

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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which he resides, or if he does not reside in the state, then to the town in which the bet or wager is made, to be recovered in an action on the case. The mayor of the city or the treasurer of the town or plantation entitled to such forfeiture shall forthwith proceed to sue for it, as soon as he has proper evidence of such betting or wagering.

*69 Me. 121; 70 Me. 496.

Sec. 121. Money paid on bet may be recovered. R. S. c. 7, § 122. Any party to such bet or wager, who has paid or conveyed to the winning party the money or property so bet or wagered, may recover it, or its value, in an action on the case.

68 Me. 531.

Sec. 122. Conveyances for such purposes void; forfeit to town. R. S. c. 7, § 123. All conveyances, by deed or otherwise, of any interest in real estate made by reason of any such bet or wager, are void; the person making them forfeits the full value of the interest so conveyed to the town entitled to the forfeiture for such betting or wagering, to be recovered as aforesaid.

CHAPTER 9.

Absent Voting.

Sec. 1. Term "absentee voters" defined. 1921, c. 38, § 133. An absentee voter is hereby 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, but who, through absence from the city or town in which he is entitled to vote, is unable to cast his ballot at the polling place where he is entitled to vote, at any city election, at any primary election held pursuant to sections one, twenty-three, and twenty-four of chapter seven, or at any general or special state election as the term state election is defined in section one of chapter eight, 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. Secretary of state to prepare ballots, blank forms, instructions, etc. for city and town clerks. 1921, c. 38, § 134. Thirty days at least, when practicable, prior to any election at which absentee voting is authorized, and in other cases as early as may be practicable, the secretary of state, or in case of city elections the respective city clerks, shall prepare, in such quantities as the official preparing same may deem necessary, the following papers:

(a) Official absent voting ballots similar in all respects to the official ballots to be used at such election, except that the words, "Official Absent Voting Ballot," shall be printed conspicuously on the back and outside thereof.

(b) Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary:

"I, _____, hereby apply for an official absent voting ballot. I am a legal resident of the city or town of _____, in the county of _____, state _____"

CHAP. 9

of Maine. I am a duly qualified and registered voter, and am, as I believe, entitled to vote at the next (state) election, at precinct ward , in the city or town of , in the county of and state of Maine.

(I have conformed to all the requirements of the laws of Maine relative to enrolment and am entitled to vote for the nomination of candidates of the party.)

My address, including street and number if any, on April first of the present year was and is now

(Signature).....

We, the undersigned, a majority of the officials having charge of the registration of voters of the city or town of hereby certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe the facts stated in above application to be true.

(Signatures).....

(c) Envelopes of sufficient size to contain the ballots specified in clause (a) bearing on their reverse the following affidavit:—

“State of }
County of } ss.

I, , do solemnly swear that I am a legally registered voter in the city or town of , in the county of , and state of Maine, and entitled to cast within ballot; that I am unable to cast my ballot on election day at the polling place where I am entitled to vote because I shall be absent from said town of on election day for the following reasons: (here insert reasons) that I have carefully read the instructions forwarded to me with the ballot herein inclosed; that I showed to the undersigned person taking my oath hereto, said ballot unmarked; that I then marked said ballot and sealed it in this envelope, all in his presence and in the presence of no other person, but without his seeing how I marked said ballot and without communicating to him how I voted or intended to vote.

(Signature).....

Subscribed and sworn to before me by the above affiant, personally known to me, this day of 19 , in the city or town of , state of

I hereby certify that the above statements made by said affiant are true to the best of my knowledge and belief and that I have no knowledge as to how said affiant voted.

(Official seal, if any.) Name.....
Residence.....
Official Title

(d) Envelopes of sufficient size to contain the envelope mentioned in clause (c) 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.

(e) Copies of this chapter with such explanatory matter and instructions as the secretary of state, with the approval of the attorney-general, or in case of city elections such as the respective city clerks shall deem appropriate to carry into effect the purposes of this chapter.

Sec. 3. Secretary of state to supply each city and town with as many papers as he deems necessary. 1921, c. 38, § 135. The secretary of state shall supply each city and town clerk in the state with as many as he may deem necessary of the papers prepared by him in accordance with the provisions of the preceding section, and in city elections shall furnish sufficient copies of this chapter to the city clerks.

