

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 153

S. P. 118

In Senate, January 23, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Dow of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Absentee Ballots.

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

Sec. 1. R. S., c. 9, § 4, amended. Section 4 of chapter 9 of the revised statutes, as amended, is hereby further 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) or (b-1), whichever 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), (d) and (e-1) and, if physical incapacity ballot is applied for (c-1) shall be mailed without unnecessary delay, postage prepaid **or otherwise delivered to the applicant**, 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) or (b-1), provided said application is duly certified by the proper officials as set forth in the next following section.'

Sec. 2. R. S., c. 9, § 6, amended. Section 6 of chapter 9 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 6. How the voter who has received an absent voting ballot or physical incapacity voting ballot may vote. 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 2 sections last preceding, vote by mailing **or delivering** 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) of section 2. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c), said official shall endorse thereon the certificate provided for in said clause (c) 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 2, 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 post-office, or may deliver same in person **or by his or her accredited agent as above provided.**'

Sec. 3. R. S., c. 9, § 7, amended. Section 7 of chapter 9 of the revised statutes is hereby amended to read as follows:

'Sec. 7. When ballots shall be mailed or delivered by absent voter. All ballots cast under the provisions of the preceding section shall be mailed on or prior to the day of election, or, if delivered ~~in person~~, shall be delivered at least 24 hours before the opening of the polls at the voter's polling place on the day of the election. The postmark, if legible, shall be conclusive evidence of the time and place of mailing. Any clerk, if requested thereto, shall give to any person delivering such ballot ~~in person~~ a receipt therefor setting forth the precise date, hour, and minute of the delivery.'