

MAINE STATE LEGISLATURE

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

Legislative Document

No. 811

S. P. 279

In Senate, February 13, 1947.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Williams of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Amending the Absent Voting Law With Reference to Towns and Plantations.

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

Sec. 1. R. S., c. 6, § 5, amended. Section 5 of chapter 6 of the revised statutes is hereby amended as follows:

'Sec. 5. Ballots, blank forms, etc., to be sent to absent voters by city and town clerks upon application. The papers mentioned in subsections II and III, whichever is applicable, of section 2 hereof 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 subsections I, IV, VI, and VII, except copies of this chapter, and also, if physical incapacity ballot is applied for, the form described in subsection V 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 every absentee voter or voter physically incapacitated who seasonably files the application set forth in said subsections II or III, provided such application is duly certified by the proper officials as required by the 2 following sections.'

Sec. 2. R. S., c. 6, § 6-A, additional. Chapter 6 of the revised statutes is hereby amended by adding thereto a new section to be numbered 6-A, to read as follows:

'Sec. 6-A. Procedure in towns and plantations. When an application for an absent voting ballot or physical incapacity voting ballot is received by a clerk of a town or plantation, he shall forthwith mail or deliver the ballot to the applicant. Before the opening of the polls on election day, the clerk shall deliver to the officials charged by law with the registration and enrolment of voters in such town or plantation all applications for absent voting and physical incapacity voting ballots which have been received by him. Said officials shall examine each application and if they believe the signature thereon to be genuine and the statements therein made by the applicant to be true, they shall execute the certificate thereon and return it to the clerk. If the officials do not believe the signature to be genuine or the statements made by the applicant to be true, and so decline to execute the certificate, they shall forthwith mail to the applicant at his address as stated on his application written notice to that effect, giving their reasons for so declining and informing him that his ballot will not be counted. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time the application shall also be destroyed. The clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot or physical incapacity voting ballot is mailed or delivered and whose application has been certified as herein set forth prior to the opening of the polls on election day, the letters in capitals A. V.'

Sec. 3. R. S., c. 6, § 7, amended. Section 7 of chapter 6 of the revised statutes is hereby amended as follows:

'Sec. 7. 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~~ and has obtained an official absent voting ballot or physical incapacity voting ballot, **may** vote by mailing or delivering such ballot as hereinafter provided to such city or town clerk. He shall mark his ballot in the presence of any official authorized by law to administer oaths, if the marking is done within this state, or in the presence of any notary public having a seal, if the marking is done outside this state, or in the presence of any commissioned officer of the army, navy, or marine corps, including officers of the

national guard, officers' reserve corps, naval militia, naval reserve, or marine corps reserve in federal service, if the voter is in the military service of the United States, whether within or outside this state, who are authorized to administer the oaths herein required, 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 the ballot. Before marking his ballot, the voter shall exhibit it to the official, who shall satisfy himself that it is unmarked, but he shall not allow the official to see how he marks it. The official shall hold no communication with the voter, nor he with the official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in subsection IV of section 2. He shall then execute before the official the affidavit on the envelope as set forth in said subsection IV, and commissioned officers of the army, navy, and marine corps, including officers of the national guard, officers' reserve corps, naval militia, naval reserve, and marine corps reserve in federal service are authorized to administer the oaths herein required. The official shall indorse thereon the certificate provided for in said subsection IV and affix his official seal, if any, and the voter shall enclose and seal the envelope with the ballot in the envelope provided for in subsection VI of section 2, indorse 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 it in person or by his accredited agent. For the purpose of this section, the clerk of any city or town within this state is authorized to administer the required oath.'

Sec. 4. R. S., c. 6, § 9, amended. Section 9 of chapter 6 of the revised statutes is hereby amended as follows:

'Sec. 9. Procedure to be employed by clerk upon receipt of envelope purporting to contain absent voting ballot or physical incapacity voting ballot. Upon receipt of an envelope purporting to contain an official absent voting ballot or physical incapacity voting ballot, the ~~city clerk of the city or town~~ shall attach thereto the corresponding application and shall keep lists of names and addresses, arranged by voting precincts, of all voters whose names appear thereon together with the date when such envelopes were received, and these lists shall be public records and shall be preserved by the clerk until the time fixed by law for the destruction of ballots cast in the coming election. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the clerk shall deliver all such envelopes received by him to the election officials in the several voting precincts in which the voters named therein

assert the right to vote, together with a list signed by him of the voters' names and addresses as shown thereon.

In towns and plantations, the clerk shall attach to any envelope purporting to contain an official absent voting or physical incapacity voting ballot the corresponding application as soon as the same has been returned to him properly certified. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the clerk shall deliver all such envelopes received by him to the election officials in the several voting precincts in which the voters named therein assert the right to vote.'