

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 919**

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S. P. 509

In Senate, April 19, 1944.

Reported by Mr. Farris of Kennebec and Mr. Sanborn of Cumberland from the Committees on Judiciary and Legal Affairs jointly and laid on table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FOUR

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**AN ACT to Facilitate Voting by Members of the Armed Forces of the  
United States.**

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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 such 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 persons, 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. Definitions.** The term "members of the armed forces", wherever used in this act, shall be construed to mean persons serving in the armed forces of the United States or in the Merchant Marine of the United States or serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots or the United States Service Organizations and attached to and serving with the armed forces of the United States.

The term "board of registration" as used in this act shall be held to include the board, by whatever name designated, which is authorized to register voters in any given municipality.

**Sec. 2. Registration of members of the armed forces.** Boards of registration shall at any session place upon the voting lists the names of any citizens who are absent from their places of residence and who are members of the armed forces whom they judge to be constitutionally qualified as electors.

The boards of registration are hereby empowered to meet in session on any secular day up to and including the day of election for the purpose of correcting and adding names to voting lists.

The letter "(S)" shall be marked before the name of any person so registered.

**Sec. 3. Enrollment of voters; application.** Upon written request therefor signed by a registered voter who is a member of the armed forces, the board of registration shall enroll such voter as a member of the political party of his choice. A statement of political party preference over the signature of such voter on the return envelope containing a primary ballot shall be deemed an application for enrollment.

Any request, in writing, from a member of the armed forces, or from a former guardian, a spouse, or an adult blood relative of such member shall be considered as a sufficient compliance with the existing statutes requiring the filing of an application for an absentee primary or general election bal-

lot. A request for a primary election ballot shall designate the party choice of the elector.

**Sec. 4. 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 3 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, 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”

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Name and rank or rating of Officer.

The board of registration 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.

No mere informality in the manner of carrying out any provision of law affecting voting by members of the armed forces at any election shall invalidate such election or constitute sufficient cause for the rejection of the returns thereof, and such provisions shall be construed liberally to effectuate their purposes.

**Sec. 5. Ballots; delivery and receipt.** All ballots cast under the provisions of this act shall be sent by mail or otherwise so as to be received by the city or town clerk on or prior to the day of election, or, if delivered in person to the voter's city or town clerk shall be delivered at least 24 hours before the opening of the polls on the day of the election. Any city or town clerk on receiving such a ballot shall, if requested, give to the person delivering such ballot a receipt setting forth the precise date, hour and minute of delivery.

**Sec. 6. Suspending clause.** All acts or parts of acts inconsistent with the provisions of this act in so far as they might affect this act shall be suspended so long as this act remains in force.

**Sec. 7. 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 any 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 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. 8. Secretary of state; authority.** The secretary of state may take such steps, and do such things, of an administrative nature as in his opinion are necessary to make effective any provision of law facilitating voting by absent voting ballots by members of the armed forces and to utilize fully any federal or other facilities afforded in connection with such voting.

**Sec. 9. 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. 10. Penalties.** Any person who shall unreasonably or wilfully cause delay in the registration of any person who is a member of the armed forces or in sending a ballot to any such person or the certification of any such person as a voter or the casting of any such ballot shall be guilty of a misdemeanor and shall on conviction be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months.

**Sec. 11. Duration of act.** This act shall remain in force until 6 months after the state of war ceases between the United States and every foreign government. It shall not be printed in the new revision of statutes.

**Sec. 12.** In view of the emergency above expressed, this act shall take effect when approved.