

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1961 CUMULATIVE SUPPLEMENT

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
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### Chapter 3.

#### Citizenship. Qualifications and Registration of Voters.

#### Sex No Bar to Hold Office. Residence of Husband and Wife.

**Secs. 1-50.** Repealed by Public Laws 1961, c. 360, § 18.

**Cross reference.**—See c. 3-A for present election laws.

### Chapter 3-A.

#### Election Laws.

- Sections 1- 5. Definitions. Construction.
- Sections 6- 8. Registrar of Voters. Board of Registration.
- Sections 9- 17. Registration and Enrollment.
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- Sections 140-151. Absentee Voting.
- Sections 152-163. Voting by Members of the Armed Forces.
- Sections 164-166. Initiative and Referendum.
- Sections 167-177. Campaign Reports and Finances.
- Sections 178-193. Vacancies.
- Sections 194-202. Miscellaneous Provisions.
- Sections 203-206. Special Provisions for Connor, the Indian Voting Districts and the Island Wards of Portland.

#### Definitions. Construction.

**Sec. 1. Definitions.**—The listed terms as used in this chapter are defined as follows, unless a different meaning is plainly required by the context:

“Any election” includes primary and general elections and referenda, whether regular or special.

“Absentee voter” means a person who is unable to cast his ballot in the municipality in which he is registered to vote, for one of the following reasons: absence from the municipality during the time the polls are open on election day; physical incapacity not adversely affecting his soundness of mind; religious belief which prohibits his doing so; and unreasonable distance from the polls, if he is a resident of a township. A person who is serving a sentence in a jail or penal institution is not an absentee voter.

“Armed forces” means the United States army, navy, air force, marine corps and coast guard.

“Ballot label” means that portion of the cardboard, paper or other material to be placed within the ballot frames of a voting machine containing the items required of a paper ballot.

“Business day” means any day of the calendar year other than a Saturday, Sunday or legal holiday.

“Caucus” means a meeting of a political party or committee.

“Check list” means a voting list which has been used at an election at which check marks were placed on it showing who voted.

“Clerk” means the clerk of a municipality.

“County office” means the office of judge of probate, register of probate, clerk of courts, county treasurer, register of deeds, sheriff, county attorney and county commissioner.

“Distinguishing mark” means a mark on a ballot of a type or in a place not specifically permitted by this chapter, indicating the apparent intent of the voter to make his ballot distinguishable.

“Electoral division” means an area set off for election purposes. It may include the entire State.

“Election official” includes a warden, ward clerk and election clerk.

“Election year” means the calendar year within which a particular election is held.

“Enroll” means to enlist as a member of a political party.

“General election” means the regular election of state and county officials occurring biennially in November.

“Major party” means a political party polling the greatest or the next greatest number of votes cast for governor at the last gubernatorial election.

“Member of the armed forces” means a person serving in the armed forces.

“Minor party” means a political party other than a major party.

“Municipal committee” refers to a town, ward or city committee of a political party.

“Municipal officers” means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation.

“Municipality” includes a city, town or plantation.

“Party” refers to a political party which polled at least 1% of the total vote for governor cast in the state at the last gubernatorial election.

“Pauper” means a person who has been directly or indirectly furnished supplies by a municipality within 3 months of any election at which he seeks to vote. The fact that money for the payment of wages of a person employed by a municipality is derived from relief funds does not give that person the status of a pauper.

“Peace officer” means state police officer, local police officer, sheriff, deputy sheriff or constable.

“Political committee” means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle.

“Population” refers to the population determined by the last decennial census of the United States.

“Primary election” means the regular election by the voters of a particular party for the election of nominees for the general election.

“Protective counter” means a separate counter built into a voting machine which records the total number of movements of the operating lever, and which cannot be reset.

“Public official” means a person elected or appointed to serve the people.

“Public record” means a record open to public inspection during usual business hours under proper protection regulations made by the person charged with its custody.

“Question” means any proposition submitted to the voters.

“Referendum” means an election for the determination of a question.

“Register” means to enlist as a voter.

“Registrar” means the registrar of voters of a municipality.

“Regular election” means an election or referendum held at a regular time prescribed by statute.

“Resident” and “residence” refer to domicile.

"Special election" means an election other than a regular election.

"State office" means the office of United States senator, governor, representative to Congress, state senator, representative to the state legislature and presidential elector.

"Street address" means the street and number or other designation indicating the location of a person's dwelling place.

"Township" means unorganized territory.

"Treasurer" means a person appointed by a candidate or a political committee to accept or disburse money to promote or defeat a candidate, party or principle. A person who collects money to be transferred to the treasurer of a candidate or committee is not himself a treasurer.

"Voter" means a person registered to vote.

"Voting district" means an area set off from another in the same municipality for voting purposes. It includes wards and precincts. In a municipality which has only one voting place, it means the entire municipality.

"Voting place" means the building in which ballots are cast at an election.

"Warden" means the presiding officer at a voting place.

"Write-in candidate" means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect him. (1961, c. 360, § 1.)

**Sec. 2. Construction.**—The following rules of construction apply to this chapter:

**I. Division titles.** Arabic numerals refer to sections. Roman numerals refer to subsections. Capital letters refer to paragraphs. Arabic numerals in parentheses refer to subparagraphs.

**II. Use of words.** "Shall" and "must" are used in a mandatory sense. "May" indicates authority and permission. "May not" indicates a lack of authority or permission. "Shall not" indicates a negative duty.

**III. Ministerial act.** Where this chapter requires the performance of a duty by an official, he may delegate the duty to another under his supervision, if it is ministerial. (1961, c. 360, § 1.)

**Sec. 3. Date falling on holiday.**—When the date on which an act must be performed or an event must take place falls on a Saturday, Sunday or legal holiday, the act shall be performed or the event shall take place on the next following business day. (1961, c. 360, § 1.)

**Sec. 4. Town clerk to perform ward clerk's duties.**—In a town, the clerk shall perform the duties prescribed for the ward clerk of a city so far as applicable to an election in the town. (1961, c. 360, § 1.)

**Sec. 5. Application to plantations.**—The provisions of this chapter pertaining to towns apply equally to plantations. (1961, c. 360, § 1.)

### **Registrar of Voters. Board of Registration.**

**Sec. 6. Registrar of voters.**—The municipal officers of each municipality shall appoint in writing a qualified person as registrar of voters within 10 days after the regular election of municipal officials.

**I. Qualifications.** The registrar must be a citizen of the United States, a resident of the municipality and at least 21 years of age. He may not hold or be a candidate for any state or county office, or hold membership on any political committee.

**II. Term of office.** He shall serve for one year and until his successor is appointed and sworn.

**III. Oath required.** Before assuming the duties of office, he must be sworn and the fact of his oath recorded as provided in chapter 90-A, section 36, subsection VII.

**IV. Secretary of state notified.** The municipal officers shall advise the secretary of state the name of the registrar, within 10 days after he is appointed and sworn.

**V. Compensation.** The municipal officers shall determine the compensation of the registrar.

**VI. Office hours.** The municipal officers shall establish reasonable office hours for the registrar consistent with the requirements of the municipality.

**VII. Office space, expenses and clerical help.** Each municipality shall provide a suitable place in which the registrar may perform his duties, and shall pay reasonable expenses for necessary office supplies purchased and clerical help engaged by the registrar.

**VIII. Vacancy.** When there is a vacancy in the office of registrar, the municipal officers shall appoint a qualified person to fill the vacancy for the remainder of the term. (1961, c. 360, § 1.)

**Cross reference.**—See Editor's note to § 8 of this chapter.

**Sec. 7. Deputy registrar.**—The registrar may appoint not more than 2 deputies.

**I. Qualification and compensation.** Section 6, subsections I, III and V, apply to a deputy registrar.

**II. Term of office.** He shall serve at the will of the registrar.

**III. Duties.** He may perform any of the duties of office prescribed by the registrar. (1961, c. 360, § 1.)

**Sec. 8. Board of registration in certain cities.**—In a city which has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major parties and appointed by the municipal officers, and the 3rd member appointed by the governor with the advice and consent of the council.

**I. Term of office.** Each member appointed by the municipal officers shall serve for 3 years and until his successor is appointed and sworn. The member appointed by the governor shall serve for 4 years and until his successor is appointed and sworn.

**II. Chairman of the board.** The member appointed by the governor is chairman of the board.

**III. Vacancy.** When there is a vacancy on the board, the municipal officers shall appoint a qualified person nominated by the city committee of the party of the former incumbent to fill the vacancy for the remainder of the term.

**IV. Application to board of registration.** Except as otherwise provided in this section, the provisions of law pertaining to the registrar apply equally to a board of registration.

**A. Exceptions.** Section 7 does not apply to a board of registration. The chairman of the board may designate himself or another member of the board to accept the application of a disabled person for registration under section 17. (1961, c. 360, § 1.)

**Editor's note.**—Section 16 of c. 360, P. L. 1961, provides as follows:

"In a city having a population of 5,000 or over, the members of the board of registration appointed under the Revised Statutes of 1954, chapter 3, shall continue in office until the expiration of their terms. The terms of members of boards of registration in cities of less than 5,000 popu-

lation expire on the effective date of this act [September 16, 1961], and the municipal officers shall appoint a registrar to serve until the next regular election of municipal officials following which a registrar shall be appointed according to the Revised Statutes of 1954, chapter 3-A, section 6."

### Registration and Enrollment.

**Sec. 9. Exclusive power of registrar.**—The registrar has the exclusive power to determine whether a person who applies for registration as a voter meets the qualifications prescribed by this chapter, subject to section 20.

**I. Oath may be required.** In making this determination, the registrar may require any person who testifies before him concerning his qualifications or those of another to swear to the truth of his statements.

**II. Political party not a qualification.** The registrar shall not inquire as to the political party of the applicant in determining his voting qualifications. (1961, c. 360, § 1.)

**Sec. 10. Registration.**—A person may register as a voter by appearing before the registrar, proving that he is qualified as provided in section 24, subsections I to IV, and filing an application provided by the registrar containing the information required by section 23.

**I. Proof of naturalized citizenship.** If the applicant is a naturalized citizen, he must observe the following procedure:

**A. Certificate of naturalization.** He must produce his certificate of naturalization or a certified copy of the court record of his naturalization from the court by which he was naturalized, for inspection by the registrar.

**B. Identity under oath.** He must swear that he is the person to whom the certificate or copy refers.

**C. Derived citizenship.** If his citizenship is derived through another person, he shall produce satisfactory evidence of that fact.

**D. Registrar to decide.** If satisfied that he was legally naturalized, the registrar shall record the date of inspection on the certificate or copy which need not be produced again for inspection. If not satisfied that he was legally naturalized, the registrar shall so advise the applicant in writing and request further proof.

**II. Placement on voting list.** The registrar shall place the name of the applicant on the voting list as soon as he has qualified. He shall register a woman by her first name, middle name or initial, and married surname.

**III. Failure to qualify.** If an applicant fails to qualify, the registrar shall advise him in writing the reason for it, on request.

**IV. Notice of new registration.** When an applicant states in his application that he last voted in another municipality in this state, the registrar shall send a notice of his new registration forthwith to the registrar of that municipality. The registrar who receives the notice shall remove the name from the voting list if he is satisfied as to the identity of the person, and he need not send the notice required by section 19. (1961, c. 360, § 1.)

**Sec. 11. Enrollment mentioned.**—As soon as a person has registered, the registrar shall ask him whether he wishes to enroll. If his answer is in the affirmative, the registrar shall provide him with an enrollment application.

**I. Influence prohibited.** The registrar shall not attempt to influence an applicant in his choice of a party, and he shall not allow anyone else to do so. (1961, c. 360, § 1.)

**Sec. 12. Enrollment.**—A voter may enroll in a party by filing an application with the registrar personally, by mail or otherwise, at any time, except that a voter who enrolls on election day must do so personally.

**I. Content of application.** The application must contain the following information: Name of applicant, street address, voting district, name of party in which enrollment is requested, date and signature of applicant.

**II. Party designation on voting list.** On receipt of the application, the registrar shall place the party designation of the applicant beside his name on the voting list and file the application. (1961, c. 360, § 1.)

**Sec. 13. Clerk to accept applications for registration and enrollment.**—In a city which has a board of registration, the clerk shall accept applications for registration and enrollment when the board is not in session.

**I. Applicant must qualify before clerk.** The clerk shall require an applicant for registration to qualify as provided in section 10. If the applicant qualifies, the clerk shall write "OK" and his initials on the application and file it with the board. If the applicant fails to qualify or if his qualifications are in doubt, the clerk shall refuse to accept his application and direct him to appear before the board.

**II. Final action by board.** In any case, final action for acceptance of a registration or enrollment must be taken by the board. If the board rejects an application accepted by the clerk, it shall notify the applicant forthwith by first class mail of the rejection and the reason for it. (1961, c. 360, § 1.)

**Sec. 14. Enrollment at any election.**—A voter who is not enrolled in a municipality may enroll at any election by filing personally the application required by section 12 with the incoming election clerk, after which he may vote. If the applicant votes by absentee ballot because of physical incapacity, he may file the application with his absentee ballot.

**I. Application delivered to registrar.** The election clerk who receives the completed application shall initial it and deliver it to the registrar, after the polls are closed.

**II. Party designation on voting list.** On receipt of the application, the registrar shall place the party designation of the applicant beside his name on the voting list and file the application.

**III. Applications furnished by registrar.** The registrar shall furnish a reasonable number of enrollment applications to the warden at each voting place. If there are not enough applications at the voting place, the applicant may write the information required by section 12 on a blank piece of paper. (1961, c. 360, § 1.)

**Sec. 15. Change of enrollment.**—A voter may change his enrollment by filing an application with the registrar personally, by mail or otherwise.

**I. Content of application.** The application must be dated and signed by the applicant. It must contain the following information: Name of applicant, street address, voting district, name of party in which enrolled, and name of a party in which enrollment is requested.

**II. Party designation removed from voting list.** On receipt of the application, the registrar shall remove the party designation beside the name of the applicant on the voting list. At the expiration of 6 months from the date of the application, the registrar shall enroll the applicant in the party requested.

**III. Restrictions during change of enrollment.** A voter may not vote at a caucus or primary election within 6 months after filing an application to change his enrollment, except as provided in subsection IV.

**IV. Change of residence.** When a voter changes his residence from one municipality to another and establishes a new voting residence there, he may enroll in any party and vote at a caucus, convention or primary election, regardless of his previous enrollment. (1961, c. 360, § 1.)

**Sec. 16. Withdrawal of enrollment.**—A voter may withdraw his enrollment by filing a written request with the registrar.

**I. Limitation.** A voter may not file a request to withdraw his enrollment for 6 months after the date on which he enrolled. (1961, c. 360, § 16.)

**Sec. 17. Registration and enrollment of disabled person.**—A person who is physically unable to appear before the registrar and who lives within 20 miles of the office of the registrar may be registered as a voter and enrolled in a party as follows:

**I. Request and statement.** The applicant must make a written request to the registrar, accompanied by a written statement from his attending physician certifying to his physical inability to appear.

**II. Procedure.** On receipt of the request and statement the registrar shall visit the applicant and follow the procedure outlined in sections 9 to 12.

**A. Travel expense.** The registrar is entitled to 10c per mile for travel expense which shall be paid by the municipality. (1961, c. 360, § 1.)

**Voting List and General Register.**

**Sec. 18. Voting list.**—The registrar has the exclusive power to prepare and revise the voting list.

**I. List prepared.** He shall prepare a printed or typewritten list, alphabetically by surname, of all the voters of the municipality. In a municipality which has voting districts, he shall make a separate list for each district, and shall add the street address of each voter beside his name.

**II. List current.** He shall keep the list current at all times by adding the names of new voters and by removing the names of those who have died, moved from the municipality more than 3 months previously, or become disqualified to vote.

**III. Proof of qualification shall be requested.** If the registrar is in doubt as to the qualifications of any voter, he shall request his appearance at a reasonable time and place to offer proof. If he fails to appear, the registrar shall remove his name from the voting list and send him a notice in accordance with section 19.

**IV. Record of names added and removed.** He shall keep a record of the names added to or removed from the voting list, and the date when the action was taken. (1961, c. 360, § 1.)

**Sec. 19. Notice of removal from voting list.**—The registrar shall send a notice, with a self-addressed postal card enclosed, by first-class mail to the last known place of residence of each living person whose name has been removed from the voting list.

**I. Content of notice.** The notice shall contain the following message:

Dear Sir:

This is to advise you that your name has been removed from the voting list of (name of municipality) for the following reason: (Here state reason for removal). Your failure to reply within 30 days will be deemed to indicate your agreement with this action.

