

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 939

H. P. 1610

House of Representatives, March 16, 1933.

Reported by minority of Judiciary Committee. On motion of Miss Laughlin of Portland both reports were tabled pending acceptance of either. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

New Draft of H. P. 93, L. D. 50.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Relating to Absentee Voters.

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

Sec. 1. R. S., c. 9, § 1, amended. Section 1 of chapter 9 of the revised statutes is hereby amended to read as follows:

‘Sec. 1. Term “absentee voters” defined. An absentee voter is hereby defined to be any person who is a duly qualified registered voter and, in respect to any primary election, duly enrolled as a member of the political party in the primary of which he proposes to vote, but who, through absence from the city or town in which he is entitled to vote **except when he is serving a sentence in jail or in any penal institution, after conviction, in this or any other state or in any foreign country, of a criminal offense, or because of illness, injury or any other physical infirmity** is unable to cast his ballot at the polling place where he is entitled to vote, at any city election, at any primary election held pursuant to sections 1, 23, and 24 of chapter 7, or at any general or special state election as the term state election is defined in section 1 of chapter 8, including also elections for the choice of electors of president and vice-president of the United States, elections held in accordance with the initiative of referendum pro-

visions of the constitution of Maine, and elections to vote upon amendments to the constitution of Maine.

Every person who makes application for an absent voters ballot on the ground of inability to cast his ballot because of illness, injury or other physical infirmity must accompany such application by a certificate executed by a duly licensed and practicing physician or practitioner of osteopathy in this state in substantially the following form: "I..... a duly licensed and practicing physician (or practitioner of osteopathy) in the state of Maine, do hereby certify that.....whom I have examined, will in my judgment, be unable to go in person to the polling place at which he (or she) is entitled to vote at the election to be held on the.....day of.....because of illness (or physical infirmity). (Here state the nature of the illness or physical infirmity.)

Signed....."

Sec. 2. R. S., c. 9, § 2, sub § (c), amended. Sub-section (c) of section 2 of chapter 9 of the revised statutes is hereby amended to read as follows:

c' Envelopes of sufficient size to contain the ballots specified in clause (a) bearing on their reverse the following affidavit:

"State of
County of

I, , do solemnly swear that I am a legally registered voter in the city or town or , in the county of and state of Maine, and entitled to cast within ballot; that I am unable to cast my ballot on election day at the polling place where I am entitled to vote (because I shall be absent from said town of on election day for the following reasons; (here insert reasons) **(or because of illness, injury or other physical infirmity, as appears from the certificate of filed herewith)**; that I have carefully read the instructions forwarded to me with the ballot herein inclosed; that I showed to the undersigned person taking my oath hereto, said ballot unmarked; that I then marked said ballot and sealed it in this envelope, a'l in his presence and in the presence of no other person but without his seeing how I marked said ballot and without communicating to him how I voted or intended to vote.

Signature.....

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

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

(Official seal if any)

Name.....
Residence
Official Title"

Sec. 3. R. S., c. 9, § 13, amended. Section 13 of chapter 9 of the revised statutes is hereby amended to read as follows:

'Sec. 13. Voter who is in town on day of election and attempts to vote as an absent voter guilty of a misdemeanor. Nothing herein contained shall prevent a voter who has undertaken to vote at an election in accordance with the provisions of this chapter from voting at said election in person. In case such voter shall be present on the day of said election, in the city or town where he is entitled to vote, for so long after the opening or so long before the close of the polls therein as to give him time so to do, he shall go in person to the polling place where he is entitled to vote and cast his ballot, or offer to cast his ballot, in person, **unless he is incapacitated by illness, injury, or other physical infirmity.** Any such voter who shall wilfully or knowingly neglect to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'