Sec. 4. Ballots, blank forms, etc., to be sent to absent voters by city and town clerks upon application. 1921, c. 38, § 136. The papers mentioned in clauses (b) and (e) of section two shall, as soon as they can be prepared, 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. All other papers described in said section shall be mailed without unnecessary delay, postage prepaid, by the city or town clerk applied to as aforesaid, to all absentee voters who seasonably file the application set forth in said clause (b), provided said application is duly certified by the proper officials as set forth in the next following section.

Sec. 5. When application is received, clerk to submit it to officials charged with registration of voters; said officials to certify to genuineness of applicant; if not certified as genuine, applicant to be notified; applications to be preserved and note to be made on check-list. 1921, c. 38, § 137. When an application for an official absent voting ballot is received by the clerk of a city or town, he shall forthwith transmit same to the officials charged by law with the registration and enrolment of voters in said city or town. Said officials shall examine same; 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 same to said clerk. The city clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot is mailed or delivered, and prior to the opening of the polls on election day, the letters in capitals A. V. If said officials do not believe said signature to be genuine or said statements made by the applicant to be true, or decline to execute the said certificate, they shall forthwith mail to the purported applicant at his last address as stated on said application written notice to that effect, giving their reasons for so declining. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time said application shall also be destroyed. The clerk shall keep lists of the names and addresses, arranged by voting precincts, of all voters filing applications for absent voting ballots, and shall post copies of said lists for public inspection at each polling place.

Sec. 6. How the voter who has received an absent voting ballot may vote. 1921, c. 38, § 138. A voter who has executed and filed an application for an official absent 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 has obtained an official absent voting ballot as provided in the two sections last preceding, vote by mailing said ballot as hereinafter provided or by delivering said ballot in person, to such city or town clerk. He shall mark said ballot in the presence of any official authorized by law to administer oaths, if the marking is done within the state of Maine, and in the presence of any notary public having a seal, if the marking is done outside of the state of Maine; 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 said ballot. Before marking said ballot, the voter shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marked it. Said official shall hold no communication with the voter, nor he with said official, as to how he is

to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in clause (c) of section two. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c), said official shall endorse thereon the certificate provided for in said clause (c) and affix his official seal, if any, and said voter shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of section two, endorse 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 same in person as above provided.

Sec. 7. When ballots shall be mailed or delivered by absent voter. 1921, c. 38, § 139. All ballots cast under the provisions of the preceding section shall be mailed on or prior to the day of election, or, if delivered in person, shall be delivered at least twenty-four hours before the opening of the polls at the voter's polling place on the day of the election. The postmark, if legible, shall be conclusive evidence of the time and place of mailing. Any clerk, if requested therefor, shall give to any person delivering such ballot in person a receipt therefor setting forth the precise date, hour, and minute of the delivery.

Sec. 8. Procedure to be employed by clerk upon receipt of envelope purporting to contain absent voting ballot. 1921, c. 38, § 140. Upon receipt of an envelope purporting to contain an official absent voting ballot, the clerk of the city or town shall attach thereto the application for an official absent voting ballot executed by the voter whose name appears thereon and certified by the registration officials as hereinbefore provided. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the said clerk shall deliver all 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 upon said envelopes.

Sec. 9. Procedure to be employed by election officials at polls, in respect to absent voting ballots. 1921, c. 38, § 141. Immediately after the closing of the polls, and after the ballots cast have been removed from the ballot-box, the presiding officer in each polling place shall open all envelopes delivered to him under the provisions of the preceding section and shall compare the signatures on the envelopes therein enclosed with the signatures on the applications attached thereto, and shall examine the affidavits. If the affidavits are duly and properly executed in accordance with the provisions of this chapter, and if the voter's signatures on the affidavits appear to be made by the same persons who signed the applications, and to be the signatures of duly registered voters who have not voted at the election, he shall make public announcement of the names of the absentee voters, open the envelopes in such manner as not to destroy the affidavits thereon, take out the ballots without unfolding them or permitting them to be opened or examined, and, after checking the names of the absentee voters on the voting list, shall deposit the ballots in the ballot-box. If he finds an envelope to bear an affidavit not duly and properly executed as aforesaid, or not signed by the same person who signed the accompanying application, or if the voter whose name appears thereon is not a registered voter, is not enrolled when enrolment is requisite to the casting of the ballot, or has voted in person, the presiding officer shall not open the envelope, but shall mark across the face thereof "Rejected as defective," "Rejected as not a voter," "Rejected as not enrolled" or, "Voted in person" as the case may be. In event of its appearing from the color of the ballot at a primary election, when said ballot is taken from