(Name of registrar)

.....

Registrar of voters

(Name of Municipality)

**II. Content of reply.** The postal card shall contain the following message:

Dear Sir:

I respectfully request that my name be replaced on the voting list of (name of municipality) for the following reason: (Here allow space for reason to be stated). I swear that the reason stated above is true.

Signature

Address

**III. Replacement on list.** If the registrar is satisfied from the reply that the name should be replaced on the voting list, he shall do so. If not, he shall notify the person within a reasonable time that the reason given appears to be insufficient and that his name has not been replaced on the voting list. (1961, c. 360, § 1.)

**Sec. 20. Petition to have name placed on voting list.**—If the registrar removes a name from the voting list or refuses to place it on the voting list, the

interested person may petition the superior court for a declaratory judgment under chapter 107, sections 38 to 50, naming the registrar as defendant.

**I. Early hearing.** On receipt of the petition, the court shall set the matter for hearing at the earliest reasonable time. (1961, c. 360, § 1.)

**Sec. 21. Enrollment records.**—The registrar shall record enrollments by adding the party designation of the voters beside his name on the voting list.

**I. Records current.** He shall keep the records current at all times by adding new enrollments, and by changing or withdrawing the enrollments of those who have requested it.

**II. Record of names added and removed.** He shall keep a record of the enrollments added, changed or withdrawn and the date when the action was taken. (1961, c. 360, § 1.)

**Sec. 22. Copies of list furnished.**—The registrar shall furnish a certified copy of the voting list to any person within 10 days after request and payment at the rate of 75c per 100 names, if the list is not available in printed form. If the list is available in printed form, it shall be furnished by the registrar at a price determined by the municipal officers, which accrues to the municipality. (1961, c. 360, § 1.)

**Sec. 23. General register of voters.** — The registrar shall prepare and keep a general register of voters.

**I. Content of general register.** The general register must contain the following information concerning each person on the voting list on index cards filed alphabetically by surname:

- A.** First name, middle name or initial, and surname.
- B.** Street address.
- C.** Date of registration.
- D.** Date of enrollment.
- E.** Party in which enrolled.
- F.** Date of birth.
- G.** Place of birth.
- H.** Duration of residence in the municipality at the time of registration.
- I.** Place where last registered.
- J.** Marital status, name of spouse and date of marriage.
- K.** Place of residence of spouse.
- L.** Whether a citizen by birth or naturalization. If by naturalization, the date, place and court of naturalization and the date on which the registrar inspected the certificate or certified copy of the court record of naturalization.
- M.** Remarks concerning registration or enrollment.

**II. Reference file.** When the name of a voter is removed from the voting list, the registrar shall remove his card from the general register and retain it in a reference file for 10 years. (1961, c. 360, § 1.)

### Voting Qualifications.

**Sec. 24. Voting qualifications.**—A person who meets the following requirements may vote in any election in the municipality in which his residence is established.

**I. Citizenship.** He must be a citizen of the United States.

**II. Ability to read.** He must read from the constitution of the state of Maine in a manner which shows he is neither being prompted nor reciting from memory. He must write his name in English.

**A. Exception.** This subsection does not apply to a person who is prevented by physical disability from performing its requirements, but he may be required to supply reasonable proof of his knowledge.

**III. Age.** He must be at least 21 years of age.

**IV. Residence.** He must have established a residence in this state for at least 6 months, and in the municipality in which he resides for 3 months next prior to election day.

**V. Registration.** He must be registered to vote in the municipality.

**VI. Enrollment.** He must be enrolled in a party in the municipality in order to vote at a caucus, convention or primary election. (1961, c. 360, § 1.)

**Sec. 25. General provisions governing voting residence.** — Voting residence is governed by the following provisions:

**I. Spouse may have separate residence.** A married woman may be deemed to have a residence separate from that of her husband for the purposes of voting, holding office, or performing jury duty. Her residence for those purposes is determined as if she were single.

**II. Becoming 21 on federal property.** A person who becomes 21 years of age while residing on federal property as a patient at or an employee of a federal agency, or while in the armed forces, is deemed to have gained a voting residence in the municipality in which he resided at the time he became such a patient, employee or serviceman.

**III. Voting residence retained.** A person who has gained a voting residence in a municipality retains it, if he so desires, when he becomes a patient at or an employee of a federal agency where he is required to reside on land ceded to the federal government by the state. This rule also applies to a member of the armed forces or the national guard who is required to be in a place other than that in which he has gained a voting residence.

**IV. Voting residence limited.** A member of the armed forces may not establish a voting residence by being stationed in a garrison, barracks or military place in a municipality. A student may not establish a voting residence by attending an educational institution. (1961, c. 360, § 1.)

**Sec. 26. Right to vote continues.**—The right to vote in any election in a municipality continues for 3 months after a voter moves from that municipality, if he continues to reside in the state during that period. (1961, c. 360, § 1.)

**Sec. 27. Voting rights after division of municipality.** — When any territory is set off from one municipality and annexed to another, the act establishing the new boundaries must indicate where and for which offices the voters in the territory may vote. If this provision is omitted from the act, the voters may vote for all offices in the municipality to which the territory is annexed. (1961, c. 360, § 1.)

**Sec. 28. Restrictions on voting.**—There are certain restrictions on voting as provided in this section.

**I. Certain persons may not vote.** A pauper and a person under guardianship may not vote at any election.

**II. Voting restricted to district.** In a municipality which has voting districts, a voter may vote only in the district in which he resides on election day.

**III. Correct name and address on voting list.** A person whose name, or street address in a municipality which has voting districts, does not appear correctly on the voting list on election day may not vote at any election, until it is corrected as provided in section 80. (1961, c. 360, § 1.)

**Sec. 29. Special provisions for residents of townships relating to registration, enrollment and voting.**—Registration, enrollment and voting by the resident of a township are governed by the following provisions:

**I. Registration and enrollment.** He may register, enroll and vote in any town within his representative district. He may register and enroll on election day. The registrar shall place the letter "T" beside his name on the voting list and on the general register.

**II. Change of voting place.** If he lives in a portion of a township which is not easily accessible to a town within his representative district, he may file a written request with the secretary of state for a change of voting place. The secretary of state may designate a more convenient town within or outside the county. He shall notify the registrar of the designated town of the name, residence and change of voting place of the person in question.

**III. Voting restricted.** He may not vote at a municipal election or on a liquor local option question. If he votes in a town outside his representative district, he may not vote for the office of representative to the legislature. If he votes in a county other than that in which he resides, he may not vote for representative to the legislature, state senator or for any county office. The incoming election clerk shall mark a line through the names of the offices for which he may not vote, add the letter "T" and initial the outside of the ballot.

**IV. Right to vote continues.** His right to vote in any election in the town continues for 3 months after he moves from the township, if he continues to reside in the state during that period.

**V. Absentee voting.** If he is unable to be present at the voting place on election day, he may vote by absentee ballot. (1961, c. 360, § 1.)

### Municipal Caucus.

**Sec. 30. Municipal caucus provisions.** — A municipal caucus is governed by the following provisions:

**I. Call.** The caucus may be called by the chairman or a majority of the members of the municipal committee.

**II. Notice.** The secretary of the committee shall have a notice of the caucus published in a newspaper having general circulation in the municipality at least 3 and not more than 7 days before it is to be held. The notice must contain the name of the party, the time and place of the caucus, and the name of the person calling it.

**A. Failure to publish.** Unless the notice is published as required by this subsection, the caucus is void.

**B. Notice filed and recorded.** The secretary of the committee shall file a copy of the notice with the clerk who shall record it.

**III. Procedure.** The chairman of the municipal committee shall open the caucus. In his absence, the secretary or any resident voter enrolled in the party may open the caucus. The caucus shall elect a secretary and a chairman in that order. The chairman of the caucus shall then preside and the secretary shall record the proceedings of the caucus. The caucus shall determine its own parliamentary procedure.

**IV. If no municipal committee.** If there is no municipal committee, any resident voter enrolled in the party may call a caucus for the purpose of electing the committee. He shall follow the notice procedure prescribed by subsection II. (1961, c. 360, § 1.)

**Sec. 31. Voting list at caucus.**—On request at least 3 days in advance of a municipal caucus by the person who calls it, the registrar shall prepare a certified copy of the voting list for use at the caucus, at the expense of the municipality. The secretary of the municipal committee shall obtain the copy from the registrar and return it to him after the caucus. (1961, c. 360, § 1.)

**Sec. 32. Voting at caucus.**—The following provisions apply to voting at a municipal caucus:

**I. Vote by list.** The caucus may order voting to be done by checking each voter's name on the voting list.

**II. Secret ballot.** The caucus may order voting to be done by secret ballot which may be printed, or written on plain paper. (1961, c. 360, § 1.)

**Sec. 33. Challenge of right to vote at municipal caucus.** — An enrolled voter of a municipality may challenge the right of another to vote at a municipal caucus. The person challenged may vote at the caucus after he has taken the following oath administered by the chairman of the caucus:

**I. Oath.** "I, (name of challenged person), swear that I am a registered and enrolled voter in this voting district, that I am a member of the party holding this caucus, and that I have not been enrolled in any other party in this municipality within the last 6 months."

**II. Oath recorded and copy sent to registrar.** The secretary of the caucus shall record the administration of the oath, and shall send a copy of it to the registrar.

**III. Registrar to compare records.** On receipt of the copy of the record, the registrar shall compare it with the voting and enrollment records. If the oath is false, the person who swore to it shall be punished as provided in section 201. (1961, c. 360, § 1.)

**Sec. 34. Party members to govern political committees.** — The members of a party within a municipality shall determine the method of election, the terms of office and the duties of the political committees within its jurisdiction. (1961, c. 360, § 1.)

#### Convention.

**Sec. 35. Biennial state party conventions.** — Each party shall hold a state convention between March 1st and October 1st biennially during general election year.

**I. Time, place and representation.** The state committee of the party shall determine the time, place and basis of representation for the convention.

**II. Proceedings at convention.** The convention shall do the following:

**A. Organize.** Elect a secretary and a chairman of the convention in that order.

**B. Platform.** Adopt a platform for the next general election.

**C. Presidential electors.** Nominate the number of presidential electors to which the state is entitled.

**D. Size of committees and method of election.** The convention shall determine the size of the state, district and county committees and the method of their election.

**E. State committee.** Elect a state committee.

**F. District committee.** Elect a district committee for each congressional district.

**G. County committee.** Elect a county committee for each county from persons nominated at municipal caucuses held in the county. If a municipality entitled to nominate a person for election to the county committee fails to do so, the convention may elect any resident of that municipality to the county committee. (1961, c. 360, § 1.)

**Sec. 36. Provisions governing party convention committees.**—Committees elected at the convention are governed by the following provisions:

**I. Committees to organize and report.** The committees elected at the convention shall organize within 30 days after the convention by electing a chairman, secretary and other necessary officers. The secretary of each committee shall advise the state committee the name and residence of its chairman and secretary within 10 days after its organization.

**II. State committee to report organization.** The chairman and the secretary of the state committee shall certify to the secretary of state within 60 days after the convention the platform adopted, the name and residence of the chairman and secretary of each committee and of each committee member elected at the convention, and the names of the presidential electors.

**III. Term of office and duties of committees.** The committees and their officers shall hold office until the next state convention, and shall perform the duties imposed upon them by the convention at which they were chosen.

**IV. Chairman and vice-chairman of state committee.** The chairman and vice-chairman of the state committee may be chosen from outside its membership. (1961, c. 360, § 1.)

### Nomination by Primary Election.

**Sec. 37. Nomination by primary required.**—The nomination of a candidate for any state or county office, excluding presidential elector, must be made by primary election.

**I. Exceptions.** This does not apply to a nomination to fill a vacancy, or where the nomination is made by nomination petition. (1961, c. 360, § 1.)

**Sec. 38. Qualification for state or county office.**—A candidate for any state or county office must be a resident of the electoral division he seeks to represent on the date established for filing primary petitions in the year he seeks election. He must maintain this residence during his term of office. (1961, c. 360, § 1.)

**Sec. 39. Qualification of candidate for nomination by primary.** — A candidate for nomination by primary election must become qualified by filing a primary petition and consent as provided in sections 40 and 41. (1961, c. 360, § 1.)

**Sec. 40. Primary petition requirements.**—A primary petition is governed by the following provisions:

**I. Content.** It may contain as many separate papers as necessary. It may contain the consent required by section 41. It must contain the name of only one candidate, his place of residence, the office sought, his party and electoral division. When 2 United States senators or 2 county commissioners are to be nominated, it must contain the term of office sought by the candidate.

**II. By whom signed.** It may be signed only by voters of the electoral division which is to make the nomination who are enrolled in the party named in the petition. Other signatures are void.

**III. How signed.** It must be signed personally by the voter using one of the following combinations: First name, middle name, last name; first name, middle initial, last name; first initial, middle name, last name; or if no middle name, first name and last name.

**IV. Residence added.** After his name, the voter must personally add his place of residence. Ditto marks are permitted.

**V. Number of signatures required.** It must be signed by a number of voters equal to at least 1% but not more than 2% of the total vote cast for governor at the last gubernatorial election in the electoral division which is to make the nomination, or equal to at least 10% of the total vote for governor cast in that electoral division at the last gubernatorial election by the party of the candidate, whichever is less.

**VI. When signed.** It may not be signed before January 1st of the election year in which it is to be used.

**VII. Signatures restricted.** A voter may sign only as many primary petitions for each office as there are vacancies to be filled.

**VIII. Petition certified.** A signer of a primary petition or the person who circulates it shall certify his belief that the signatures on it are genuine, that the signers are members of the party named in it, and that they are residents of the electoral division for which the nomination is proposed. The person who certifies a primary petition may do so by making oath to the above statements on the petition or on a certificate attached to it.

**IX. When filed.** It must be filed with the secretary of state on or before April 1st of the election year in which it is to be used.

**X. Petition void.** A primary petition which does not meet the requirements of this section is void.

**A. Exception.** If a voter fails to comply with this section in signing the petition his name may not be counted, but the petition is otherwise valid. (1961, c. 360, § 1.)

**Sec. 41. Consent of candidate filed with primary petition.**—The written consent of each candidate must be filed with his primary petition.

**I. Content.** The consent must contain a statement over the signature of the candidate that he will accept the nomination of the primary election, that he will not withdraw, and that he will qualify for the office if he is elected. The statement may be printed as a part of the primary petition.

**II. Single filing sufficient.** A candidate need file only one consent. The consent is valid even though it may be part of a primary petition which is void. (1961, c. 360, § 1.)

**Sec. 42. Review of primary petition.**—On receipt of a primary petition, the secretary of state shall review it. If it is incomplete or incorrect on its face, he shall advise the candidate or the person who certified it and allow him to correct it in accordance with the facts.

**I. Limitation.** Additional signatures may not be submitted after the date on which the petition must be filed. (1961, c. 360, § 1.)

**Sec. 43. Time of primary election.**—The primary election shall be held on the 3rd Monday of June of each general election year. (1961, c. 360, § 1.)

**Sec. 44. Primary a separate election.**—A primary election is deemed to be a separate election for each party which takes part in it. This includes the duties of public officials in notifying the election, providing forms and ballots, keeping records and any other matter necessary to effect the purpose of a primary election. A primary election shall be conducted as to each party as nearly as practicable the same as the general election. (1961, c. 360, § 1.)

**Sec. 45. Secretary of state to notify nominees.**—The secretary of state shall notify each nominee of his nomination forthwith by mail. (1961, c. 360, § 1.)

**Sec. 46. Acceptance by write-in candidate required.**—Within 7 days after receiving notice of his nomination, a write-in candidate must file a written acceptance with the secretary of state.

**I. Disqualified for failure to file.** If he fails to do so, he becomes disqualified, and his name must not be printed on the general election ballot. (1961, c. 360, § 1.)

#### Nomination by Petition.

**Sec. 47. Nomination by petition.**—The nomination of a candidate for any state or county office may be made by nomination petition.

**I. Political designation restricted.** A person who seeks nomination by petition may not use as his political designation the name of a political party which is entitled to nominate candidates by primary election. (1961, c. 360, § 1.)

**Sec. 48. Nomination petition requirements.**—A nomination petition is governed by the following provisions:

**I. Content.** It may contain as many separate papers as necessary. It may contain the consent required by section 49. It must contain the name of only one candidate, his place of residence, the office sought, and his political designation expressed in not more than 3 words. When 2 United States senators or 2 county commissioners are to be nominated, it must contain the term of office sought by the candidate.

