

MAINE STATE LEGISLATURE

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

Legislative Document

No. 156

S. P. 101

In Senate, January 25, 1951.

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Haskell of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Clarifying the Election Laws.

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

Sec. 1. R. S., c. 3, § 19, amended. The last sentence of section 19 of chapter 3 of the revised statutes is hereby amended to read as follows:

'Whenever a registered woman voter shall assume through marriage or any process of law a new surname, she shall notify the board **or the city clerk** of such change, in person, and the board shall then register her again; but when the open session for registration of voters, as hereinbefore provided has ended, and before the close of the day of election, she may present to the board a duly executed certificate of her marriage, or of her change of name by process of law, and the board shall cause her name to be changed accordingly on the voting list and the general register, and shall issue its certificate directed to the officers presiding over the election, in the same manner and with the same effect as hereinbefore provided by reason of clerical error or omission of a name from the voting list.'

Sec. 2. R. S., c. 4, § 24, amended. The 1st 2 sentences of section 24 of chapter 4 of the revised statutes are hereby amended to read as follows:

'The secretary of state shall 14 days at least prior to the day of any primary election transmit to the clerk in each city, town and plantation ~~a printed list~~

of the state on the Friday immediately preceding the day of any such primary election.'

Sec. 6. R. S., c. 5, § 2, amended. Section 2 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 2. Specimen ballots of nominations to be transmitted to clerks of cities, towns and plantations 7 days before any election, and published. The secretary of state shall, 7 days at least, previous to the day of any state election, transmit to the clerk in each city, town and plantation in which such election is to be held, ~~printed lists~~ **specimen ballots** containing the names, residences and party or political appellations of all candidates nominated as provided in chapter 4 for such election and to be voted for at each voting place in each such city, town and plantation respectively, substantially in the form of the general ballot to be so used therein; and the clerks shall immediately cause the ~~lists~~ **specimen ballots** for each ward, town or plantation, as the case may be, to be conspicuously posted in one or more public places in such ward, town or plantation. The secretary of state shall likewise cause to be published prior to the day of any such election, in at least 2 newspapers, if there be so many printed or published in each county, representing so far as practicable, the political parties which, at the preceding election, cast the largest and next largest numbers of votes, a ~~list~~ **specimen ballot** of all such nominations, so far as may be, in the form in which they shall appear upon the general ballots. New nominations made or authorized shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the secretary of state to any clerk shall be duplicated on the succeeding day.'

Sec. 7. R. S., c. 6, § 2, sub-§ IV, repealed and replaced. Subsection IV of section 2 of chapter 6 of the revised statutes is hereby repealed and the following enacted in place thereof:

'IV. Envelopes of sufficient size to contain the ballots specified in subsection I, 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 and the following affidavit:

"I, _____, do solemnly swear that I am unable to cast my ballot on election day at the voting place where I am entitled to vote because I shall be absent on the day of election, or prevented from going to the polls due to physical incapacity on the day of election (strike out

reason not applicable). I have carefully read the instruction on the reverse side of this envelope and have marked my ballot in accordance with them.

(Signature)

I hereby certify that the above statements made by said affiant are true to the best of my knowledge and belief.

(Official seal, if any.)

Name

Residence

Official Title"

Such envelopes shall bear on their reverse side instructions as to the manner of voting.'

Sec. 8. R. S., c. 6, § 2, sub-§ VI, repealed and replaced. Subsection VI of section 2 of chapter 6 of the revised statutes is hereby repealed and the following enacted in place thereof:

'VI. Envelopes of sufficient size to contain the ballot and the return envelope mentioned in subsection IV bearing on the face thereof "From the Clerk of " with appropriate lines for the address of the voter.'

Sec. 9. R. S., c. 6, § 6-A, amended. Section 6-A of chapter 6 of the revised statutes, as enacted by section 2 of chapter 146 of the public laws of 1947, is hereby amended 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.~~ When a written request 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 application and ballot to the applicant; provided, however, that if the request is made on the form prescribed by subsection III of section 2, then he shall mail or deliver only the ballot. Before the ~~opening~~ closing 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 10. R. S., c. 6, § 7, amended. Section 7 of chapter 6 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new paragraph, to read as follows:

'Any voter, voting in accordance with the provisions of the preceding paragraph and who is unable to mark his ballot due to blindness or other physical incapacity, may request the official who is authorized by law to administer oaths to mark the ballot for him in accordance with his instructions.'