

MAINE STATE LEGISLATURE

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CHAPTER 21
DUTIES AND PROCEDURES BEFORE
ELECTION DAY

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SUBCHAPTER I

INSTRUCTIONS

Sec.

571. Secretary of State to furnish instructions.

572. Instruction posters for voters.

§ 571. 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 Title.

1961, c. 360, § 1.

§ 572. 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.

SUBCHAPTER II

MATERIALS AND ARRANGEMENT

Sec.

601. Materials furnished.

602. Arrangement of voting place.

603. Voting booths.

§ 601. Materials furnished

Within 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.

1. 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.

2. Receipt issued. The clerk shall send a receipt to the Secretary of State forthwith for the ballots received by him.

3. 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.

§ 602. Arrangement of voting place

The arrangement of a voting place is governed by the following provisions:

1. 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.

2. 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.

3. Flag displayed. An American flag must be displayed in each voting place at any election.

1961, c. 360, § 1.

§ 603. Voting booths

Voting booths are governed by the following provisions:

1. 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.

2. 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 the 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.

SUBCHAPTER III

REGISTRATION

Sec.

- 631. Time or schedule; regular elections.
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- 635. —Combined regular and special elections.
- 636. Time for closing registrations not rigid.
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- 638. Change of name or address.

§ 631. Time or schedule; regular elections

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 633:

1. 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 accept registrations on election day, but not on the business day next prior to it.

2. 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.

3. 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.

4. 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.

5. 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.

§ 632. —Special elections

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 633.

1. 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.

2. 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.

§ 633. —Change of

The time schedule established by sections 631 and 632 may be changed by the municipal officers according to the needs of the municipality.

1961, c. 360, § 1.

§ 634. —Notice of

The registrar shall publish his time schedule established by sections 631 and 632, or as changed by the municipal officers, in a newspaper having general circulation in the municipality a reasonable time before it becomes effective.

1. Exception. In municipalities of 2,500 or less population, the publication by the registrar of his time schedule shall be discretionary, rather than compulsory. (1961, c. 408, § 3-A.)

1961, c. 360, § 1; c. 408, § 3-A.

§ 635. —Combined regular and special elections

When a regular and a special election are held on the same day, the registrar shall follow the time schedule prescribed by section 631 or by the municipal officers under section 633.

1961, c. 360, § 1.

§ 636. 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.

§ 637. 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.

§ 638. 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:

1. 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.

2. 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.

3. 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 831, if he wishes to vote, unless the registrar has already made the correction in following the procedure prescribed by section 637.

4. Publication of substance. The registrar shall publish the substance of this section along with the notice required by section 634.

1961, c. 360, § 1.

SUBCHAPTER IV

NOTICE OF ELECTION

Sec.

671. Procedure.

672. Warrant.

673. Officer's return on warrant.

§ 671. Procedure

The municipal officers of each municipality shall notify an election as follows:

1. 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.

2. 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.

3. Warrant recorded. The municipal officer shall then deliver the warrant to the clerk who shall record it.

1961, c. 360, § 1.

§ 672. Warrant

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 correct 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.

§ 673. Officer's return on warrant

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.

SUBCHAPTER V

BALLOTS AND BALLOT BOXES

Sec.

- 701. Primary ballot.
- 702. General election ballot.
- 703. Number of ballots furnished.
- 704. Specimens.
- 705. Emergency ballot procedure.
- 706. Official ballot box.
- 707. Care and custody of ballot box.

§ 701. Primary ballot

The Secretary of State shall prepare the primary election ballots according to the following provisions:

1. Arrangement. The ballot must be arranged in one column.

2. 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.

3. 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.

4. 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.

§ 702. General election ballot

The Secretary of State shall prepare the general election ballots, according to the following provisions:

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

2. 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 above 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 ar-

ranged 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.

1961, c. 408, § 4.

3. 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.

4. 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.

5. 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.

6. 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.

7. Size. The Secretary of State shall determine the size of the ballots.

8. Contents concealed. The ballots must be folded uniformly in such a way as to conceal the interior contents.

1961, c. 360, § 1; c. 408, § 4.

§ 703. 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.

1. 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.

§ 704. Specimens

Specimen ballots are governed by the following provisions:

1. 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.

2. When furnished. The Secretary of State shall send a reasonable number of specimen ballots to the clerk for posting as provided in subsection 3, and an additional number with the regular ballots.

3. 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.

4. Secretary of State to publish. The Secretary of State shall publish a specimen ballot a reasonable time before the elec-

tion in a newspaper having general circulation in the area to which the ballot pertains.

5. 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.

§ 705. 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.

1. Ballots amended. Ballots already printed may be amended by having corrective stickers added, as directed by the Secretary of State.

2. 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 replacement of a vacancy or the correction of an error in the ballot requires its amendment.

1961, c. 360, § 1.

§ 706. Official ballot box

An official ballot box is governed by the following provisions:

1. Furnished by Secretary of State. The Secretary of State shall furnish an official ballot box for each voting district.

2. 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.

3. 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 distinguish-

ing 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.

4. Official ballot box required. Only an official ballot box may be used to receive official ballots cast at any election.

5. Separate ballot box for constitutional amendments and referenda. A municipality may, by vote of its municipal officers, authorize separate ballot boxes at elections for deposit of votes on constitutional amendments and referenda. The municipal officers shall notify the Secretary of State of such action at least 60 days before the date of the election at which such separate ballot boxes are to be used. If such separate ballot boxes are to be used, they shall be subject to all the provisions relating to official ballot boxes, as provided in this section. They shall be furnished by the Secretary of State at the expense of the municipality. (1963, c. 2.)

1961, c. 360, § 1; 1963, c. 2.

§ 707. Care and custody of ballot box

The care and custody of an official ballot box are governed by the following provisions:

1. 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.

2. 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.

3. 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.

SUBCHAPTER VI

POLLING TIME

Sec.

741. Opening and closing.

§ 741. Opening and closing

The following provisions apply to polling times at any election:

1. 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.

2. 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.

3. 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.

SUBCHAPTER VII

VOTING LISTS

Sec.

761. Posting of.

762. Delivery of.

§ 761. Posting of

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.

§ 762. Delivery of

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.