**A. Exception.** The names of presidential electors must be placed on the petition as a slate. The names of the candidates for president and vice-president may be placed on a petition for the nomination of presidential electors.

**II. By whom signed.** It may be signed only by voters of the electoral division which is to make the nomination. Other signatures are void.

**III. How signed.** It must be signed personally by the voter in the same manner as his name appears on the voting list.

**IV. Residence added.** After his name, the voter must personally add his place of residence and his street address. Ditto marks are permitted.

**V. Number of signatures required.** It must be signed by a number of voters equal to at least 1% of the number of votes cast for governor at the last gubernatorial election in the electoral division which is to make the nomination, but in no case less than 25.

**VI. When signed.** It may not be signed before January 1st of the election year in which it is to be used.

**VII. Signatures restricted.** A voter may sign only as many nomination petitions for each office as there are vacancies to be filled. The signing of a primary petition under section 40 does not prohibit a voter from signing a nomination petition.

**VIII. Petition certified.** A signer of a nomination petition or the person who circulates it shall certify his belief that the signatures on it are genuine and that the signers are residents of the electoral division for which the nomination is proposed. The person who certifies a nomination petition may do so by making oath to the above statements on the petition or on a certificate attached to it.

**IX. Checked by registrar.** A nomination petition must be submitted to the registrar of each municipality concerned before being filed. The registrar shall certify forthwith on the petition which signatures on it are those of voters of that municipality.

**X. When filed.** It must be filed with the secretary of state on or before August 15th of the election year in which it is to be used.

**XI. Petition void.** A nomination petition which does not meet the requirements of this section is void.

**A. Exception.** If a voter fails to comply with this section in signing the petition his name may not be counted, but the petition is otherwise valid. (1961, c. 360, § 1.)

**Sec. 49. Filing candidate's consent with nomination petition.**—The written consent of each candidate as described in section 41, must be filed with his nomination petition. (1961, c. 360, § 1.)

**Sec. 50. Review of nomination petition.** — On receipt of a nomination petition, the secretary of state shall review it. If it is incomplete or incorrect on its face, he shall advise the candidate or the person who certified it and allow him to correct it in accordance with the facts.

**I. Limitation.** Additional signatures may not be submitted after the date on which the petition must be filed. (1961, c. 360, § 1.)

### Election Officials.

**Sec. 51. Wardens and ward clerks.**—In a city, the election, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this chapter. In a town, the chairman of the municipal officers shall appoint a municipal officer as warden of each voting place before each election. He may designate himself as a warden. In a town which has more than one voting place, the clerk may appoint a special deputy to help perform his duties on election day. (1961, c. 360, § 1.)

**Sec. 52. Election clerks.** — Election clerks are governed by the following provisions:

**I. Appointment.** In May of general election year, the municipal officers of each municipality shall appoint as election clerks for each voting place an equal number of persons nominated by the municipal committees of the 2 major parties. At the request of the municipal committee of any minor party represented on the official ballot used at the last general election, the municipal officers shall appoint one election clerk for each voting place nominated by that committee. The municipal officers shall designate an equal number of election clerks from each major party to issue ballots to incoming voters and receive ballots of outgoing voters.

**II. Number appointed.** The municipal officers shall appoint 4 election clerks for each voting place in each municipality:

**A. Exception.** They shall appoint 2 election clerks for each voting place in a municipality of 300 or less population, in the island wards of the city of Portland, the island district of the town of Cumberland, and the districts of the town of Cranberry Isles.

**B. Additional clerks.** They may appoint additional election clerks, if necessary, who are nominated as provided in subsection I.

**III. Sworn to office.** Before assuming the duties of office, an election clerk shall be sworn by the warden or clerk, and the fact of his having been sworn shall be recorded by the clerk.

**IV. Term of office.** An election clerk holds office for 2 years from the date of his appointment, and until his successor is appointed and qualified.

**A. Exception.** An election clerk who is appointed to represent a minor party holds office only 2 years from the date of his appointment.

**V. Duties.** Election clerks shall attend the voting places for which they were appointed, at each election. They shall assist the warden in counting the ballots and in performing other duties prescribed by him.

**A. Compensation.** The election clerks shall be paid a reasonable compensation as determined by the municipal officers.

**VI. Application of city charter.** A city charter which provides for the election of 2 persons to assist the warden in receiving, sorting and counting ballots is not affected by this section. The persons elected under authority of the charter are deemed to be election clerks and each must represent a different major party. (1961, c. 360, § 1.)

**Sec. 53. Persons ineligible to serve as election officials.** — The following persons may not serve as election officials:

**I. Certain employees.** An employee of a party or candidate;

**II. Direct pecuniary interest.** A person having a direct pecuniary interest in the result of a referendum question;

**III. Candidate or spouse.** A candidate or his spouse.

**A. Exception.** This does not apply to a candidate for warden or ward clerk or his spouse. (1961, c. 360, § 1.)

#### **Duties and Procedures Before Election Day.**

**Sec. 54. Secretary of state to furnish instructions.**—The secretary of state shall furnish the clerk, registrar and election officials of each municipality printed information and instructions necessary to aid them in performing the requirements of this chapter. (1961, c. 360, § 1.)

**Sec. 55. Posting of voting list before elections.**—The registrar shall post a certified copy of the voting list for each voting district at the usual voting place in that district at least 30 days before any regular election. He need not post the list before a special election. (1961, c. 360, § 1.)

**Sec. 56. Time schedule for registration before regular election.**—The registrar shall accept registrations prior to a regular election according to the time schedule prescribed by this section or by the municipal officers under section 58:

**I. Municipality of 2,500 or less.** In a municipality of 2,500 or less population, he shall accept registrations during the time prescribed by the municipal officers on at least one business day during the week before election day. He shall also accept registrations on election day, but not on the business day next prior to it.

**II. Municipality of 2,501 to 5,000.** In a municipality of 2,501 to 5,000 population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 4th to 6th business days next prior to election day. He shall not accept registrations on election day or on the 3 business days next prior to it.

**III. Municipality of 5,001 to 10,000.** In a municipality of 5,001 to 10,000 population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 6th to 10th business days next prior to election day. He shall not accept registrations on election day or on the 5 business days next prior to it.

**IV. Municipality of 10,001 to 25,000 population.** In a municipality of 10,001 to 25,000 population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 8th to 14th business days next prior to election day. He shall not accept registrations on election day or on the 7 business days next prior to it.

**V. Municipality of 25,001 or more.** In a municipality of 25,001 or more population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 10th to 18th business days next prior to election day. He shall not accept registrations on election day or on the 9 business days next prior to it. (1961, c. 360, § 1.)

**Sec. 57. Time schedule for registrations before special election.**—The registrar shall accept registrations prior to a special election according to the time schedule prescribed by this section or by the municipal officers under section 58.

**I. Municipality of 2,500 or less.** In a municipality of 2,500 or less population, he shall accept registrations on election day, but not on the business day next prior to it.

**II. Municipality of more than 2,500.** In a municipality of more than 2,500 population, the registrar shall accept registrations during the time prescribed by the municipal officers on the 2nd and 3rd business days next prior to election day. He shall not accept registrations on election day or on the business day next prior to it. (1961, c. 360, § 1.)

**Sec. 58. Change of time schedule for registrations before regular or special elections.**—The time schedule established by sections 56 and 57 may be changed by the municipal officers according to the needs of the municipality. (1961, c. 360, § 1.)

**Sec. 59. Notice of time schedule for registrations before regular or special elections.**—The registrar shall publish his time schedule established by sections 56 and 57, or as changed by the municipal officers, in a newspaper having general circulation in the municipality a reasonable time before it becomes effective. (1961, c. 360, § 1.)

**Sec. 60. Registration time schedule where regular and special elections combined.**—When a regular and a special election are held on the same day, the registrar shall follow the time schedule prescribed by section 56 or by the municipal officers under section 58. (1961, c. 360, § 1.)

**Sec. 61. Time for closing registrations not rigid.**—The registrar shall allow all persons to register who are present at his office at closing time on the

final day for registration before an election. Any person who arrives at his office after closing time may not register. (1961, c. 360, § 1.)

**Sec. 62. Registrar to check records.**—Before the close of registrations prior to any election, the registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors, and shall correct the voting list accordingly. (1961, c. 360, § 1.)

**Sec. 63. Change of name or address.**—When a voter's name is changed by marriage or other process of law, or when his street address is changed from one voting district to another in a municipality, the following provisions apply:

**I. Notice.** The voter must give written notice to the registrar of his new and former names or addresses before the close of registrations prior to election day.

**II. Correction of name or address.** The registrar shall correct his name or address on the voting list, and he may then vote under his new name or in his new district on election day.

**III. Failure to notify.** If he fails to notify the registrar of his change of name or address before the close of registrations, he must appear before the registrar on election day and follow the procedure outlined in section 80, if he wishes to vote, unless the registrar has already made the correction in following the procedure prescribed by section 62.

**IV. Substance of section published.** The registrar shall publish the substance of this section along with the notice required by section 59. (1961, c. 360, § 1.)

**Sec. 64. Election materials furnished.**—A reasonable time before any election, the secretary of state shall furnish each municipality with ballots, specimen ballots, instruction posters and other materials necessary for conducting and reporting the results of the election.

**I. How packaged.** The ballots must be packed in sealed packages in standard units as determined by the secretary of state. The election materials must be packed in a sealed box and sent to the clerk of each municipality. The box must be labeled on the outside with the number of each enclosed and the name of the voting place for which they are intended.

**II. Receipt issued.** The clerk shall send a receipt to the secretary of state forthwith for the ballots received by him.

**III. Records kept.** The secretary of state shall keep a record of the time when and the manner in which the ballots were furnished to each voting place. (1961, c. 360, § 1.)

**Sec. 65. Primary election ballot.**—The secretary of state shall prepare the primary election ballots according to the following provisions:

**I. Arrangement.** The ballot must be arranged in one column.

**II. Content.** The ballot must contain the things listed in this section. It may contain no others.

**A. Instructions printed.** The following instructions must be printed in bold type at the top of the ballot: "MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE RIGHT OF THE NAME OF THE CANDIDATE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF CANDIDATES TO BE NOMINATED FOR EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH HIS NAME ON IT IN THE PROPER BLANK SPACE, AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE RIGHT. DO NOT ERASE NAMES."

**B. Name and residence of candidate.** The ballot must contain the name and place of residence of each candidate arranged under the proper office designation alphabetically by surname. The name of each candidate may be printed on the ballot in only one space.

**C. Terms of certain candidates.** When 2 United States senators or 2 county commissioners are to be nominated, the term of office sought by each candidate must be specified on the ballot.

**D. Space for write-ins.** At the end of the list of candidates for nomination to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write or paste the name of any person for whom he desires to vote.

**E. Words of explanation.** Words of explanation such as, "Vote for one" or "Vote for not more than two" must be printed on the ballot to aid the voter in voting correctly.

**F. Squares printed.** A square must be printed at the right of the name of each candidate or write-in space, so that a voter may designate his choice clearly by a cross (X) or a check mark (✓).

**G. Printed on outside.** On the front and back of the folded ballot must be printed "Official (name of political party) Primary Ballot for (name of voting place for which ballot was prepared)", the date of the election, and a facsimile of the signature of the secretary of state.

**III. Order of offices.** The order of offices on the ballot is as follows: United States senator, governor and representative to congress followed by the other state and county offices.

**IV. Distinctively colored.** The ballots must be printed separately for each political party on paper of a distinctive color: White for the party which cast the greatest number of votes for governor at the last gubernatorial election; yellow for the 2nd highest; blue for the 3rd highest; and green for the 4th highest. (1961, c. 360, § 1.)

**Sec. 66. General election ballot.**—The secretary of state shall prepare the general election ballots, according to the following provisions:

**I. Arrangement.** The ballot must be arranged in as many columns as there are different parties.

**II. Content.** The ballot must contain the things listed in this section. It may contain no others.

**A. Instructions and party square.** The following instructions must be printed in bold type at the head of each column: "TO VOTE A STRAIGHT TICKET MARK A CROSS (X) OR A CHECK MARK (✓) WITHIN THIS SQUARE." A square having 2-inch sides must be printed below the instructions, in which a voter may place a cross or a check mark to vote a straight ticket.

(1) **Exception.** If there is only one nominee under a political designation, the instructions and party square need not be printed.

**B. Party designation.** The party designation must be printed below the party square.

**C. Further instructions.** The following instructions must be printed in bold type across both columns below the party name: "IF YOU DO NOT VOTE A STRAIGHT TICKET, MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE RIGHT OF THE NOMINEE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF NOMINEES TO BE ELECTED TO EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT IN THE PROPER BLANK SPACE AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE RIGHT. DO NOT ERASE NAMES."

**D. Name and residence of nominee.** The ballot must contain the name and place of residence of each nominee arranged under the proper office designation alphabetically by surname. The nominees of the same party must be grouped together on the ballot below the party designation. If there is only one nominee under a political designation, his name and the office which he seeks must be printed below that political designation.

(1) **Exception.** The names of presidential electors must not appear on the ballot.

**E. Terms of senate candidates.** When 2 United States senators or 2 county commissioners are to be elected, the term of office sought by each nominee must be specified on the ballot.

**F. Space for write-ins.** At the end of the list of nominees to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write the name of any person for whom he desires to vote.

**G. Words of explanation.** Words of explanation such as "Vote for one" or "Vote for not more than two" must be printed on the ballot to aid the voter in voting correctly.

**H. Squares printed.** A square must be printed at the right of the name of each nominee or write-in space, so that a voter may designate his choice clearly by a cross or a check mark in it.

**III. Printed on outside.** On the front and back of the folded ballot must be printed "Official Ballot for (name of voting district)," the date of the election, and a facsimile of the signature of the secretary of state.

**IV. Order of offices.** The order of offices on the ballot is as follows: president and vice president, United States senator, governor and representative to congress followed by the other state and county offices.

**V. Referendum questions on separate ballot.** Referendum questions must be printed on a separate ballot. Two squares must be printed at the right of any referendum question submitted, with "Yes" above one and "No" above the other, so that a voter may designate his choice clearly by a cross or a check mark.

**VI. Distinctively colored.** Election ballots must be printed on white paper. Referendum ballots must be printed on paper of a distinctive color selected by the secretary of state.

**VII. Size.** The secretary of state shall determine the size of the ballots.

**VIII. Contents concealed.** The ballots must be folded uniformly in such a way as to conceal the interior contents. (1961, c. 360, § 1.)

**Sec. 67. Number of ballots furnished.**—The secretary of state shall furnish each voting place with at least 75 ballots for every 50 votes cast at that voting place at the last election of that type.

**I. Extra ballots needed.** If the clerk believes that extra ballots will be needed, he shall request them from the secretary of state a reasonable time before the election. The secretary of state shall send the requested number to the clerk, and may furnish as many additional ballots as he believes necessary. (1961, c. 360, § 1.)

**Sec. 68. Specimen ballots.**—Specimen ballots are governed by the following provisions:

**I. Secretary of state to prepare.** The secretary of state shall prepare the specimen ballots.

**A. Content.** The words "SPECIMEN BALLOT" in bold type, the title and date of the election, and the name of the voting district must be printed at the top of the ballot. The facsimile of the signature of the secretary of state must not be printed on it. It must be printed flat with the back blank. Otherwise, it must be printed substantially the same as a regular ballot.

**B. Color.** The ballot must be printed on paper of a distinctive color.

**II. When furnished.** The secretary of state shall send a reasonable number of specimen ballots to the clerk for posting as provided in subsection III, and an additional number with the regular ballots.

**III. Clerk to post.** The clerk shall post a specimen ballot at least 7 days before the election in a conspicuous, public place in each voting district.

**IV. Secretary of state to publish.** The secretary of state shall publish a specimen ballot a reasonable time before the election in a newspaper having general circulation in the area to which the ballot pertains.

**V. Candidate or nominee to fill vacancy.** When a candidate for nomination or a nominee is chosen to fill a vacancy, the secretary of state and the clerk of each interested municipality shall perform the duties required by this section as promptly as possible. (1961, c. 360, § 1.)

**Sec. 69. Instruction posters for voters.**—The secretary of state shall prepare instruction posters to guide voters in obtaining and marking ballots, and to inform them of the penalties for illegal voting. (1961, c. 360, § 1.)

**Sec. 70. Emergency ballot procedure.** — In an emergency as described in this section, the secretary of state may prepare new ballots, amend those already printed or procure them from another municipality or voting district. He may authorize any clerk to do the same.

**I. Ballots amended.** Ballots already printed may be amended by having corrective stickers added, as directed by the secretary of state.

