

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 316**

H. P. 912

House of Representatives, February 2, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Varney of Berwick.

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## S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

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### AN ACT Relating to Absent Voting.

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

**Sec. 1. R. S., c. 9, § 2, amended.** Section 2 of chapter 9 of the revised statutes as amended by chapter 183 of the public laws of 1937 is hereby amended to read as follows:

**‘Sec. 2. Secretary of state to prepare ballots, blank forms, instructions, etc., for city and town clerks.** Thirty 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-1) Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the elec-

tion 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.

(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.

(Signature).....

.....”

(b-2) 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.

(Signature).....  
.....”

(c-1) 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 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-1).

(c-2) STATE OF MAINE

PHYSICIAN'S CERTIFICATE—PHYSICAL INCAPACITY VOTING

To the Election officials of the \_\_\_\_\_ of \_\_\_\_\_,
County, Maine:

This is to certify that I, the subscriber, am a duly licensed and regularly practicing physician and resident in the \_\_\_\_\_ of \_\_\_\_\_,
County, Maine:

\* \* \*\*\*\*\* \* \*

(A) That on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, I examined \_\_\_\_\_ of \_\_\_\_\_ in \_\_\_\_\_

County, Maine; that said \_\_\_\_\_ is suffering from the following described ailment:

\* \* \*\*\*\*\* \* \*

(B) That \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Maine, is confined to \_\_\_\_\_ his home because of illness and is under my care and her treatment; that the ailment with which the said \_\_\_\_\_ is afflicted is \_\_\_\_\_

\* \* \*\*\*\*\* \* \*

That said ailment does not adversely affect the soundness of mind but does prevent the above-named person from going to the polls on the

day of \_\_\_\_\_, 19\_\_\_\_, the day of the  
election.

.....  
.....

**(Physicians should use whichever paragraph, A or B, is applicable)**

(d) Envelopes of sufficient size to contain the envelope and medical certificate mentioned in clauses (c-1) and (c-2) 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-1) Copies of this chapter.

(e-2) 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 purpose of this chapter.'

**Sec. 2.** Section 4 of chapter 9 of the revised statutes as amended by chapter 183 of the public laws of 1937 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. 1937, c. 183.** The papers mentioned in clauses (b-1) or (b-2), which ever is applicable, of section 2 shall 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. **The papers described in clauses (a), (c-1), (d) and (e-2) and, if physical incapacity ballot is applied for (c-2)** 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 clauses (b-1) or (b-2), provided said application is duly certified by the proper officials as set forth in the next following section.'

**Sec. 3.** Section 6 of chapter 9 of the revised statutes as amended by chapter 183 of the public laws of 1937 is hereby amended to read as follows :

**'Sec. 6. How the voter who has received an absent voting ballot or physical incapacity voting ballot may vote. 1937, c. 183.** A voter who has executed and filed an application for an official absent voting ballot or physical incapacity voting ballot with the clerk of the city or town in which he is a registered voter may, after his application is certified and he has

obtained an official absent voting ballot or physical incapacity voting ballot as provided in the two sections last preceding, vote by mailing said ballot as hereinafter provided or by delivering said ballot in person, to such city or town clerk. He shall mark said ballot in the presence of any official authorized by law to administer oaths, if the marking is done within the state of Maine, and in the presence of any notary public having a seal, if the marking is done outside of the state of Maine; but, in either case, no person other than the voter and the official taking his oath shall be present during the marking and sealing of said ballot. Before marking said ballot, the voter shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marked it. Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in clause (c-1) of section two. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c-1), said official shall endorse thereon the certificate provided for in said clause (c-1) and affix his official seal, if any, and said voter shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of section two, endorse thereon his name, address and voting place, and mail the same within the time prescribed in the following section, by registered mail requesting return receipt therefor postage prepaid, at any postoffice, or may deliver same in person as above provided.'