

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 917**

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S. P. 506

In Senate, April 17, 1944.

Referred to Committees on Judiciary and Legal Affairs jointly. Sent down for concurrence and 1,000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Farris of Kennebec.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FOUR

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**AN ACT to Facilitate Voting by Men and Women Serving In, Connected  
With, or About to Become Members of the Armed Forces.**

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**Emergency preamble.** Whereas, the election laws of the State of Maine are not sufficiently broad to permit registration and enrollment for voting in all cases of persons qualified, under the Constitution of the State, without the actual appearance of said persons before certain designated local officials, and

Whereas, there are many young men and women serving with or attached to the armed forces of the United States, who are not registered and will be unable to vote in any elections, and others who are registered but not enrolled in any party so they will be unable to vote in primary elections, unless the law is changed to permit such registration and enrollment without being personally present, and

Whereas, such person, if overseas, must be sent absentee ballots by air mail and the provisions of the present law make the weight of the parcel containing the ballot and the envelopes unnecessarily great, and

Whereas, it is in the opinion of this legislature essential that all men and women serving with or attached to the armed forces of the United States shall so far as practicable have an opportunity to vote, and

Whereas, in the judgment of the legislature the facts above enumerated create an emergency within the meaning of section 16 of Article XXXI of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** R. S. Chapter 6, Sections 6 to 35 inclusive, as amended, are hereby amended by adding thereto the following sections to be known as Sections 35a and 35b:

**Sec. 35a. Registration of citizens in, attached to, or serving with the armed forces during the life of this act.** During the life of this act, boards of registration in cities of over 3000 inhabitants and municipal officers in other cities, towns and plantations shall, at any session, place upon the voting lists the names of any citizens who are absent from their places of residence and are serving in or are about to be inducted into the armed forces of the United States or are serving in the Merchant Marine of the United States; or are attached to and serving with the armed forces of the United States as members of the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, or the United Service Organizations, provided they are qualified under the constitution of the United States and the constitution of the State of Maine as electors.

The boards of registration and municipal officers may receive evidence from any source regarded as competent in the courts of law of this state, to aid them in determining the constitutional qualifications as electors of such citizens.

The said boards of registration and municipal officers are hereby empowered to meet in session on any secular day up to and including the days of election for the purpose of correcting and adding names to said voting lists, without extra compensation unless such extra compensation be specially voted by the respective cities or towns.

**Sec. 35b. Designation of voter.** When the board of registration or the municipal officers shall have determined that a citizen serving in or about to be inducted into the armed forces of the United States or one serving in the Merchant Marine of the United States, or one who is attached to and serving with the armed forces of the United States as a member of the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, or the United Service Organizations, has the qualifications required by the constitution for an elector, his name shall be placed on the list of voters. The letter "(S)" shall be marked before the name of the elector

so placed on the list of voters to designate that such person is serving in, attached to or serving with one of the said organizations or activities, or that he is about to be inducted into the armed forces and that he is qualified as an elector under the provisions of this act.

**Sec. 2.** R. S. Chapter 7 is hereby amended by adding thereto a new section to be known as Section 12a:

**Sec. 12a. Enrollment of voters.** Upon written request therefor signed by a registered voter in the armed services or in any of the other services or organizations specified in Sections 35a and 35b of Chapter 6 of the Revised Statutes, which said sections are parts of this act, the board of registration or municipal officers, as the case may be, shall enroll such voter as a member of the political party of his choice.

Upon request of a former guardian, or a grandparent, parent, spouse, adult brother, adult sister, or adult child of a registered voter who is absent or expects to be absent from the place of his residence and who is in or about to be inducted into the armed services of the United States, or who is in or expects to be in or connected with one of the services or organizations referred to in Sections 35a and 35b above, and who will be or expects to be absent from his place of voting at the time of the election, whether or not such voter be at the time enrolled under the provisions of the primary law, the city or town clerk shall send the state absentee voting ballot of the political party so requested to such voter, as provided in this act. A statement of political party preference over the signature of such voter on the return envelope containing primary ballot shall be deemed an application for enrollment.

**Sec. 3.** R. S. Chapter 9 is hereby amended by inserting after Section 5 thereof the following section to be known as Section 5a:

**Sec. 5a. Ballot to be mailed to soldiers, etc.; how to vote; no oath required; certificate of board; ballot placed in ballot box.** In the case of a person registered as provided by this act or by the regular election laws of this state, if a request for a ballot as provided in section 4 of this act is received by the clerk of the city or town of his residence, a ballot, together with instructions for voting, shall be mailed to such person. It shall be the duty of the secretary of state to provide ballots on paper of appropriate size and weight and a special envelope which will move free of postage as provided in Public Law 277—78th Congress. Such person shall, if he desires to vote in the election for which such ballot is issued, mark his ballot as provided in the general election laws of the state, privately, so that no one may see how he has voted. The provisions for an oath are expressly

waived. He shall then fold his ballot, place it in the return envelope, seal the envelope, sign his name and write his voting residence in a place provided for the purpose in the upper left hand corner, have his name certified as that of the voter which certification shall be in a place provided on the same envelope below the signature of the voter, by any commissioned officer, non-commissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States, or by any member of the Merchant Marine of the United States designated to administer and attest oaths by the Administrator of the War Shipping Administration, and shall then mail the envelope to the city or town clerk of the place of his residence. The form of this certification shall be as follows:

"Above signature certified as genuine"  
 .....  
 Name and Rank of Officer.