**II. Emergency described.** An emergency may exist as follows: If there is a shortage of ballots; if the ballots are not delivered in time for the election; if the ballots are missing, defaced or destroyed; or if the replacement of a vacancy or the correction of an error in the ballot requires its amendment. (1961, c. 360, § 1.)

**Sec. 71. Official ballot box.**—An official ballot box is governed by the following provisions:

**I. Furnished by secretary of state.** The secretary of state shall furnish an official ballot box for each voting district.

**II. Described.** The boxes must be of uniform design. Each box must be equipped with a suitable lock and key. In the top of the box there must be an opening large enough to allow a single, folded ballot to be inserted, and no larger, with a slide device by which the opening may be covered or uncovered. The box must be large enough to receive the ballots deposited in it at any election.

**III. Municipality may provide.** A municipality may provide ballot boxes at its own expense. Each box may contain a mechanical device for counting and endorsing the ballots deposited in it but it may not be equipped so as to record any distinguishing mark or number on a ballot. Each box must meet the requirements of this section. Once approved by the secretary of state each box becomes an official ballot box.

**IV. Official ballot box required.** Only an official ballot box may be used to receive official ballots cast at any election. (1961, c. 360, § 1.)

**Sec. 72. Care and custody of official ballot box.**—The care and custody of an official ballot box are governed by the following provisions:

**I. Custody during election.** The ballot box is in the custody of the warden of each voting place during an election. He shall return it to the clerk at the close of the election.

**II. Custody at other times.** At other times, the ballot box is in the custody of the clerk. He shall keep it in good repair and shall provide safe storage for it at the expense of the municipality, subject to the supervision of the secretary of state.

**III. Defective, lost or destroyed.** If a ballot box becomes defective, lost or destroyed, the clerk shall apply in writing to the secretary of state for another. The secretary of state shall supply a replacement at the expense of the municipality. (1961, c. 360, § 1.)

**Sec. 73. Voting booths.**—Voting booths are governed by the following provisions:

**I. Provided by municipality.** The municipal officers of each municipality shall provide at least one voting booth for each 200 voters qualified to vote at each voting place.

**II. Described.** Each booth must have within it a pencil and a shelf on which a voter may mark his ballot conveniently. It must have a wooden swinging door or a drop curtain arranged so that the top of it is not less than 6 feet from a floor and the bottom is at least 2½ feet from the floor, so that the voter is screened from the observation of others. The entrance to the booth must be closed while the voter is inside. (1961, c. 360, § 1.)

**Sec. 74. Arrangement of voting place.**—The arrangement of a voting place is governed by the following provisions:

**I. General layout.** The voting place must be arranged so that the ballot box is within view of persons present. Each voting booth must be arranged so that those outside the guardrail may see who enters and leaves it.

**II. Guardrail.** A guardrail must be constructed so that only those inside it can approach within 6 feet of the ballot box and the voting booths.

**III. Flag displayed.** An American flag must be displayed in each voting place at any election. (1961, c. 360, § 1.)

**Sec. 75. Election notified.**—The municipal officers of each municipality shall notify an election as follows:

**I. Warrant issued.** They shall issue a warrant signed by a majority of them and directed personally to a constable or any resident ordering him to notify the election.

**II. Warrant posted and return made.** The person to whom the warrant is directed shall post an attested copy of it in a conspicuous, public place in each voting district in the municipality at least 7 days next prior to election day. He shall make a return on the warrant stating the manner of notice and the time it was given, and return the warrant to the municipal officers.

**III. Warrant recorded.** The municipal officer shall then deliver the warrant to the clerk who shall record it. (1961, c. 360, § 1.)

**Sec. 76. Form of warrant for notifying election.**—The warrant for notifying an election must read substantially as follows:

(Title of election) ELECTION WARRANT

(Name of county), ss.

State of Maine

To (name of constable or resident), a constable (or resident) of (name of municipality): You are hereby required in the name of the State of Maine to notify the voters of (name of municipality) of the election described in this warrant.

To the voters of (name of municipality and voting district, if any):

You are hereby notified that the (title of election) election in this municipality will be held at (name of voting place) on (day and date of election) for the purpose of effecting the (nomination or election) to the following offices: (list of offices); and determining the following referendum questions: (list of questions).

The polls shall be opened at . . . . . a.m. and closed at . . . . . p.m.

The registrar of voters will hold office hours while the polls are open to cor-

rect any error in or change a name or address on the voting list; to accept the registration of any person who becomes 21 years of age on election day, or after the close of registrations prior to it; (to accept new registrations—if the municipality has a population of 2,500 or less); and to accept new enrollments.

A person who is not registered as a voter may not vote in any election. A voter who is not enrolled in a political party may not vote in a primary election.

Dated at (name of municipality), (date signed).

.....  
.....  
.....  
.....  
.....  
Majority of municipal officers of  
(name of municipality)

(1961, c. 360, § 1.)

**Sec. 77. Officer's return on warrant for notifying election.**—The officer's return must appear on the back of the warrant substantially as follows:

OFFICER'S RETURN

(Name of county), ss. State of Maine

I certify that I have notified the voters of (name of municipality and voting district, if any) of the time and place of the (title of election) election by posting an attested copy of the within warrant at (place of posting), a conspicuous, public place within (name of municipality and voting district, if any) on (date of posting) which is at least 7 days next prior to election day.

Dated at (name of municipality), (date signed).  
(Signature of officer)  
Constable (or resident) of  
(name of municipality)

(1961, c. 360, § 1.)

**Sec. 78. Provisions governing polling time.**—The following provisions apply to polling times at any election:

**I. Opening time flexible.** The municipal officers of each municipality shall determine the time of opening the polls which must be opened not earlier than 6 a.m. and not later than 10 a.m. on election day.

**II. Closing time fixed.** The polls must be closed at 7 p.m. on election day.

**A. Exceptions.** In a municipality of 300 or less population, the municipal officers may determine the time for closing the polls, which must be closed not earlier than 5 p.m. nor later than 7 p.m. on election day. In any municipality, the municipal officers may permit the polls to remain open till 9 p.m. on election day in a voting place which uses voting machines exclusively.

**III. Polling times in warrant.** The municipal officers shall state the times of opening and closing the polls in the warrant notifying the election. (1961, c. 360, § 1.)

**Sec. 79. Delivery of voting list.**—The registrar shall deliver the necessary number of certified copies of the voting list to the clerk by 5 p.m. on the business day next prior to election day. The clerk shall give him a receipt for them. (1961, c. 360, § 1.)

**Duties and Procedures on Election Day.**

**Sec. 80. Duties of registrar on election day.**—The registrar shall hold office hours while the polls are open on any election day for the following purposes:

**I. Error in voting list.** He shall correct any error in the voting list which might otherwise deprive a voter of his franchise.

**A. Appear before registrar.** A voter who is prevented from voting because his name or address does not appear correctly on the voting list may request the registrar to correct it.

**B. Certificate issued.** If the name or address of the voter was omitted by error from or placed incorrectly on the voting list, the registrar shall issue a certificate to him containing his correct name and address and directed to the warden of his voting place. The registrar shall correct it on the voting list.

**C. Vote permitted.** On receipt of the certificate, the warden shall allow the person named in it to vote, check his name on the certificate as having voted, and attach the certificate securely to the incoming voting list.

**II. Change of name or address.** He shall change a name or address on the voting list.

**A. Appear before registrar.** A voter whose name or address has changed as provided in section 63 may request the registrar to change it on the voting list.

**B. Certificate issued.** The registrar shall issue a certificate to him and he may vote as provided in subsection I.

**III. Limited registration and unlimited enrollment.** He shall accept registrations in a municipality of 2,500 or less population. He shall accept the registration of a person who becomes 21 years of age on election day or after the close of registrations prior to it, in any municipality. He shall accept the enrollment of any voter as provided in section 14. (1961, c. 360, § 1.)

**Sec. 81. Powers and duties of warden.**—A warden has the following powers and duties:

**I. Enforcement of election law.** He shall enforce the law governing voting and counting procedures at the voting place over which he has jurisdiction on election day.

**II. Order at voting place.** He shall keep order at all times in and around the voting place. He shall order any person who creates a disturbance or otherwise violates the law at the voting place to be removed from it and, if necessary, confined until the polls are closed.

**A. Duty of peace officer.** On request of the warden, a peace officer shall remove, confine or arrest a person who creates a disturbance or otherwise violates the law at a voting place.

**III. Control of election clerks.** The election clerks at the voting place are under the supervision and control of the warden. He may assign their duties for convenience and efficiency and may delegate to them his duties of a ministerial nature. (1961, c. 360, § 1.)

**Sec. 82. Procedure at voting place.**—The following procedure must be observed on election day.

**I. Election materials sent to voting place.** Before the opening of the polls, the clerk shall deliver the election materials marked for each voting place to the warden at that voting place. The warden shall give the clerk a receipt for them.

**A. Exception.** In a municipality which has an island voting district, the clerk may deliver the ballots and other election materials to that district on the day before an election, and leave them in the protective custody of the warden or ward clerk.

**II. Election materials distributed and posted.** At the opening of the polls, the warden shall open the boxes of election materials, break the seals on the packages publicly and distribute the ballots to the incoming election clerks. He shall then post an instruction poster in each voting booth, and 3

instruction posters and 5 specimen ballots in the voting room outside the guardrail.

**III. Ballot box examined.** The warden shall then open the official ballot box, examine it and show publicly that it is empty. Immediately after examination, he shall lock the box and deliver the key to the ward clerk who shall keep it until the polls are closed. After the box has been locked, it may not be moved until the polls are closed.

**IV. Voting starts.** As soon as the duties required by subsections I to III have been performed, the warden shall permit voting to start. (1961, c. 360, § 1.)

**Sec. 83. Certified voting list and official ballot box at each voting place.**—The certified copies of the voting list provided by the registrar and only one official ballot box must be used exclusively at each voting place. (1961, c. 360, § 1.)

**Sec. 84. Voting procedure.**—The voting procedure is as follows:

**I. Name announced.** A voter who wishes to vote must state his name, and street address in a municipality which has voting districts, to an incoming election clerk who shall announce the name in a loud, clear voice.

**II. Enters guardrail.** The incoming election clerk in charge of the voting list shall place a check mark on the list beside the voter's name and allow him to enter the area within the guardrail.

**III. Ballot issued.** The incoming election clerk in charge of the ballots shall give the voter one ballot of each kind to which he is entitled.

**IV. Retires to voting booth.** After receiving his ballot, the voter shall retire to a voting booth, mark his ballot without delay, fold it the same as it was when he received it, and leave the voting booth.

**V. Ballot deposited.** When he leaves the voting booth, the voter shall proceed to the ballot box and announce his name to the outgoing election clerk in charge of the voting list. As soon as the outgoing election clerk checks his name on the list, he shall deposit his ballot in the ballot box and leave the area within the guardrail. He may not leave the area within the guardrail until he has deposited his ballot.

**VI. Re-entry prohibited.** A voter who has once left the area within the guardrail may not re-enter.

**VII. Ballot box opening covered.** The outgoing election clerk in charge of the ballot box shall keep the opening covered except when receiving a ballot. (1961, c. 360, § 1.)

**Sec. 85. Emergency ballot box procedure.**—If it becomes impossible to use the official ballot box, the warden shall direct the method by which voting is to proceed. The ward clerk shall record the reason why the ballot box was not used and shall place an attested copy of the record in the package with the ballots cast. (1961, c. 360, § 1.)

**Sec. 86. Guardrail area.**—The guardrail area is governed by the following provisions:

**I. Within the guardrail.** Election officials and not more than 2 voters in excess the number of voting booths may be within the guardrail. The warden may permit peace officers to be within the guardrail to enforce the law. All other persons must remain outside.

**II. Limited time within guardrail.** A voter may not remain within the guardrail for more than 10 minutes, and may not occupy a voting booth for more than 5 minutes.

**III. Voting booth.** No one may enter a voting booth with a voter, except when he requests assistance as provided in section 89.

**IV. Outside the guardrail.** Party workers and others may remain in the voting place outside the guardrail as long as they do not attempt to influence or interfere with the free passage of voters. If any person attempts to influence or interferes with the free passage of voters, the warden shall have him removed from the voting place. (1961, c. 360, § 1.)

**Sec. 87. Marking ballot at primary election.**—A voter shall mark his ballot at a primary election with a cross (X) or a check mark (✓) according to the following provisions:

**I. Individual square method.** He shall place the mark in the square at the right of each candidate for nomination for whom he wishes to vote.

**II. Write-in vote.** If he wishes to vote for a person whose name is not on the ballot, he shall write the name or paste a sticker containing the name in the blank space provided at the end of the list of candidates for nomination to the office in question. He shall then place the mark in the square at the right of it. (1961, c. 360, § 1.)

**Sec. 88. Marking ballot at general election.**—A voter shall mark his ballot at a general election with a cross (X) or a check mark (✓) according to the following provisions:

**I. Straight ticket.** If he wishes to vote a straight party ticket, he may place the mark in the party square, or in the square at the right of each nominee of that party.

**A. Vote omitted.** If he does not wish to vote for a nominee under the political designation whose party square he has marked, he shall draw a line through the name of that nominee.

**II. Split ticket.** If he wishes to vote a split ticket, he may do so in either of 2 ways:

**A. Party square method.** He shall first place the mark in a party square. He shall next draw a line through the name of each nominee of that party for whom he does not wish to vote. He shall then place the mark in the square at the right of each nominee under another political designation for whom he wishes to vote.

**B. Individual square method.** He shall place the mark in the square at the right of each nominee for whom he wishes to vote regardless of political designation, leaving all party squares blank.

**III. Write-in vote.** If he wishes to vote for a person whose name is not on the ballot, he shall write the name in the blank space provided at the end of the list of nominees for the office in question. He shall then place the mark in the square at the right of it, and if he has voted by the party square method, he must draw a line through the name of the nominee for whom he does not wish to vote. A write-in vote may be cast in combination with a straight or split ticket.

**A. Stickers prohibited.** A sticker may not be used to vote for a write-in candidate.

**IV. Referendum question.** In voting on a referendum question, he shall place the mark in the square of his choice at the right of the question. (1961, c. 360, § 1.)

**Sec. 89. Assistance in voting.**—A voter who is unable to read or mark his ballot because of physical disability, or whose religious faith prevents him from marking his ballot, may obtain assistance in so doing.

**I. Procedure.** The voter shall declare his disability to the warden. The warden shall designate 2 election clerks representing different political parties to assist the voter.

**II. Ballot marked in confidence.** The election clerks shall mark the ballot or assist the voter in doing so without attempting to influence his vote. They

shall write on the outside of the ballot that it was marked by them or by the voter with their assistance and sign their names. They shall not reveal the names of the persons for whom the ballot was cast.

**III. Assistance not offered.** An election official shall not offer a voter assistance in marking his ballot until directed to do so by the warden. (1961, c. 360, § 1.)

**Sec. 90. Spoiled ballot procedure.**—If a voter spoils his ballot, he may obtain a replacement not more than twice by returning the spoiled ballot to the election clerk in charge of issuing ballots.

**I. Spoiled ballot cancelled.** The election clerk shall mark “Spoiled by voter” on the outside of the spoiled ballot, sign it and keep it segregated from the other ballots. (1961, c. 360, § 1.)

**Sec. 91. Challenge of right to vote.**—A voter of any municipality may challenge the right of another to vote at any election in that municipality.

**I. How made.** The challenge must be made to the warden. The challenger shall state his name, the name of the voter challenged and the reason for the challenge.

**II. Voting list marked.** As soon as the challenge has been made, the election clerk in charge of the incoming voting list shall write “Challenged” beside the voter’s name on the list, and give a ballot to the warden.

**III. Ballot marked.** The warden shall write “Challenged” on the outside of the ballot, the name of the challenger, the name of the voter challenged and the reason for the challenge over his signature. An election clerk from each political party shall sign his name as a witness to the statements and the signature of the warden.

**IV. Proceed to vote.** The challenged voter shall then proceed to vote in the usual way using the marked ballot. (1961, c. 360, § 1.)

**Sec. 92. Certain activity prohibited in or near voting place.**—On election day certain activity is prohibited in or near the voting place.

**I. Instruction limited.** Within the voting place, a person shall not instruct another in the method of marking his ballot, except as provided in section 89.

**II. Influence prohibited.** Within the voting place, a person shall not influence or attempt to influence another as to choice of candidates.

**A. Limitation.** This does not prohibit a candidate from attendance at the voting place and oral communication with voters as long as he does not attempt to influence their vote.

**III. Advertising prohibited.** A person shall not display any advertising material or operate any advertising medium intended to influence the opinion of any voter, within 250 feet of the entrance to the voting place.

