

# MAINE STATE LEGISLATURE

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New Draft of: S. P. 33, L. D. 31

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

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Legislative Document

No. 1243

S. P. 428

In Senate, March 12, 1959

Reported by Senator Woodcock from Committee on Election Laws and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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### STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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#### AN ACT Relating to Absent Voting.

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

**Sec. 1. R. S., c. 6, § 1, amended.** Section 1 of chapter 6 of the Revised Statutes is amended to read as follows:

**'Sec. 1. "Absentee voters" defined.** An absentee voter is defined to be any person who is a duly qualified registered voter and, in respect to any primary election, duly enrolled as a member of the political party in the primary of which he proposes to vote except when he is serving a sentence in jail or in any penal institution, after conviction, in this or any other state, of a criminal offense, but who, through absence from the city or town in which he is entitled to vote, or who, through some physical incapacity not adversely affecting his soundness of mind, ~~to which condition a physician duly admitted to practice shall have certified after examination,~~ or who, for religious reasons, is unable to cast his ballot at the voting place where he is entitled to vote, at any city election, which shall include a city primary where the Australian ballot is used, at any primary election held pursuant to ~~the provisions of sections 1, 15, 46 and 47~~ of chapter 4, **sections 1, 15, 46 and 47**, or at any general or special state election as the term state election is defined in ~~section 1~~ of chapter 5, **section 1**, including also elections for the choice of electors of President and Vice-president of the United States, elections held in accordance with the initiative or referendum provisions of the Constitution of Maine, and elections to vote upon amendments to the Constitution of Maine.'

**Sec. 2. R. S., c. 6, § 2, sub-§ V, repealed.** Subsection V of section 2 of chapter 6 of the Revised Statutes is repealed, as follows:

**“V. STATE OF MAINE  
PHYSICIAN’S CERTIFICATE PHYSICAL INCAPACITY VOTING**

To the Election officials of the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Maine:

This is to certify that I, the subscriber, am a duly licensed and regularly practicing physician and resident in the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Maine:

\*\*\*\*\*

A. That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I examined \_\_\_\_\_ of \_\_\_\_\_ in \_\_\_\_\_ County, Maine; that said \_\_\_\_\_ is suffering from the following described ailment:

\*\*\*\*\*

B. That \_\_\_\_\_, of \_\_\_\_\_ County, Maine, is confined to his (her) home because of illness and is under care and treatment; that the ailment with which the said \_\_\_\_\_ is afflicted is \_\_\_\_\_.

\*\*\*\*\*

(Physicians should use whichever paragraph, A or B, is applicable.)

That said ailment does not adversely affect the soundness of mind but does prevent the above named person from going to the polls on the day of \_\_\_\_\_, 19\_\_\_\_, the day of the \_\_\_\_\_ election.

.....  
.....”

Sec. 3. R. S., c. 6, § 5, amended. Section 5 of chapter 6 of the Revised Statutes is amended to read 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, subsection II and III, whichever is applicable, 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 of section 2, subsection 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 of section 2 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 following sections 6 and 7.’

Sec. 4. R. S., c. 6, § 9, amended. Section 9 of chapter 6 of the Revised Statutes is amended to read as follows:

**'Sec. 9. Receipt of ballots from absent voter.** All ballots cast under the provisions of ~~the preceding~~ section 8, whether delivered in person or by mail, shall be received by the ~~plantation, town or city~~ municipal clerk before the closing of the polls on the day of election. **This paragraph shall apply only to municipalities of less than 10,000 inhabitants.**

**In municipalities of more than 10,000 inhabitants no such ballots shall be received by the town or city clerk after 3 o'clock in the afternoon on the day of election.'**