its envelope by the said presiding officer, that said ballot is for the nomination of candidates of a party other than that in which the absentee voter is enrolled, said presiding officer, without opening said ballot, shall endorse on the outside thereof and of the envelope containing same, "Rejected as not enrolled in the proper party," and shall thereupon replace said ballot in its envelope and reseal said envelope securely. All envelopes, opened or unopened, shall be retained with the ballots cast at the election, and preserved and destroyed in the manner provided by law for the retention, preservation, or destruction of official ballots. The tally sheets in use at elections shall provide in convenient form for the recording thereon of all envelopes, as well as all accepted or rejected ballots of absentee voters.

Sec. 10. Challenge of absent voting ballots, procedure; penalty. 1921, c. 38, § 142. All absent voting ballots shall be subject to challenge when and as cast by any qualified elector of the city or town where said ballot is presented for non-compliance with the provisions of this chapter, or for any reason disqualifying the person whose ballot is challenged from voting same, and an opportunity shall be given for such challenge by the officer presiding at the polling place, and such officer presiding shall note the fact of such challenge upon the voting list used at said polling place. Said presiding officer shall also note the fact of such challenge together with the name of the voter upon the ballot so challenged, witnessed by two election officers representing two different parties. Any failure to comply with the provisions of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

Sec. 11. Ballot not to be rejected for any irregularity; ballot not to be counted if voter has died since application was made. 1921, c. 38, § 143. No ballot transmitted under the provisions of this chapter shall be rejected for any immaterial addition, omission, or irregularity in the preparation or execution of any writing or affidavit required herein. No ballot presented under the provisions hereof shall be counted if the officers charged with the duty of counting the same are cognizant of the fact that the voter has died prior to the opening of the polls on the day of election.

Sec. 12. Ballots received after close of polls to be retained by clerk until time set for destruction of regular ballots. 1921, c. 38, § 144. All envelopes received by clerks of cities and towns after the hour fixed for the closing of the polls on the day of election shall be retained by them unopened until the time set by law for the destruction of ballots cast at said election, at which time the envelopes shall likewise be destroyed, unopened and unexamined.

Sec. 13. Voter who is in town on day of election and attempts to vote as an absent voter guilty of a misdemeanor. 1921, c. 38, § 145. Nothing herein contained shall prevent a voter who has undertaken to vote at an election in accordance with the provisions of this chapter from voting at said election in person. In case such voter shall be present on the day of said election, in the city or town where he is entitled to vote, for so long after the opening or so long before the close of the polls therein as to give him time so to do, he shall go in person to the polling place where he is entitled to vote and cast his ballot, or offer to cast his ballot, in person. Any such voter who shall wilfully or knowingly neglect to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Sec. 14. Secretary of state to furnish printed information and full instructions to local election officials in regard to absent voting. 1921, c. 38, § 146.

CHAP. 10

The secretary of state shall prepare for the use of election officials, city and town clerks, and the officials having charge of the registration of voters in the various cities and towns of the state, such printed information and instructions, subject to approval by the attorney-general, as he may deem proper to facilitate the operation of this chapter. Such printed matter shall be transmitted to said officials prior to each election. The said secretary is further authorized to prepare and distribute, subject to like approval, such general information relative to this chapter as he may deem expedient.

Sec. 15. Penalty for violations by private individuals and election officials. 1921, c. 38, § 147. 1929, c. 90. Whoever, not being entitled to vote under the provisions of this chapter votes or attempts to vote under the provisions hereof, or whoever, being entitled to vote under the provisions of this chapter, knowingly votes or attempts to vote in violation of the terms hereof, or whoever being an official entrusted with the execution of this chapter wilfully or negligently violates any provision thereof, shall be punished by a fine of not more than five hundred dollars and by imprisonment for not more than eleven months.

CHAPTER 10.

Corrupt Practices.

Sec. 1. Application to caucuses, primaries, and to elections. R. S. c. 7, § 124. The provisions of this section and the eight following sections shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter eight, and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council, or city council of any city.

Sec. 2. Definitions; appointment of treasurer or political agent to be filed with secretary of state. R. S. c. 7, § 125. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of state, except that, in case the duties of such treasurer or political agent shall relate to any town, city, or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with the secretary of state. The treas-