**A. Exceptions.** This does not apply to advertising material on automobiles traveling to and from the voting place. It does not prohibit a person from passing out stickers at the voting place which are to be pasted on the ballot at a primary election. It does not prohibit a person from wearing a campaign button. (1961, c. 360, § 1.)

**Sec. 93. Time for closing polls not to prevent voting.**—The warden shall give all voters present at the voting place at closing time the opportunity to vote. Any person who arrives at the voting place after the time for closing the polls has elapsed may not vote. (1961, c. 360, § 1.)

**Sec. 94. Voting list becomes check list.**—As soon as the polls are closed, an election clerk shall note on each certified copy of the voting list whether it was an incoming or outgoing list. Each election clerk shall sign his name on the copy used by him at the election. The warden shall countersign each copy. The copies then become the check list. (1961, c. 360, § 1.)

**Sec. 95. Ballot counting procedure.**—The election officials shall count the ballots under the supervision of the warden, as soon as the polls are closed.

**I. Counted in public.** The ballots must be counted publicly so that those present may observe the proceedings.

**II. Separated into lots.** In counting the ballots, the election clerks shall separate them into distinct lots. They shall place with each lot a statement of the count in that lot and the names of the election clerks who made the count.

**III. Results declared.** As soon as the ballots are counted, the warden shall declare the results publicly at the voting place. (1961, c. 360, § 1. )

**Sec. 96. Counting challenged, defective or void ballots.**—The counting of ballots is governed by the following provisions:

**I. Challenged ballot.** A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the result of an election. If the challenged ballots affects the result of an election, its validity must be determined by the governor and council subject to the right of appeal provided in section 138, except where final determination of the election of a candidate is governed by the state or federal constitution.

**II. Defective ballot.** A defective ballot must not be counted for the office, candidate or question affected by the defect, as follows:

**A. Too many marks.** If a voter marks more names for an office than there are vacancies to be filled, his vote for that office must not be counted.

**B. Choice indefinite.** If a voter marks his ballot in such a way as to make his choice impossible to determine, his vote for the office or question concerned must not be counted.

**C. Improper location of mark.** If a voter fails to mark his ballot so that the intersection of the cross or the apex of the check mark is within the proper square, the mark is ineffective and his vote for the candidate or question concerned must not be counted.

**III. Void ballots.** A void ballot must not be counted.

**A. Improper ballot.** A ballot which is not prepared in accordance with the requirements of this chapter is void.

**B. Distinguishing marks.** If a voter places a distinguishing mark anywhere on his ballot, the ballot is void. (1961, c. 360, § 1.)

**Sec. 97. Election return procedure.** As soon as the results of the election have been declared, the election return must be prepared.

**I. Town.** In a town which has one voting district, the clerk shall fill out in duplicate the election return form provided by the secretary of state, showing the number of votes cast for each candidate or question. He shall sign the return, have it attested by the warden and send the duplicate copy forthwith to the secretary of state.

**II. City or certain town.** In a city, or in a town which has more than one voting district, the ward clerk shall fill out the election return form provided by the secretary of state, showing the number of votes cast for each candidate or question. He shall sign the return, have it attested by the warden and deliver it to the clerk forthwith. Within 24 hours after the polls are closed, the clerk shall tabulate the returns in duplicate on the election return provided by the secretary of state, in the presence of the municipal officers. The clerk shall sign the return, have it attested by a majority of the municipal officers and send the duplicate copy forthwith to the secretary of state.

**III. Clerk to record.** The clerk shall record the original election return within 3 days after election day. (1961, c. 360, § 1.)

**Sec. 98. Election return lost or not delivered.**—If an election return is not delivered to the secretary of state within 7 days after an election, he shall send a messenger to the municipality concerned, and the clerk shall give him a certified copy of the return. (1961, c. 360, § 1.)

**Sec. 99. Ballots and list packed and returned.**—As soon as the election return has been prepared, the election officials shall perform the following duties:

**I. Ballots packed.** The election clerks shall pack each lot of used ballots and the tabulation of the count in that lot in a sealed package. Referendum ballots must be packaged separately.

**A. Packages marked.** Each package must be marked substantially as follows: "This package contains ballots cast at the (title of election) election held in (name of voting district and municipality) on (date of election). These ballots were counted, declared, recorded and packaged publicly in accordance with R. S., 1954, Chapter 3-A, Section 99." This statement must be subscribed by the warden and the ward clerk.

**II. Ballots replaced in containers.** The election clerks shall place the sealed packages of used ballots, unused ballots, spoiled ballots, defective ballots, absentee ballots, envelopes and applications in the containers in which they were delivered. They shall then seal the containers publicly.

**III. Lists packed separately.** The election clerks shall seal the copies of the check list in a separate package outside the containers of ballots.

**IV. Ballots and lists returned and kept.** The warden shall deliver the ballots and lists to the clerk within 24 hours after the closing of the polls. (1961, c. 360, § 1.)

**Sec. 100. Method of sealing ballot container.**—When a container is required to be sealed, it must be done so that the seal on the container must be broken before its contents can be examined. (1961, c. 360, § 1.)

**Sec. 101. Election expenses.**—Each municipality shall pay for the expense it incurs in calling, holding and reporting the results of an election. The state shall pay for other election expenses incurred as a result of the performance by state officials of the duties prescribed for them by this chapter. (1961, c. 360, § 1.)

### Voting Machines.

**Sec. 102. Municipalities may obtain and use voting machines.**—A municipality may obtain and use voting machines according to the following provisions:

**I. Purchased or rented.** The municipality may either purchase or rent voting machines.

**II. Use authorized.** The voting machines shall be used at each type of election authorized by the legislative body of the municipality. Once authorization has been given for use of the machines at any type of election, that authorization continues until specifically revoked by the legislative body.

**III. Use in one or more districts.** A municipality which has more than one voting district may use voting machines in one or more of the districts as determined by its legislative body. (1961, c. 360, § 1.)

**Sec. 103. Machines must meet certain requirements.**—A voting machine purchased by a municipality must meet the following requirements:

**I. Secrecy.** It must be constructed so as to insure to each voter an opportunity to vote in secrecy.

**II. Voting limited.** It must permit a voter to vote once and only once for each candidate and each question for whom or on which he is entitled to vote.

**III. Write-in vote.** It must permit a voter to vote for a write-in candidate.

**IV. Vertical ballot label.** It must accommodate a vertical ballot label.

**V. Voting limited to vacancies.** It must prevent a voter from voting for more persons for an office than there are offices to be filled.

**VI. Voting restricted at primary.** It must prevent a voter from voting for the nomination of candidates of more than one party at a primary election.

**VII. Unauthorized voting prohibited.** It must prevent a voter from voting for any office or upon any question for whom or on which he is not entitled to vote.

**VIII. Change of vote permitted.** It must permit a voter to change or retract a vote he has attempted to cast for any person, or on any question, before his vote has been completed and registered.

**IX. Official approval required.** It must be of an identical type approved by the secretary of state, the attorney general and one member of the governor's council to be designated by the governor. (1961, c. 360, § 1.)

**Sec. 104. Bond required on all voting machines.**—A municipality shall not make a payment on the purchase price of any voting machine until the vendor has filed with the secretary of state a bond issued by a surety company in form and amount approved by the insurance commissioner, in which the voting machine is specified by number, conditioned to keep the machine in good working order at the expense of the vendor for 5 years from the date of the delivery of the machine. (1961, c. 360, § 1.)

**Sec. 105. Regulations by secretary of state governing use of voting machines.**—The secretary of state may make reasonable regulations governing the use of voting machines. Before the regulations become effective, they must be approved by the governor and council. (1961, c. 360, § 1.)

**Sec. 106. Custody of voting machines.**—The clerk has custody of a voting machine used by the municipality.

**I. Storage and maintenance.** He is responsible for the proper storage and maintenance of each machine.

**A.** He shall have each machine locked, sealed and stored in a safe, dry building.

**B.** He shall have each machine kept in proper operating condition. (1961, c. 360, § 1.)

**Sec. 107. Expense of storage and maintenance of voting machines.**—The municipality shall pay reasonable expenses for the storage and maintenance of the machines as authorized by the clerk. (1961, c. 360, § 1.)

**Sec. 108. Instruction of election officials in operation of voting machines.**—The clerk shall hold a meeting before an election when it is necessary to instruct election officials in the operation of voting machines.

**I. Permission to use machines refused.** The clerk shall not permit a voting machine to be used at any voting place, unless he is satisfied that the election officials at that voting place know how to operate the machine properly and how to instruct a voter in operating it. (1961, c. 360, § 1.)

**Sec. 109. Ballot labels for voting machines.**—The secretary of state shall furnish the ballot labels for all except municipal elections.

**I. Content of label.** The ballot label must contain the names of the candidates or nominees of each political party arranged as nearly as practicable in accordance with the requirements for paper ballots.

**II. Referendum question.** A referendum question must be arranged so that the voter may vote for or against it. (1961, c. 360, § 1.)

**Sec. 110. Arrangement of voting place using voting machines.**—The municipal officers shall arrange each voting place according to section 74 except that voting booths need not be furnished. (1961, c. 360, § 1.)

**Sec. 111. Secrecy assured.**—The warden at each voting place shall not remain or allow any other person to remain where he can see how anyone votes, except a proper official whose assistance has been requested by a voter. (1961, c. 360, § 1.)

**Sec. 112. Clerk to post specimen ballot labels.**—The clerk shall post 2 sets of specimen ballot labels conspicuously at the voting place at the opening of the polls on election day. (1961, c. 360, § 1.)

**Sec. 113. Delivery of voting machines.**—The clerk shall perform the following duties concerning the delivery of voting machines:

**I. Delivery.** He shall have the voting machines delivered to each voting place at least 12 hours before the opening of the polls on election day. At the time of delivery, the ballot labels must be in place on each machine.

**II. Arrangements of machines.** The clerk shall arrange each voting machine so that each ballot label, when not in use, and the exterior of the machine are completely visible to the election officials.

**III. Machines locked.** After the voting machines have been placed in the proper position at the voting place, the clerk shall make certain that each machine is ready for use when the polls open, and he shall then lock each machine.

**IV. Keys to voting machines.** At least  $\frac{1}{2}$  hour before the opening of the polls on election day, the clerk shall deliver the keys to each machine in a sealed envelope, to the warden at the voting place. (1961, c. 360, § 1.)

**Sec. 114. Machines readied for voting.**—When it is time for the polls to open, the warden shall open the envelope containing the keys to the voting machines in the presence of an election clerk who is a member of another political party.

**I. Counters exposed.** If the number on the seal agrees with the number on the envelope, the warden shall open the doors concealing the counters, inspect the machine and sign a certificate provided by the secretary of state showing that all the counters are set at 0, that the number of the protective counter agrees with the number on the envelope, and that all parts of the machine and the ballot labels are in proper condition for voting.

**II. Machine satisfactory.** If the machine is in satisfactory condition for voting, the warden shall permit its use forthwith, after closing the doors concealing the counters. (1961, c. 360, § 1.)

**Sec. 115. Directions for voting by voting machine.**—A voter shall follow the same procedure prior to voting as if paper ballots were being used. He is entitled to the same assistance in voting by machine as by paper ballot.

**I. Exception.** In a voting place which uses voting machines, there is no outgoing election clerk or outgoing voting list. (1961, c. 360, § 1.)

**Sec. 116. Voting machines activated.** — The voting machines shall be activated by the warden or an election clerk designated by him.

**I. Primary election.** In a primary election, the warden or, in his absence, a designated election clerk must activate each voting machine so that a voter can vote only for the candidates of the political party in which he is enrolled. (1961, c. 360, § 1.)

**Sec. 117. Procedure for tabulating votes cast on voting machine.**—The following regulations outline the procedure for tabulating votes at an election in which voting machines are used:

**I. Counters exposed.** As soon as the polls are closed, the warden shall unlock each machine to prevent further voting. He shall then open the counters on each voting machine so that anyone present can see the totals.

**II. Totals announced.** The warden shall announce the total for each candidate in the order shown on the ballot label, for each referendum question, and

for each write-in candidate. As each total is read, it shall be recorded by an election clerk from a political party other than that of the warden.

**III. Totals checked.** When all the totals for a voting machine have been read and recorded, the election clerk shall check the totals recorded by him with those appearing on the machine. If the totals do not agree, the election clerk shall correct the record and call it to the attention of the warden. If the totals agree, the election clerk shall record the number of the machine at the top of the column of totals recorded from it.

**IV. Machine locked.** After allowing any person to compare the record with the totals shown on the machine, the warden shall close and lock it with the totals remaining on it and proceed to tabulate the next machine in the same manner.

**V. Absentee ballots counted.** After the totals for all voting machines have been recorded and checked, the absentee ballots shall be counted.

**VI. Total announced.** As soon as the absentee ballots have been counted, the total vote for each candidate and on each referendum question shall be tabulated and the result announced by the warden. (1961, c. 360, § 1.)

**Sec. 118. Procedure after election at which voting machines are used.**—The following procedure shall be observed after an election at which voting machines are used.

**I. Keys sealed in envelope.** In the presence of an election clerk who is a member of another political party, the warden shall enclose the keys to each voting machine in a separate envelope furnished by the clerk. The warden shall write the number of each machine, the location of the voting place in which it was used, the number on the seal and the numbers registered on the protective counter on the outside of the envelope.

**II. Envelopes endorsed.** After sealing each envelope securely, the warden and the election clerk shall endorse their signatures on it, and the warden shall see that it is returned forthwith to the clerk.

**III. Counter totals preserved.** The totals shown on the counters of a voting machine must be retained for 3 months after the election at which it is used.

**A. Exception.** If the occurrence of another election makes it imperative to remove the counter totals within 3 months after an election, the clerk shall have them photographed in his presence, and in the presence of the warden and an election clerk of a different party. The warden shall make a statement showing the number and counter totals of each machine as it is photographed. He shall sign the statement, have it attested and deliver it to the clerk who shall record it. As soon as the photographs are printed legibly, the clerk shall remove the totals, and retain the photographs for the balance of the 3-month period. (1961, c. 360, § 1.)

**Sec. 119. Security of voting machine keys.**—The clerk shall keep the keys to each voting machine in a vault or safe which is kept securely locked when the keys are not being removed from or replaced in it. He shall not allow any unauthorized person to have possession of the keys to any voting machine.

**I. Keys returned.** A person who is authorized to have possession of the keys to a voting machine shall return them to the clerk when he no longer needs them for the authorized purpose. (1961, c. 360, § 1.)

**Sec. 120. Application of chapter to voting by machine.** — The provisions of this chapter which are not inconsistent with sections 102 to 119 apply to all elections where voting machines are used. (1961, c. 360, § 1.)

#### Duties and Procedures After Election.

**Sec. 121. Reports of registration and enrollment.** — Within 10 days after an election, the registrar shall send a report to the secretary of state

stating the number of voters in each voting district of the municipality at the close of the polls on election day. Within 10 days after a primary election, the registrar shall report the number of voters enrolled in each political party in each voting district of the municipality at the close of the polls on election day. (1961, c. 360, § 1.)

**Sec. 122. Secretary of state to tabulate election returns and print results.**—Within 15 days after an election, the secretary of state shall tabulate the election returns and submit the tabulation to the governor and council.

**I. How tabulated.** The secretary of state shall tabulate all votes which appear by an election return to have been cast for a candidate, even though his name is misspelled, written with his initials, with wrong initials, or otherwise, on the return.

**II. Correction of return.** If it appears that an election return does not agree with the record of the vote at any voting place, he shall correct the tabulation by obtaining a certified copy of the record from the clerk.

**III. Tabulation printed.** The secretary of state shall have copies of the tabulation printed and made available to the public. (1961, c. 360, § 1.)

**Sec. 123. Determination of election.**—The determination of an election or referendum question is governed by the following provisions:

**I. Primary election.** In a primary election, the person who receives a plurality of the votes cast for nomination to any office is nominated for that office, if the number equals or exceeds the number of signatures needed to place his name on the primary ballot by petition.

**II. Other elections.** In any other election, the person who receives a plurality of the votes cast for election to any office is elected to that office.

**III. More than one vacancy.** In any election if there is more than one vacancy in an office, as many persons are nominated or elected as there are vacancies to be filled in decreasing order of the plurality of votes received by them.

**IV. Referendum question.** A referendum question is determined by majority vote. (1961, c. 360, § 1.)

**Sec. 124. Tie vote.** There is a tie vote when 2 or more persons receive an equal number of votes, which number would entitle each one to nomination or election except for the tie. There is a tie vote in a referendum when a question receives an equal number of affirmative and negative votes. (1961, c. 360, § 1.)