The board of registration or the municipal officers, as the case may be, shall thereupon certify by writing to be attached to said envelope, that the person whose name appears as sender of the envelope is a duly registered, and in the case of the primary, an enrolled voter of said city or town. The city or town clerk shall, upon election day, before the hour for closing the polls, deliver all envelopes received by him to the election officials in the several voting precincts in which the voters named therein have the right to vote, together with a list signed by him of the voters' names and addresses, as shown upon said envelopes, and the envelopes shall be opened and the ballots placed in the ballot box, as provided in R. S. Chapter 9, Section 9, as amended. This section and all other sections of this act shall be liberally interpreted to the end that all persons in the classification designated herein, who are constitutionally qualified, shall have the opportunity to vote in all elections in which absentee voting is permitted under the general election laws of the state of Maine.

**Sec. 4. Form of request.** Any request in writing purporting to come from a person in, attached to or serving with the armed forces as herein-above described, or a written request signed by a person claiming to be a parent, grandparent, former guardian, spouse, adult brother, adult sister, or adult child of such person, shall be considered as a sufficient compliance with the existing statutes requiring the filing of an application for an absentee ballot.

**Sec. 5. Duty to transmit.** It shall be the duty of any person who receives a request for a ballot from a person as herein described to transmit

such request forthwith to the clerk of the city or town of the requester's residence, if such residence is known.

**Sec. 6. Duty of boards of registration and of municipal officers.** It shall be the duty of the several boards of registration and of the municipal officers to proceed with all reasonable expedition in ascertaining whether such requesters may properly be registered as voters under the provisions of this act and the provisions of the general election laws of the state. It shall further be the duty of such officials and of the city and town clerks to proceed with all reasonable expedition to provide that such person shall have the opportunity of voting.

**Sec. 7. Right of challenge; penalties.** The right and duty of challenge of any ballot cast under the provisions of this act, as provided in the general election laws of the state, shall not be interpreted as being modified in any way by the provisions of this act, but any person who shall unreasonably or wilfully cause delay in the registration of any citizen in, attached to or serving with the armed forces of the United States, as herein described, or in the Merchant Marine of the United States, or in sending a ballot to any such person, or the certification of any such person as a voter, or the casting of such ballot, shall be guilty of a misdemeanor and shall on conviction be punished by a fine of not less than \$50 or more than \$500, and by imprisonment for not more than 11 months.

Whoever, not being entitled to vote under the provisions of this act votes, or attempts to vote under the provisions hereof, or whoever, being entitled to vote under the provisions of this act, knowingly votes or attempts to vote in violation of the terms thereof, or whoever, being an official entrusted with the execution of this act, wilfully or negligently violates any provision hereof, shall be punished by a fine of not less than \$50 or more than \$500 and by imprisonment for not more than 11 months.

**Sec. 8.** All ballots cast under the provisions of this act shall be sent by mail or otherwise on or prior to the day of election or, if delivered in person to the city or town clerk, shall be delivered at least 24 hours before the opening of the polls at the voter's voting place on the day of the election. Any city or town clerk, on receiving such a ballot, shall, if so requested, give to any person delivering such ballot, a receipt setting forth the precise date, hour and minute of the delivery.

**Sec. 9.** This act shall be effective until 90 days after the adjournment of the next regular session of the legislature, unless it has been further extended by express legislative act. Any registration of voters under this act

shall continue in effect during the life of this act and any extension thereof and no longer.

**Sec. 10.** Any provisions of statute contradictory to any of the provisions herein expressed are hereby modified to give effect to this act, but only in regard to the class of voters described herein.

**Sec. 11.** The general laws of the state in regard to elections, except as herein modified, shall apply to all acts of boards of registration and of municipal officers, and of city or town clerks in the handling and counting of absentee ballots.

**Sec. 12. Federal war ballot authorized under certain circumstances for election of November 7, 1944.** Any qualified voter as defined in this act having been registered may mark and send to the clerk of the city or town of his residence an "official federal war ballot" as described in Title III of the Act of Congress designated as "Public Law 712" as amended by an Act of Congress designated "Public Law 277—78th Congress", together with a statement by him subscribed to the effect that prior to September 1, 1944 he had applied for a state absentee ballot but as of October 1, 1944, he had not received such state ballot.

The election officials of said city or town shall receive said "official federal war ballot" at any time prior to closing of the polls on election day as the ballot of the person attempting to vote therewith if, according to the records of the board of registration or municipal officers of said city or town, he is a qualified voter. The "official federal war ballot" received in accordance with the above shall be placed in the ballot box as are other absentee ballots and shall be counted as a ballot for the presidential electors of the party of the presidential candidate whose name has been written on said ballot, provided the requirements of said "Public Law 712" as amended by "Public Law 277—78th Congress" have been complied with. Should both a state absentee ballot and an "official federal war ballot" be received from any one registered voter, the state absentee ballot shall be placed in the ballot box as the ballot of such voter, and the "official federal war ballot" with the envelope containing such ballot enclosed shall be sealed in the package with other unused ballots. The provisions of this section shall apply only to the election of presidential and vice presidential electors to be held on November 7, 1944.

**Sec. 13.** The provisions of sections I to II inclusive of this act are hereby made applicable as far as may be to primary elections.

**Sec. 14. Separability.** If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

**Sec. 15.** In view of the emergency above expressed, this act shall take effect when approved.