

# MAINE STATE LEGISLATURE

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Legislative Document

No. 170

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S. P. 130

In Senate, January 28, 1937.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Sewall of Sagadahoc.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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AN ACT to Amend the Absent Voting Law.

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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, as amended by chapter 136 of the public laws of 1933, 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 except when he is serving a sentence in jail or in any penal institution, after conviction, in this or any other state, of a criminal offense, but who through absence from the city or town in which he is entitled to vote, **or who, through some physical incapacity not adversely affecting his soundness of mind, to which condition a physician duly admitted to practice shall have certified,** 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 elec-

tion 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 or referendum provisions of the constitution of Maine, and elections to vote upon amendments to the constitution of Maine.'

**Sec. 2. R. S., c. 9, § 2, amended.** Section 2 of chapter 9 of the revised statutes is hereby amended to read as follows:

**'Sec. 2. Secretary of state to prepare ballots, blank forms, instructions, etc., for city and town clerks.** 30 days at least, when practicable, prior to any election at which absentee voting or voting prevented because of physical incapacity is authorized, and in other cases as early as may be practicable, the secretary of state, or in case of city elections the respective city clerks, shall prepare, in such quantities as the official preparing same may deem necessary, the following papers:

(a) Official absent voting ballots similar in all respects to the official ballots to be used at such election, except that the words, "Official Absent Voting or Physical Incapacity Voting Ballots," shall be printed conspicuously on the back and outside thereof.

(b) Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary:

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

(b-1) Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary, "I, \_\_\_\_\_, hereby apply for an official physical incapacity voting ballot. I am a legal resident of the city or town of \_\_\_\_\_, in the county of \_\_\_\_\_, state of Maine. I am a duly qualified and registered voter, and am, as I believe, entitled to vote at the next (state) \_\_\_\_\_ election, at precinct \_\_\_\_\_, ward \_\_\_\_\_, in the city or town of \_\_\_\_\_, in the county of \_\_\_\_\_ and state of Maine.

(I have conformed to all the requirements of the laws of Maine relative to

enrolment and am entitled to vote for the nomination of candidates of the party.)

My address, including street and number if any, on April 1st of the present year was \_\_\_\_\_ and is now \_\_\_\_\_

(Signature) .....

We, the undersigned, a majority of the officials having charge of the registration of voters of the city or town of \_\_\_\_\_ hereby certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe the facts stated in above application to be true.

(Signatures).....

.....”

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

“State of }  
County of } ss.

I, \_\_\_\_\_, do solemnly swear that I am a legally registered voter in the city or town of \_\_\_\_\_, 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 am unable to vote as a result of physical incapacity or** because I shall be absent from said town of \_\_\_\_\_ on election day for the following reasons: (here insert reasons) \_\_\_\_\_ 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, all 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 ....."

When the physical incapacity ballot is used, it shall be accompanied by a medical certificate which shall briefly describe the physical incapacity, and state that this physical incapacity does not adversely affect the soundness of mind, but that it prevents the person so incapacitated from going to the polls. Said certificate shall likewise be mailed to the clerk with the envelope mentioned in clause (c).

(d) Envelopes of sufficient size to contain the envelope **and medical certificate** mentioned in clause (c) addressed to the clerk of the city or town of \_\_\_\_\_, county of \_\_\_\_\_, state of Maine, having at the top blank spaces for the name, voting residence, and voting place of the sender with the words "Name," "Voting Residence," "Ward" and "Precinct" appropriately printed thereon.

(e) Copies of this chapter with such explanatory matter and instructions as the secretary of state, with the approval of the attorney-general, or in case of city elections such as the respective city clerks shall deem appropriate to carry into effect the purposes of this chapter.

**Sec. 3. P. L., 1933, c. 99, § 1, amended.** Section 1 of chapter 99 of the public laws of 1933, as amended by section 3 of chapter 5 of the public laws of 1935 is hereby further amended to read as follows:

**'Sec. 3-A. Notice of number of ballots.** In the case of city elections, the city clerk shall notify in writing each municipal officer of his city as to the exact number of official absent voting ballots **or physical incapacity voting ballots** which he has prepared for each voting precinct or ward of his said city, 3 days at least, Sundays included, before said city election; and a copy of such notice shall be filed by the city clerk in the office of the city clerk in a book kept for that purpose, 2 days at least, Sundays included, before said election.'

**Sec. 4. R. S., c. 9, § 4, amended.** Section 4 of chapter 9 of the revised statutes is hereby amended to read as follows:

**'Sec. 4. Ballots, blank forms, etc., to be sent to absent voters by city and town clerks upon application.** The papers mentioned in clauses (b) and (e) of section 2 shall, as soon as they can be prepared, be delivered to any person who by mail or otherwise applies therefor to the clerk of the city or town where he is entitled to vote. All other papers described in said

section shall be mailed without unnecessary delay, postage prepaid, by the city or town clerk applied to as aforesaid, to all absentee voters **or voters physically incapacitated** who seasonably file the application set forth in said clause (b), provided said application is duly certified by the proper officials as set forth in the next following section.'

**Sec. 5. R. S., c. 9, §§ 5, 6, 7, 8, 9 and 10, amended.** Section 5, as amended by section 2 of chapter 99 of the public laws of 1933, and sections 6, 7, 8, 9, and 10 of chapter 9 of the revised statutes, are hereby amended by inserting after the words "absentee voters" wherever they may appear the following words, 'or voters physically incapacitated', and wherever the words, "absent voting ballots" appear, the words, 'physical incapacity voting ballots.'