**Sec. 125. Procedure when tie vote exists.**—When there is a tie vote, the following provisions apply:

**I. Primary election.** In a primary election, the secretary of state shall notify each person involved in the tie to be present at his office at a certain time. At that time, he shall select the nominee publicly by lot.

**II. Other elections.** In any other election, the governor shall issue a proclamation declaring the tie and ordering a special election between the persons tied, as provided in section 193.

**A. Exception for presidential electors.** If there is a tie vote for presidential electors, the governor shall convene the legislature forthwith by proclamation. The legislature by joint ballot of the members assembled in convention shall determine which are elected.

**B. Exception for certain other officials.** This does not apply to the election of United States senator, representative to congress, governor and members of the state legislature which is governed by the federal or state constitutions.

**III. Referendum.** In a referendum other than on a liquor local option question, the negative vote prevails. (1961, c. 360, § 1.)

**Sec. 126. Ballot and check list inspection by candidate.** — On the written application of a candidate in any election within 5 days after election day, the clerk shall permit him or his counsel to inspect the ballots and check lists under proper protective regulations.

**I. Notice of inspection.** On receipt of the applications, the clerk shall send written notice of the inspection to the candidates for the office in question, stating the time and place of inspection.

**II. Time of inspection.** The inspection must be held as soon as reasonably possible at such a time and place as to afford the candidates a reasonable opportunity to be present.

**III. Packages resealed and marked.** After the inspection, the clerk shall reseal the packages of ballots and the check lists, and shall note the fact and date of inspection on them. (1961, c. 360, § 1.)

**Sec. 127. Recount.**—On the written application of a candidate in any election within 10 days after copies of the tabulation are made available to the candidates, the secretary of state shall permit him or his counsel to recount the ballots under proper protective regulations.

**I. Ballots and check lists recalled.** On receipt of the application, the secretary of state shall recall all the ballots and check lists from the clerk of each municipality concerned. The clerk shall return or release them to him as soon as any pending ballot inspection has been made.

**II. Notice of recount.** The secretary of state shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount.

**III. Time of recount.** The recount must be held as soon as reasonably possible at such a time and place as to afford the candidates a reasonable opportunity to be present.

**IV. Disputed ballots segregated.** At the recount, the secretary of state shall segregate any disputed ballots.

**V. Mistake in ballot count.** If it is found that there was a mistake made in counting the ballots on election day the secretary of state shall submit a corrected tabulation to the governor and council.

**VI. Appeal to governor and council.** If there are enough disputed ballots to affect the result of the election, the interested candidate may appeal to the governor and council for a determination of the election on written application to the secretary of state at the close of the recount.

**A. Exception.** This subsection does not apply where final determination of the election of a candidate is governed by the state or federal constitution.

**VII. Package resealed and marked.** After the recount, the secretary of state shall reseal the packages of ballots and the check lists, and shall note the fact and date of the recount on them. If there is an appeal to determine the validity of the disputed ballots, the secretary of state shall keep them until needed by the governor and council. (1961, c. 360, § 1.)

**Sec. 128. Appeal to governor and council for determination of election based on recount.**—On the written application of a candidate as provided in section 127, the governor and council shall hold a hearing on the appeal.

**I. Notice of appeal.** On receipt of the application, the secretary of state shall send written notice of the appeal to the candidates for the office in question, stating the time and place of the hearing on the appeal.

**II. Time of appeal.** The hearing on the appeal must be held as soon as reasonably possible at such a time and place as to afford the candidates a reasonable opportunity to be present.

**III. Determination.** At the hearing, the governor and council shall examine the disputed ballots, hear the arguments of each candidate or his counsel and determine who was elected. In making this determination, they may

accept as facts any relevant conclusions agreed upon by the nominees. (1961, c. 360, § 1.)

**Sec. 129. Inspection, recount and appeal on referendum ballots.**—Any resident of the municipality affected may inspect referendum ballots, have them recounted and appeal those disputed to the governor and council as provided in sections 126 to 128. Instead of the notice requirements of those sections, the person to whom the application is directed shall publish a notice of the details of the inspection, recount or hearing on appeal in a newspaper having general circulation in the municipalities concerned, at least 3 days prior to it. (1961, c. 360, § 1.)

**Sec. 130. Ballots and check lists made available to governor and council, legislature and courts.**—On request, the clerk of any municipality and the secretary of state shall produce any ballots or check lists in his custody before the governor and council, either branch of the legislature, any legislative committee or any court of competent jurisdiction. (1961, c. 360, § 1.)

**Sec. 131. Determination of election results.**—The governor and council shall review the tabulation of the vote, hear appeals and determine the result of referendum questions and the persons to whom the governor shall issue certificates of election or notices of apparent election where the final determination as to their election depends on the federal or state constitution. (1961, c. 360, § 1.)

**Sec. 132. Election certificate issued.**—Within a reasonable time after an election, the governor shall issue an election certificate in accordance with chapter 21, section 4, or a notice of apparent election to each person elected to office according to the tabulation required by section 122, or on appeal according to the determination of the governor and council.

**I. Ineligible person.** The governor shall not issue an election certificate to a person who is ineligible for the office. (1961, c. 360, § 1.)

**Sec. 133. Election of presidential electors.**—In a presidential election year, the presidential electors shall be chosen at the general election.

**I. Vote for presidential candidate construed.** A vote for the candidates of any political party for president and vice-president is a vote for each nominee of the same political party for presidential elector. (1961, c. 360, § 1.)

**Sec. 134. Duties of governor after presidential electors chosen.**—As soon as possible after the presidential electors are chosen, the governor shall send a certificate of the determination of the electors to the administrator of general services under the state seal. The certificate shall state the name of the electors, and the number of votes which each received. The governor shall deliver 6 original duplicates of the same certificate under the state's seal to the electors on or before the first Monday after the second Wednesday of December, following their election. (1961, c. 360, § 1.)

**Sec. 135. Presidential electors to convene.**—The presidential electors shall convene in the senate chamber in Augusta on the first Monday after the second Wednesday of December at 2 p.m. following their election. If any electors are not present, the electors present shall fill the vacancy by majority vote. (1961, c. 360, § 1.)

**Sec. 136. Duties of presidential electors in convention.**—The duties of the presidential electors in convention are as follows:

**I. Separate ballots.** When convened as required by section 135, they shall each cast separate ballots for president and vice-president, one of whom must not be a resident of this state.

**II. Certificate prepared and sent.** They shall make and subscribe to 6 certificates containing the number of votes cast separately for president and

vice-president. They shall attach one of the lists of electors furnished them by the governor to each certificate. They shall seal each certificate and attached list in an envelope stating that a certificate of the votes of this state for president and vice-president is contained inside.

**III. Envelope sent immediately.** They shall send one envelope immediately by registered mail to the president of the senate of the United States, Washington, D. C. They shall deliver 2 envelopes immediately to the secretary of state of this state who shall hold one of them subject to the order of the president of the senate of the United States and shall keep the other in his office as a public record for one year. They shall deliver one envelope forthwith by registered mail to the judge of the United States district court for the district of Maine.

**IV. Envelopes sent next day.** On the following day, they shall send 2 envelopes by registered mail to the administrator of general services of the United States, Washington, D. C. (1961, c. 360, § 1.)

**Sec. 137. Compensation of presidential electors and employees.**—The presidential electors shall be paid \$10 per day for each day actually and necessarily employed in the performance of their duties, and necessary expenses, including travel expenses at the same rate as that paid to members of the legislature. The presidential electors may hire necessary clerical employees who shall be paid a reasonable compensation established by the electors. (1961, c. 360, § 1.)

**Sec. 138. Determination of title to office where dispute exists.**—A person who claims to have been elected to any county office may proceed against another who claims title to the office, as follows:

**I. Procedure.** He shall bring a complaint in the superior court within 15 days after the certificate of election is issued. The complaint must allege the facts upon which he relies in maintaining his action. The action must be brought in the county where the defendant resides. The court shall hear and decide the case as soon as reasonably possible.

**II. Appeal procedure.** The party against whom the judgment is rendered may appeal to the supreme judicial court within 10 days after entry of the judgment. The appellant shall file the required number of copies of the record with the clerk of courts within 20 days after filing the notice of appeal. Within 30 days after the appeal is taken, the parties shall file briefs with the clerk of courts. As soon as the records and briefs have been filed, the court shall consider the case forthwith, and shall hand down its decision as soon as reasonably possible. Final judgment shall be entered accordingly.

**III. Court to issue order.** As soon as final judgment has been rendered, any justice of the superior court, on request of the prevailing party, shall issue an order to the party unlawfully claiming or holding the office, commanding him to surrender it forthwith to the person who has been adjudged lawfully entitled to it, together with all the records and property connected with it. The prevailing party may enter upon the duties of the office as soon as his term begins.

**IV. Costs.** The court shall allow costs to the prevailing party as justice may require. (1961, c. 360, § 1.)

**Sec. 139. Commencement of term of office.**—County officials elected at the general election take office on January 1st directly following election day. The terms of other officials commence on the day provided in the federal or state constitutions. (1961, c. 360, § 1.)

### Absentee Voting.

**Sec. 140. Absentee voting at any election.**—Absentee ballots may be cast at any election. (1961, c. 360, § 1.)

**Sec. 141. Materials furnished for absentee voting.** — A reasonable time before any election the secretary of state shall furnish each municipality with a reasonable number of absentee ballots, ballot applications and return envelopes.

**I. Absentee ballot.** An absentee ballot must be identical in all respects to the regular ballots used at an election, except that the words "Absentee Ballot" must be printed conspicuously on both sides of the folded ballot.

**II. Content of application.** The application must contain a place for the following: Name of applicant, address, address to which ballot is to be sent, title of election at which ballot to be cast, name of party in which he is or desires to be enrolled, date of application and signature of applicant. It must also contain a place for the applicant to designate the reason for requesting an absentee ballot, the name of a person to whom his ballot may be delivered and a place for the registrar to certify whether the applicant is registered and the party in which he is or desires to be enrolled.

**III. Quantity of materials furnished.** The secretary of state shall send the voting materials to the clerk of each municipality. If the clerk believes that a larger number should be furnished, he shall advise the secretary of state who shall furnish them as promptly as possible. (1961, c. 360, § 1.)

**Sec. 142. Procedure for obtaining absentee ballot.**—The following procedure must be observed in obtaining an absentee ballot:

**I. Applications available.** On any request, the clerk shall furnish a reasonable number of ballot applications to any person.

**II. Application or request received.** On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall check with the registrar to determine whether he is registered, and enrolled where necessary.

**III. Ballot delivered.** If the applicant is registered, and enrolled where necessary, the clerk shall send or deliver an absentee ballot and return envelope forthwith to him or to a third person designated in the application or request. He shall also include a ballot application to be completed by the person who signed only a written request. In a primary election, if the applicant is registered but not enrolled, the clerk shall also send him an enrollment application to be returned separately from his absentee ballot.

**IV. Advised if not registered.** If the applicant is not registered, the clerk shall advise him he is not eligible to vote for that reason.

**V. Clerk to list.** The clerk shall keep a list of the persons to whom he furnishes absentee ballots, until after election day. (1961, c. 360, § 1.)

**Sec. 143. Absentee voting method.**—The method of voting by absentee ballot is as follows:

**I. Marked before certain officials.** When an absentee voter is within the state, he must mark his ballot in the presence of one of the following officials: Justice of the peace, notary public, clerk or deputy clerk of a municipality, dedimus justice or clerk of courts. When he is outside the state, the voter must mark his ballot before a notary public having a seal or before any diplomatic or consular official of the United States.

**II. Ballot unmarked.** Before marking his ballot, the voter shall show it to the official who shall examine it to be certain it is unmarked.

**III. No communication.** There must be no communication between the voter and the official as to the person or party for whom the voter is to vote.

**IV. Ballot marked and sealed.** The voter shall mark his ballot according to section 87 or 88 in such a way as to make it impossible for anyone to see how he voted. He shall then seal the ballot in its return envelope, and complete the affidavit on the envelope in the presence of the official who shall subscribe his name, note his title and affix his seal if he is a notary public.

**V. Physically incapacitated voter.** A voter who is unable to mark his ballot because of physical incapacity may request one of the officials listed in subsection I to read the ballot to him and mark it for him according to his instructions.

**VI. Ballot sent.** The voter shall then complete the address on the envelope and mail or deliver it personally or by agent to the clerk of the municipality of which he is a resident. He shall also send a completed application in a separate envelope, if he has not previously done so. (1961, c. 360, § 1.)

**Sec. 144. Deadline on receipt of absentee ballots.**—In order to be valid, an absentee ballot must be delivered to the clerk before 1 p.m. on election day in a municipality having more than one voting district. In other municipalities, it must be delivered to the clerk before 5 p.m. on election day.

**I. Received after deadline.** An absentee ballot received by the clerk after the deadline must be kept by the clerk unopened. He shall write "Received after deadline" on it and keep it segregated from the other ballots, unopened. (1961, c. 360, § 1.)

**Sec. 145. Procedure on receipt of absentee ballot.** When the clerk receives a return envelope apparently containing an absentee ballot, he shall observe the following procedure:

**I. Time of receipt noted.** He shall note the date and time of delivery on each return envelope.

**II. Clerk to examine signatures and affidavit.** He shall compare the signature of the voter on the application with that on the corresponding return envelope. He shall also examine the affidavit on the return envelope. If the signatures appear to have been made by the same person and if the affidavit is properly completed, he shall write "OK" and his initials on the return envelope. Otherwise, he shall note any discrepancy on the return envelope.

**III. Application attached.** He shall attach each application to the corresponding envelope. He shall not open any return envelope.

**IV. Lists prepared.** In a municipality which has more than one voting district, he shall prepare a separate list of the names, addresses and districts of the voters as shown on the return envelopes, and the date on which each envelope was received.

**V. Envelopes and lists delivered.** Before the polls are closed on election day, he shall deliver the return envelopes including those received after the dead-line prescribed by section 144 with the applications attached, and the list required by subsection III to the warden of the voting district in which the voter is registered. (1961, c. 360, § 1.)

**Sec. 146. Challenge of absentee ballot.** — An absentee ballot may be challenged the same as a regular ballot as provided in section 91. (1961, c. 360, § 1.)

**Sec. 147. Must vote in person when possible even though absentee ballot cast.**—A person who has voted by absentee ballot, but who is present in the municipality and able to vote in person at the voting place on election day must do so. (1961, c. 360, § 1.)

**Sec. 148. Counting procedure for absentee ballots at voting place.**—The following counting procedure must be observed at each voting place:

**I. Warden to review notes of clerk.** As soon as the polls are closed, and the regular ballots removed from the ballot box, the warden shall review the notes of the clerk on each return envelope.

**II. Deposited in ballot box if correct.** If the warden finds that the signatures appear to have been made by the same person and that the affidavit is properly completed, he shall examine the check list to determine whether the voter voted in person at the election. He shall then announce the name of

each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk mark letters "AV" beside the name of each absentee voter on the voting list, he shall deposit the ballot in the ballot box.

**III. Rejected if incorrect.** If the warden finds that the signatures do not appear to have been made by the same person, that the affidavit is not properly completed, that the person is not registered, that the voter has voted in person or that the ballot was received by the clerk after the deadline, he shall not open the envelope. He shall write "Rejected" on it, the reason why and his initials.

**IV. Primary provisions.** At a primary election, when the warden removes a ballot from its envelope, he shall check its color to be sure it is the ballot of the party in which the voter is enrolled. If it is not, he shall immediately replace it in its envelope, reseal the envelope, and write "Rejected" on it, the reason why and his initials.

**V. Rejected ballots separate.** The warden shall place the return envelopes containing rejected ballots in a separate lot. He shall not deposit them in the ballot box.

**VI. Ballots counted.** As soon as the absentee ballots have been processed, they shall be removed from the ballot box and counted the same as regular ballots. Rejected ballots must not be counted. (1961, c. 360, § 1.)

**Sec. 149. Absentee ballot of dead voter rejected.** — If an absentee voter dies before the opening of the polls on election day, and this fact comes to the attention of the clerk, registrar or any election official, he shall so advise the warden who shall reject the ballot of the dead person. He shall write on the unopened envelope "Rejected as deceased," and place it with the other rejected ballots. (1961, c. 360, § 1.)

**Sec. 150. Absentee ballot not rejected for irregularity.**—An absentee ballot may not be rejected for any immaterial irregularity in completing the application or affidavit on the return envelope. (1961, c. 360, § 1.)

