election as the term state election is defined in section
17 one of chapter seven of the revised statutes of Maine, in-
18 cluding also elections for the choice of electors of president
19 and vice-president of the United States, elections held in
20 accordance with the initiative or referendum provisions of
21 the constitution of Maine, and elections to vote upon
22 amendments to the constitution of Maine.'

Sect. 2. Section one hundred thirty-four of said chapter
2 is hereby amended in section (c) by adding in the tenth
3 line thereof after the word "because" the following:

1. I shall be absent from said town.

2. I am physically unable from attending the polling place.

2 So that said section (c) as amended shall read as follows:

‘(c) Envelopes of sufficient size to contain the ballots
2 specified in clause (a) bearing on their reverse the follow-
3 ing affidavit:

State of

County of

ss.

I, , do solemnly swear that I am a legally
2 registered voter in the city or town of ,
3 in the county of , and state of Maine, and
4 entitled to cast within ballot; that I am unable to cast my
5 ballot on election day at the polling place where I am en-
6 titled to vote because:

1. I shall be absent from said town.

2. I am physically unable from attending the polling place
2 for the following reasons: (here insert reasons)
3 that I have carefully read the instructions forwarded to me
4 with the ballot herein inclosed; that I showed to the under-
5 signed person taking my oath hereto, said ballot unmarked;
6 that I then marked said ballot and sealed it in this envelope,
7 all in his presence and in the presence of no other person but
8 without his seeing how I marked said ballot and without
9 communicating 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 19 ,
 3 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 forty-five of said chapter
 2 is hereby amended by adding in the fifth line thereof after
 3 the word "vote" the words: 'except when confined to his
 4 home by illness or physical disability,' so that said section
 5 as amended shall read as 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 to
 6 vote, except when confined to his home by illness or physical
 7 disability, for so long after the opening or so long before
 8 the close of the polls therein as to give him time so to do,
 9 he shall go in person to the polling place where he is en-
 10 titled to vote and cast his ballot, or offer to cast his ballot,
 11 in person. Any such voter who shall wilfully or knowingly
 12 neglect to comply with the provisions of this section shall
 13 be deemed guilty of a misdemeanor, and upon conviction

14 thereof shall be punished by a fine of not more than one
15 hundred dollars or by imprisonment not more than thirty
16 days in jail, or by both such fine and imprisonment.'

Sect. 4. The provisions of said chapter thirty-eight are
2 hereby modified so as to be applicable to voters confined by
3 illness or physical disability, as provided, section one hereof.