**Sec. 151. Election materials for absentee voting returned to clerk.**—As soon as the ballots have been counted, the applications, absentee ballots, return envelopes, lists required by section 145 and other election materials shall be repacked in accordance with section 99 and returned to the clerk. The clerk shall keep them in his office for 3 months after election day unless sooner released to the secretary of state. (1961, c. 360, § 1.)

### Voting by Members of the Armed Forces.

**Sec. 152. Application of sections 153 to 163.**—Sections 153 to 163 apply equally to a member of the armed forces, his spouse, to a civilian attached to, serving with or subject to the control of the armed forces, and to his spouse. (1961, c. 360, § 1.)

**Sec. 153. Methods of registration by member of armed forces.**—A member of the armed forces may register at any time as follows:

**I. Federal form.** He may complete and file the federal postcard application form with the registrar.

**II. Form filed.** He may complete and file with the registrar an application provided by the municipality stating the information necessary to show his qualifications.

**III. Request by relative.** A blood relative, former guardian or spouse may complete and file with the registrar the application described in subsection II. (1961, c. 360, § 1.)

**Sec. 154. Registrar to register applicant who is member of armed forces.**—On receipt of an application described in section 153, the registrar

shall register the applicant, unless it appears he is not qualified. If he is not qualified, the registrar shall advise him the reason why.

**I. Member specially designated.** The registrar shall place the letter "S" on the voting list beside the name of each member of the armed forces registered under this section. (1961, c. 360, § 1.)

**Sec. 155. Enrollment of member of armed forces.**—A member of the armed forces who is registered to vote may enroll by designating his party preference over his signature. (1961, c. 360, § 1.)

**Sec. 156. Name of member of armed forces added at any time.**—The registrar may add the name of a member of the armed forces to the voting list at any time. (1961, c. 360, § 1.)

**Sec. 157. Application for absentee ballot from member of armed forces.**—A written request for an absentee ballot from a member of the armed forces, his spouse, a blood relative or his former guardian is sufficient. (1961, c. 360, § 1.)

**Sec. 158. Absentee ballot procedure for members of armed forces.**—The following absentee ballot procedure shall be observed:

**I. Delivery of ballot.** On receipt of an absentee ballot application, federal postcard application or a written request as described in section 157 the clerk shall mail the ballot and voting instructions forthwith to the member.

**II. Special ballots and envelopes.** The secretary of state shall provide a ballot and an envelope which will move free of postage under federal law.

**III. Ballot marked and sealed.** The member shall mark his ballot according to section 87 or 88 in such a way as to make it impossible for anyone to see how he voted. He shall then seal the ballot in its return envelope, write his voting residence including street address in the upper left hand corner of the return envelope, sign his name and have his signature certified as that of the voter. His signature may be certified by any commissioned officer, non-commissioned officer not below the rank of sergeant, or petty officer in the armed forces, or by any diplomatic or consular official of the United States. He shall then mail the envelope to the clerk of his municipality. (1961, c. 360, § 1.)

**Sec. 159. Procedure on receipt of absentee ballot from member of armed forces.**—On receipt of a return envelope apparently containing an absentee ballot, the clerk shall note the date and time of delivery on it and deliver it to the registrar. The registrar shall certify on the envelope whether the person whose name appears as sender is registered, and in a primary election enrolled, in the municipality. He shall then return the envelope to the clerk. (1961, c. 360, § 1.)

**Sec. 160. Acceptance of absentee ballots from members of armed forces.**—The clerk shall accept all absentee ballots delivered to him before 5 p.m. on election day. On request, he shall give the person who delivers a ballot a receipt stating the exact time of delivery. (1961, c. 360, § 1.)

**Sec. 161. Procedure on election day for handling absentee ballots of members of the armed forces.**—On election day before the polls are closed, the clerk shall deliver the envelopes to the warden of the voting district in which the voter is registered. If there is more than one voting district, he shall also deliver a list of the names, addresses and districts of the voters as shown on forms within 10 days after request and payment. (1961, c. 360, § 1.)

**Sec. 162. Authority of secretary of state regarding voting by members of armed forces.**—The secretary of state may act administratively to

facilitate voting by members of the armed forces. He may use federal or other facilities available for this purpose. (1961, c. 360, § 1.)

**Sec. 163. Absentee ballot cast by member of armed forces not rejected for irregularity.**—An absentee ballot cast by a member of the armed forces may not be rejected for any immaterial irregularity in completing the application for the ballot or its return envelope. (1961, c. 360, § 1.)

### Initiative and Referendum.

**Sec. 164. Initiative and referendum petitions.**—On the written request of a voter, the secretary of state shall furnish enough petition forms to enable him to invoke the initiative procedure or the referendum procedure provided in article IV, part third, of the constitution.

**I. Limitation on referendum petition.** A request for a referendum petition must be filed at the office of the secretary of state within 10 days after adjournment of the legislative session at which the act in question was passed.

**II. Forms at expense of voters.** The person who requests the petition forms must pay the secretary of state for them at the time of delivery.

**III. Furnished within 10 days.** The secretary of state shall furnish the forms within 10 days after request and payment. (1961, c. 360, § 1.)

**Sec. 165. Verification and certification of initiative and referendum petitions.**—The verification and certification of the petition as required by article IV, part third, section 20 of the constitution must be worded so that a single verification or certification may cover one or more pages fastened together as a single petition. (1961, c. 360, § 1.)

**Sec. 166. Instructions printed on each initiative and referendum petition.**—The secretary of state shall prepare complete instructions to advise the clerk and the signer or circulator of a petition as to the statutory and constitutional requirements. The instructions must specify the conditions which have been held to invalidate either individual signatures or complete petitions. The instructions must be printed in bold type on each page of the petition. (1961, c. 360, § 1.)

### Campaign Reports and Finances.

**Sec. 167. Application and construction of sections 168 to 177.**—Sections 168 to 177 apply to candidates for all state and county offices, to campaigns for their nomination or election, and to campaigns for the promotion or defeat of a party, principle, initiative or referendum question. Reference to the promotion or defeat of a candidate also includes the promotion or defeat of a party, principle, initiative or referendum question. (1961, c. 360, § 1.)

**Sec. 168. Treasurer required for each political committee.**—Each political committee must appoint a treasurer before accepting or spending any money. (1961, c. 360, § 1.)

**Sec. 169. Registration of treasurer of candidate or political committee.**—A candidate or political committee shall advise the secretary of state the name and address of its treasurer within 7 days after his appointment, the candidate or committee by which he was appointed, and his term of office. (1961, c. 360, § 1.)

**Sec. 170. Collection of money.**—Only a treasurer or a candidate may accept money to promote or defeat a candidate.

**I. Limitation.** This does not prohibit the receipt of contributions by a solicitor to be transferred to a treasurer, or the acceptance of money by a person who furnishes goods or services. (1961, c. 360, § 1.)

**Sec. 171. Disbursement of money.**—Only a treasurer or a candidate may spend money to promote or defeat a candidate.

**I. Limitation.** This does not prohibit contributions to a candidate, political committee or party by a person other than a treasurer or candidate, or the spending of his own money by any person.

**II. Certain spending prohibited.** The spending of money for alcoholic beverages is prohibited. (1961, c. 360, § 1.)

**Sec. 172. Treasurer and candidate to keep records.**—Each treasurer and each candidate shall keep detailed records of all money received or spent and liability incurred by him in the campaign including the name and address of each donor, the amount given, the name and address of each payee or creditor, the amount spent or liability incurred and the purpose. (1961, c. 360, § 1.)

**Sec. 173. Campaign reports filed.**—Campaign reports must be filed with the secretary of state by each candidate and by the treasurer of each candidate or political committee.

**I. Exception.** The treasurer of a municipal committee need not file campaign reports with the secretary of state, but the amounts of money received and spent, and the liabilities incurred by his committee must be included in the reports of the proper county committee.

**II. When filed.** A preliminary report must be filed with the secretary of state not less than 10 nor more than 15 days before an election. A final report must be filed with the secretary of state within 30 days after the election showing the totals of the entire campaign.

**III. Content.** The report must contain the itemized amounts of money received to date and the name and address of each donor. It must also contain the itemized amounts of money spent and liability incurred to date, the purpose of each, and the name of each payee and creditor.

**A. Exceptions.** The name and address of a donor of less than \$50 need not be included. Total contributions or total expenditures of less than \$100 need not be itemized. (1961, c. 360, § 1.)

**Sec. 174. Failure to file campaign report on time.**—A person who fails to file a campaign report within the time required by this chapter shall be assessed not more than \$5 for each day he is in default by the campaign reports committee, unless he is excused by the committee.

**I. Disqualified.** If the assessment is not paid at the order of the committee, the person becomes disqualified and his name shall not be printed on an official ballot used at any election held during the same calendar year.

**II. Appeal.** A person aggrieved by an order of the committee may appeal to a justice of the superior court within 5 days after being notified of the decision, by presenting to him a written complaint. The justice shall fix a time and place for immediate hearing. He shall order notice of the hearing to be given to the committee. Within 7 days after the hearing, the justice shall affirm, modify or reverse the decision of the committee, and his decision is final. (1961, c. 360, § 1.)

**Sec. 175. Campaign reports committee.**—There is created a campaign reports committee composed of 2 members from the senate and 3 members from the house of representatives. Before the adjournment of the regular session of the legislature, the president of the senate shall appoint the senate members, one of whom must be a member of the minority party; and the speaker of the house shall appoint the house members, one of whom must be a member of the minority party. The committee shall serve until a new committee is appointed in its stead.

**I. Compensation.** The members of the committee shall be paid \$10 per day for each day actually and necessarily employed in the performance of

their duties, and necessary expenses, including travel at the same rate as that paid to members of the legislature. (1961, c. 360, § 1.)

**Sec. 176. Meetings of campaign reports committee.**—The campaign reports committee shall meet and review the campaign reports as follows:

**I. Regular election.** It shall meet in Augusta 7 days before a regular primary or general election to review the preliminary campaign reports. It shall meet again in Augusta 30 days after a regular primary or general election to review the final campaign reports.

**II. Special election.** It shall meet before or after a special election as necessary. (1961, c. 360, § 1.)

**Sec. 177. Investigation by campaign reports committee.**—The campaign reports committee may investigate for the purpose of determining the facts concerning money received or spent, or liability incurred, by any treasurer, candidate or political committee. For this purpose, the committee may subpoena witnesses and records and take evidence under oath. A person who fails to obey the lawful subpoena of the committee or to testify before it under oath shall be punished by the superior court for contempt on application by the committee.

**I. Investigation requested.** Any person may make written application to the committee requesting an investigation, and stating his reasons for it. The committee shall review the application and shall make the investigation if the reasons stated, taken as true, show sufficient grounds for it.

**II. Attorney general counsel.** The attorney general in counsel for the committee. He shall examine the witnesses before the committee.

**III. Violations punished.** The attorney general shall prosecute any person who fails to account for any money received or spent, or liability incurred, as required by this chapter. (1961, c. 360, § 1.)

#### Vacancies.

**Sec. 178. Vacancy in candidates for nomination.**—If a candidate for nomination dies, withdraws or becomes disqualified after having filed his primary petition, so that a party has less candidates than there are offices to be filled, the vacancy may be filled as follows:

**I. Primary petition if time.** If there is sufficient time to circulate a primary petition before the primary election, as determined by the secretary of state, the new candidate must be chosen in that manner. The secretary of state shall set a time for filing the new petition and the consent described in section 41.

**II. Chosen by committee if not time.** If there is not sufficient time to circulate a primary petition, the secretary of state shall advise the governor who shall issue a proclamation.

**A. Content of proclamation.** In his proclamation the governor shall declare the vacancy, order the appropriate political committee to fill it, and set a time and place for the committee to meet.

**B. Procedure.** The committee shall follow the procedure outlined in section 191. (1961, c. 360, § 1.)

**Sec. 179. Vacancy in certain nominees 60 days before election.**—If a person nominated for United States senator, representative to congress or governor at a regular primary election dies, withdraws or becomes disqualified at least 60 days before the general election, the governor shall issue a proclamation.

**I. Content of proclamation.**—In his proclamation, the governor shall declare the vacancy and order a special primary election as provided in section 193. (1961, c. 360, § 1.)

**Sec. 180. Vacancy in certain nominees less than 60 days before election.**—If a person nominated for United States senator, representative to

congress or governor at a regular primary election dies, withdraws or becomes disqualified less than 60 days before the general election, the governor shall issue a proclamation.

**I. Content of proclamation.** In his proclamation, the governor shall declare the vacancy, order the appropriate political committee to fill it, and set a time and place for the committee to meet.

**II. Procedure.** The committee shall follow the procedure outlined in section 191. (1961, c. 360, § 1.)

**Sec. 181. Vacancy in other nominees at any time.**—If a person nominated for an office other than United States senator, representative to congress or governor at a regular primary election dies, withdraws or becomes disqualified before the general election, the governor shall issue a proclamation as provided in section 180, and the procedure outlined in section 191 must be followed. (1961, c. 360, § 1.)

**Sec. 182. New candidate or nominee must file campaign report.**—A candidate for nomination or a nominee chosen to fill a vacancy must file a final campaign report as prescribed by section 173 with the secretary of state within 15 days after his appointment. He need not file a preliminary report. (1961, c. 360, § 1.)

**Sec. 183. Vacancy in office.**—A vacancy in any state office, county office, in the office of an election official or in any political committee occurs when the incumbent dies, resigns, becomes disqualified or changes his residence to an electoral division other than that from which he was elected; when the person elected fails to qualify; and when the electorate fails to elect a person to office.

**I. Filled for unexpired term.** A vacancy in any office must be filled for an unexpired term, except where it is specifically provided to the contrary. (1961, c. 360, § 1.)

**Sec. 184. Vacancy in election officials.**—The municipal officers shall appoint a qualified person to fill a vacancy in the office of any election official.

**I. Limitation.** An election clerk appointed to fill a vacancy must be of the same party as the former incumbent, and must be nominated as provided in section 52. (1961, c. 360, § 1.)

**Sec. 185. Vacancy in political committee.**—A political committee shall fill a vacancy in its membership.

**I. Secretary of state notified.** The secretary of a state, district or county committee shall advise the secretary of state the name and residence of each person chosen to fill a vacancy. (1961, c. 360, § 1.)

**Sec. 186. Vacancy in representatives to legislature.**—When there is a vacancy in the office of representative to the legislature, the municipal officers of any municipality affected by it may advise the governor if there is a need to fill the vacancy before the next general election, and the governor shall issue a proclamation.

**I. Content of proclamation.** In his proclamation the governor shall declare the vacancy and order a special election, as provided in section 193.

**II. Nominees chosen.** He shall also order the appropriate political committees to choose nominees and shall set a time and place for them to meet. The committees shall follow the procedure outlined in section 191. (1961, c. 360, § 1.)

**Sec. 187. Vacancy in state senators.**—When there is a vacancy in the office of state senator, the governor shall issue a proclamation.

**I. Content of proclamation.** In his proclamation, the governor shall declare the vacancy and order a special election as provided in section 193.

**II. Nominees chosen.** He shall also order the appropriate political committees to choose nominees and shall set a time and place for them to meet. The committee shall follow the procedure outlined in section 191. (1961, c. 360, § 1.)

**Sec. 188. Vacancy in representatives to congress.**—When there is a vacancy in the office of representative to congress, the governor shall issue a proclamation.

**I. Content of proclamation.** In his proclamation, the governor shall declare the vacancy and order a special primary election followed by a special election to fill the vacancy as provided in section 193.

**A. Congress in session.** If congress is in session, the elections must be held as soon as reasonably possible. If not, they must be held before the next regular or called session. (1961, c. 360, § 1.)

**Sec. 189. Vacancy in United States senators.**—A vacancy in the office of United States senator is governed by the following provisions:

**I. Interim appointment.** Within a reasonable time after the vacancy occurs, the governor, with the advice and consent of the council, shall appoint a qualified person to fill the vacancy until his successor is elected and qualified.

**II. Vacancy 60 days before primary.** If the vacancy occurs 60 days or more before a regular primary election, nominees must be chosen at the primary and a successor elected for the remainder of the term at the general election.

**III. Vacancy less than 60 days before primary.** If the vacancy occurs less than 60 days before a regular primary election, nominees must be chosen at the next regular primary following the one in question, and a successor elected for the remainder of the term at the general election. (1961, c. 360, § 1.)

**Sec. 190. Vacancy in presidential electors.**—When there is a vacancy in the office of presidential elector, the governor shall issue a proclamation as provided in section 180 ordering the appropriate state committee to choose a qualified person to fill the vacancy. The procedure outlined in section 191 must be followed:

**I. Exception.** This section does not apply to a vacancy as described in section 135. (1961, c. 360, § 1.)

**Sec. 191. Candidates and nominees chosen by committee.**—The meeting of a political committee as required by sections 178, 180, 181, 186, 187 and 190 is governed by the following provisions:

**I. Time and place of meeting.** The committee shall meet at the time and place prescribed in the governor's proclamation.

**II. Duties of committee.** The committee shall choose a qualified person to fill the vacancy. The secretary of the committee shall deliver forthwith to the secretary of state a certificate containing the name of the person chosen, his residence, title of the office sought, his political party and the method by which he was chosen. The certificate must be signed by the chairman of the committee and attested by the secretary.

**A. Class towns.** In an electoral division of class towns, the municipal committee of each town shall meet jointly, elect a secretary and a chairman for the meeting, and then fill the vacancy.

**III. Acceptance filed.** A person chosen as provided in this section must file his written acceptance with the secretary of state.

**IV. Changes in ballot.** The secretary of state shall make the necessary changes in the ballot. (1961, c. 360, § 1.)

**Sec. 192. Jurisdiction of political committees relating to vacancies.**—The political committee which has jurisdiction over the choice of a candidate

for nomination or a nominee to fill a vacancy under sections 178, 180, 181, 186 and 187 is as follows:

**I. Municipal committee.** A municipal committee or a joint meeting of the municipal committees of class towns makes such choices concerning the office of representatives to the legislature.

**II. County committee.** A county committee makes such choices concerning all county offices and the office of state senator.

**III. District committee.** A district committee makes such choices concerning representative to congress.

**IV. State committee.** A state committee makes such choices concerning the office of governor, United States senator and presidential elector. (1961, c. 360, § 1.)

**Sec. 193. Special election.**—A special election must be notified and conducted as nearly as practicable like its regular counterpart.

**I. Proclamation.** The proclamation of a special election must specify the time and place it must be held as well as any necessary filing, posting, publishing and reporting dates. (1961, c. 360, § 1.)

#### Miscellaneous Provisions.

**Sec. 194.** Repealed by Public Laws 1961, c. 395, § 57.

**Editor's note.** — The repealed section, which related to congressional districts, derived from P. L. 1961, c. 360, § 1, and had been amended by P. L. 1961, c. 395, § 1.

**Effective date.**—The 1961 act repealing this section becomes effective November 1, 1961.

**Sec. 195. Division of municipality into voting districts.**—A municipality may be divided into voting districts as follows:

**I. Procedure.** The municipal officers may divide a town or ward into not more than 5 convenient voting districts after public notice and hearing held at least 60 days before any election. After the hearing, the municipal officers shall prepare a certificate defining the limits of each district. They shall file the certificate with the clerk who shall record it. The clerk shall post an attested copy of the certificate in a conspicuous, public place in the town or ward, and shall publish it in at least one newspaper having general circulation in the municipality at least 30 days before election day. The clerk shall also file an attested copy of the certificate with the secretary of state.

**II. Division terminates office.** The division of a town or ward terminates the office of election officials previously elected or appointed from it.

**III. Appointment of wardens and ward clerks.** At least 10 days before the election, the municipal officers of a city shall appoint a warden, ward clerk and at least 4 election clerks for each voting place created by the division. Election clerks must be nominated as provided in section 52.

**A. Exception.** In a town, ward clerks are not appointed.

**IV. Officials sworn.** Before assuming the duties of office, the officials appointed under this section shall be sworn by the clerk who shall record the fact of their having been sworn.

**V. Term and duties.** The appointed election officials shall perform the same duties at elections as those regularly chosen and shall hold office for the same term. (1961, c. 360, § 1.)

**Sec. 196. Publication in newspaper to be reasonably noticeable.**—When publication in a newspaper is required by this chapter, the item published must be set in such a size and location as to be reasonably noticeable. (1961, c. 360, § 1.)

**Sec. 197. Political advertisements identified.**—The source of a written or oral advertisement which is designed to promote or defeat a candidate, party or principle must be identified by disclosing as part of the advertisement the name of the person or chairman of the organization which sponsored it. (1961, c. 360, § 1.)

**Sec. 198. Format and content of forms, documents, etc.**—The secretary of state may establish the layout and content of all forms, lists, books, documents and records required by or necessary to the efficient operation of this chapter, except where the layout or content is specifically regulated by statute. (1961, c. 360, § 1.)

**Sec. 199. Records and documents filed with public official are public records.**—All lists, books, documents and records required to be prepared by or filed with a public official are public records.

**I. Exceptions.** Ballots and check lists are not public records and may be inspected only in accordance with this chapter. (1961, c. 360, § 1.)

**Sec. 200. Preservation and destruction of election records.**—The preservation and destruction of records and other materials required by this chapter are governed by the following provisions:

**I. Registration and enrollment applications.** The registrar shall keep registration, enrollment and changes of enrollment applications and requests in his office permanently.

**II. Convention certificates.** The secretary of state shall keep the certificates required by section 36 in his office for 2 years.

**III. Primary and nomination petitions.** The secretary of state shall keep primary petitions, nomination petitions and consents in his office for 2 years.

**IV. Receipts for ballots.** The secretary of state and each clerk shall keep a record of receipts for ballots issued and received as provided in sections 64 and 82 in his office for one year.

**V. Receipt for voting list.** The registrar shall keep the receipt for certified copies of the voting list required by section 79 in his office for one year.

**VI. Election returns.** The secretary of state shall keep election returns in his office for 10 years.

**VII. Ballots and other election materials.** The clerk shall keep the ballots and other election materials listed in section 99 in his office for 3 months and check lists for one year unless sooner released to the secretary of state or required by him to be kept longer. Once released to the secretary of state, they shall be kept by him until any appeal period bearing on the validity of the election has expired.

**VIII. Certificate of presidential electors.** The secretary of state shall keep the certificate of the votes of the presidential electors, furnished him as required by section 136, in his office for one year.

**IX. Registration of treasurer.** The secretary of state shall keep the registration of a treasurer under section 169 in his office for 2 years.

**X. Records of campaign finances.** Each treasurer and each candidate shall keep the records required by section 172 for 2 years following the election to which they pertain.

**XI. Campaign reports.** The secretary of state shall keep the campaign reports in his office for 2 years.

**XII. Certificate of appointment.** The secretary of state shall keep a certificate of appointment to fill a vacancy, as required by section 191, in his office for 2 years.

**XIII. Miscellaneous.** The official charged with the custody of any record not specifically provided for in this section shall keep it in his office for 2 years.

**XIV. Destruction of records.** After the records and other materials have

been kept for the required period, they may be destroyed. Posted notices, specimen ballots and instruction posters may be destroyed as soon as the election to which they pertain is past. (1961, c. 360, § 1.)

**Sec. 201. Misdemeanors.**—Whoever commits any act described in this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**I. Public officials.** An official who knowingly fails or refuses to perform a duty required of him by this chapter;

**II. False registration or enrollment.** A person who knowingly makes a false statement or takes a false oath before an official concerning the qualification of any person for registration or enrollment, or who enters the name of a person on a voting list or general register knowing it should not have been entered;

**III. Fraudulent removal.** A person who removes the name of a voter from a voting list or general register, knowing it should not have been removed;

**IV. Dual registration.** A person who knowingly registers in more than one voting district or municipality without revealing his prior registration to the registrar;

**V. Failure to enforce educational test.** A registrar or deputy who knowingly or willfully fails or refuses to require an applicant for registration to prove that he can read and write as provided in section 24.

**VI. Public records.** A person who defaces, falsifies or suppresses a public record; or who knowingly makes a false public record; or who destroys a public record, except as permitted by section 200.

**VII. Ballots and check lists.** A person who defaces, falsifies or suppresses a ballot or check list; or who knowingly makes a false check list; or who destroys a ballot or check list, except as permitted by section 200.

**VIII. Notices, specimen ballots and instructions.** A person who destroys or defaces a posted notice, specimen ballot or instruction poster before the election to which it pertains is over.

**IX. Failure to report.** A person or organization which receives, spends or promises money without reporting it as required by this chapter;

**X. Excess spending.** A person or organization which spends more for any purpose than the amount stated in the final campaign report;

**XI. False statement.** A person or organization which makes a false statement in a campaign report;

**XII. Failure to file.** A person or organization which fails to file a campaign report as required by this chapter;

**XIII. Failure to vote in person.** A person who has voted by absentee ballot but who is present and able to vote in person at the proper voting place on election day and fails to do so;

**XIV. Aiding ineligible voter.** A person who knowingly aids another in voting who is not eligible to do so;

**XV. Removing ballot from voting place.** A person who removes a ballot from a voting place on election day except as authorized by this chapter;

**XVI. Failure to identify advertisement.** A person or organization which fails to identify as required by section 197 an advertisement designed to promote or defeat a candidate, party or principle by disclosing as part of the advertisement the name of the person or chairman of the organization which sponsored it;

**XVII. Voting under assumed name.** A person who votes or attempts to vote by using the name of another;

**XVIII. Interference with voter.** A person who interferes with a voter attempting to cast his vote in the voting place;

**XIX. Assistance in voting.** A person who assists or offers to assist a voter in marking his ballot before being requested to do so by the warden;

**XX. Improper voting.** A person who knowingly votes or attempts to vote without being eligible to do so, or who votes twice at the same election;

**XXI. Ballot revealed.** A person who shows his marked ballot to another for the purpose of revealing how he voted;

**XXII. Tampering with ballots.** A person who tampers with ballots or check lists or who breaks a seal or opens any sealed box or package of ballots or check lists, except as permitted by this chapter;

**XXIII. Damaging voting machines.** A person who willfully damages a voting machine;

**XXIV. Unauthorized handling of voting machines.** A person who attempts to alter, operate, adjust, move, unlock or unseal a voting machine contrary to a provision of this chapter;

**XXV. Improper contribution.** A person who contributes money to a treasurer or candidate in any name other than his own, or a treasurer or candidate who knowingly accepts or records a contribution in any name other than that of the donor;

**XXVI. General penalty.** A person who performs an act prohibited by this chapter for which no penalty has been provided. (1961, c. 360, § 1.)

**Sec. 202. Felonies.**—Whoever commits any act described in this section shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 2 years, or by both.

**I. Public official.** An official who knowingly fails or refuses to perform a duty required of him by this chapter and receives money or anything of value for so doing;

**II. Unreasonable delay or refusal.** A person who knowingly causes a delay in the registration or enrollment of another or in the delivery of a ballot or an application for an absentee ballot so as to prevent a person from voting, or so as to render his vote ineffective; or who refuses to allow a person to vote who has qualified as required by this chapter;

**III. Offer of money.** A person who offers money or anything of value to another to induce him to vote for or against a candidate, party or principle;

**IV. Solicitation of money.** A person who solicits or accepts money or anything of value and in consideration offers to vote for or against a candidate, political party or principle;

**V. Offer of position.** A person who offers to appoint another to a position of honor, trust or profit in consideration of the support of the other in securing his election to public office;

**VI. Solicitation of position.** A person who solicits appointment to a position of honor, trust or profit in consideration of his support in securing the election of another to public office.

**VII. Tampering with voting machines.** A person who tampers with a voting machine for the purpose of causing it to operate in any other manner than it was designed to operate. (1961, c. 360, § 1.)

#### **Special Provision for the Indian Voting Districts and the Inland Wards of Portland.**

**Sec. 203.** Repealed by Public Laws 1961, c. 395, § 2.

**Editor's note.** — The repealed section, which related to a special voting place at Connor, in Aroostook county, derived from P. L. 1961, c. 360, § 1. **Effective date.**—The 1961 act repealing this section becomes effective November 1, 1961.

**Sec. 204. Indian voting districts.**—There are continued 3 voting districts previously created as follows: Indian Island voting district, comprising all of

the Penobscot tribal reservation situated on Indian Island, within the limits of the city of Old Town in the county of Penobscot; Peter Dana Point voting district, comprising all of the Passamaquoddy tribal reservation, situated on Indian Township, in the county of Washington; and Pleasant Point voting district, comprising all of the Passamaquoddy tribal reservation, situated on Pleasant Point in the county of Washington. (1961, c. 360, § 1.)

**Sec. 205. Election procedure in Indian voting districts.** — The following provisions apply to each Indian voting district:

**I. Ballot and voting material.** A reasonable time before any election, the secretary of state shall furnish the registration commissioner of each district with ballots, specimen ballots, instruction posters and other materials necessary for conducting and reporting the results of the election.

**II. Voting place.** The commissioner of health and welfare shall provide a suitable building for use as a voting place for all elections. He shall equip it with voting booths, guardrails and other necessary equipment as required by this chapter.

**III. Registration commissioner.** The governor, with the advice and consent of the council, shall appoint a qualified person as registration commissioner of each voting district. The commissioner shall serve for 2 years from the date of his appointment. He shall receive a salary of \$20 for each day actually and necessarily employed in the performance of his duties. In case of a vacancy in the office of registration commissioner, the governor shall make a new appointment in the same manner as the original appointment for a full term. If there is insufficient time before the next election, in the opinion of the governor, to obtain a person to serve, he may appoint a temporary registration commissioner to conduct that election only. The appointment of a temporary registration commissioner may be made without the advice and consent of the council.

**IV. Duties of registration commissioner.** The registration commissioner shall determine the constitutional qualifications of residents of his voting district who desire to register. If an applicant meets the qualifications of chapter 25, section 321, and if he has been a resident of the district for 3 months, and meets the requirements of article II, section I, of the constitution of the state of Maine, the registration commissioner may permit him to register as a voter and enroll as a member of any political party. An applicant may register and enroll on election day.

**V. Office hours.** The registration commissioner shall hold office hours at the voting place, or in some other convenient location in his district, on the Tuesday before each election from 2 to 5 p.m. and from 7 to 9 p.m. for the purpose of registering and enrolling Indian voters.

**VI. Procedure at election.** The registration commissioner shall act as warden, ward clerk and has the powers of moderator in the conduct of the election. He shall appoint 2 election clerks, if available and qualified, who are Indian residents of the district, and who represent the 2 major parties from candidates nominated by the chairman of the county political committee. Each election clerk shall receive \$10 per day.

**VII. Election notified.** The registration commissioner shall notify each election by issuing a warrant and posting attested copies of it in at least 2 conspicuous, public places in the district. The copies of the warrant shall be posted at least 7 days before the election, and an attested copy with the return of the registration commissioner stating the manner of notice, and the time it was given, shall be filed by him in the office of the secretary of state before the day of the election for which the warrant was issued.

**VIII. Law applicable.** Registration, enrollment and the conduct of the election is governed by this chapter, except as otherwise provided by this section.

**IX. Election return.** After the votes have been sorted, counted and the ballots preserved according to this chapter, the election clerks shall fill out the election return, the registration commissioner shall attest it and deliver it promptly to the office of the secretary of state.

**X. Compensation.** After each election, the registration commissioner shall prepare an itemized bill stating the amount due him and the election clerks. He shall submit the bill to the commissioner of health and welfare, who shall pay it from funds appropriated by the state for support of the Indian tribes. (1961, c. 360, § 1.)

**Sec. 206. Island wards of Portland.**—There are continued the 3 island wards within the city of Portland previously created as follows: The first ward comprises Long Island, Hope Island, Jewell's Island and that portion of Little Chebeague Island within the city limits, with the voting place on Long Island. The 2nd ward comprises Crotch Island, otherwise known as Cliff Island. The 3rd ward comprises the remaining islands within the city limits, with the voting place at Peak's Island.

**I. Officials elected.** The voters of each ward may elect a warden, ward clerk and constable each of whom must be a resident of the ward by which he is elected.

**II. Municipal elections.** The voters of each island ward may vote at municipal elections in the same manner as do the voters of the other wards.

**III. Application of chapter.** The provisions of this chapter apply to the island wards in the same manner as they apply to other wards. (1961, c. 360, § 1.)

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## Chapter 4.

### Caucuses. Primaries. State Conventions.

**Secs. 1-58.** Repealed by Public Laws 1961, c. 360, § 18.

**Cross reference.**—See c. 3-A for present election law.

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## Chapter 5.

### Elections. Congressional Districts. Presidential Electors.

**Secs. 1-119.** Repealed by Public Laws 1961, c. 360, § 18.

**Cross reference.**—See c. 3-A for present election laws.

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## Chapter 5-A.

### Voting Machines.

**Secs. 1-23.** Repealed by Public Laws, 1961, c. 360, § 18.

**Cross reference.**—See c. 3-A for present election laws.

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## Chapter 6.

### Absent Voting. Physical Incapacity Voting.

**Secs. 1-17.** Repealed by Public Laws, 1961, c. 360, § 18.

**Cross reference.**—See c. 3-A for present election laws.