

MAINE STATE LEGISLATURE

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PUBLIC DOCUMENTS OF MAINE:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

Public Officers  Institutions

FOR THE YEAR

1894.

VOLUME I.

AUGUSTA:

BURLEIGH & FLYNT, PRINTERS TO THE STATE.

1894.

STATE OF MAINE.

The Australian

OR

SECRET BALLOT LAW,

AS AMENDED, TO WHICH ARE APPENDED

Certain Suggestions, Recommendations and Forms,

PREPARED BY THE

SECRETARY OF STATE

FOR USE AND INSTRUCTION OF

MUNICIPAL OFFICERS, ELECTION CLERKS AND CLERKS OF
CITIES, TOWNS AND PLANTATIONS.

AUGUSTA :

BURLEIGH & FLYNT, PRINTERS TO THE STATE.

1894.

Chapter 102—Public Laws of 1891, as amended by
Chapter 267, Public Laws of 1893, entitled

An Act to provide for the Printing and Distributing Ballots at the public expense and to regulate Voting for State and City Elections.

SECT. 1. All ballots cast in elections for national, state, district and county officers in cities, towns and plantations after the first day of September in the year eighteen hundred and ninety-two, and all ballots cast in municipal elections in cities after that date, shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots and cards of instructions to voters shall in municipal elections in cities be paid for by the several cities respectively, and in all other elections the printing of the ballots and cards of instruction, and the delivery of them to the several cities and towns, shall be paid for by the state. The distribution of the ballots to the voters shall be paid for by the cities, towns and plantations respectively.

The term "state election," as used in this act, shall apply to any election held for the choice of a national, state, district or county officer, whether for a full term or for the filling of a vacancy, and the term "state officer" shall apply to any person to be chosen by the qualified voters at such an election. The term "city election" shall apply to any municipal election so held in a city, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election.

SECT. 2. Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters, to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as herein provided.

SECT. 3. Any convention of delegates representing a political party which, at the gubernatorial election next preceding, polled at least one per cent of the entire vote cast in the state for governor, or in the electoral district or division thereof for which the nomina-

tion is made, and any caucus held by such a political party in any such electoral district or division, may for the state, or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section five of this act; shall be signed by the presiding officer or by the secretary of the convention or caucus, and shall be sworn by the party signing to be true, and a certificate of the oath shall be annexed to or made on the certificate of nomination.

SECT. 4. Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state, or for municipal or ward officers, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or division not less in number than one for every one hundred persons who voted at the next preceding gubernatorial election in such district or division, but in no case less than twenty-five. In the case of a first election to be held in a plantation, town or ward newly established, the number of twenty-five shall be sufficient for the nomination of a candidate who is to be voted for only in such plantation, town or ward; and in the case of a first election in a district or division newly established, other than a plantation, town or ward, the number of twenty-five shall be sufficient. Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. The nomination papers shall before being filed be respectively submitted to the clerks of the cities, towns or plantations in which the signers purport to be qualified voters, and each clerk to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city, town or plantation for which he is a clerk and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers.

SECT. 5. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, first, the office for which he is nominated; second, the party or political principle which he represents, expressed in not more than three words; third, his place of residence. In the case of electors of president and vice-president of the United States, the names of the candidates for president and vice president may be added to the party or political appellation.

SECT. 6. Certificates of nomination and nomination papers for the nomination of candidates for state or county offices, representatives to the legislature, shall be filed with the Secretary of State at least thirty days, exclusive of Sundays, previous to the day of the election for which the candidates are nominated. Such certificates and papers for the nomination of candidates for the offices of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least seven days, exclusive of Sundays, previous to the day of such election. With nomination papers shall also be filed the consent in writing of the person nominated.

SECT. 7. The certificates of nomination and nomination papers being filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.

SECT. 8. In case a candidate who has been duly nominated under the provisions of this act shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner herein provided for such nomination; or, if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus in such manner as the convention or caucus has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying such vacancy, shall state, in addition to the other facts required by this act the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly

authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or, slips containing the new nomination shall be printed under the direction of the Secretary of State, which may be posted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

SECT. 9. All certificates of nomination and nomination papers, when filed, shall forthwith be opened and kept open under proper regulations to public inspection, and the Secretary of State and the several city clerks shall preserve the same in their respective offices not less than one year.

SECT. 10. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this act, shall contain the names and residences, ward residences in city election, of all candidates whose nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, and the office for which they have been severally nominated and shall contain no other names except that in case of electors of president and vice president of the United States, the names of the candidates for president and vice president may be added to the party or political designation. The names of candidates nominated by any party shall be grouped together upon the ballot. Above each group shall be placed the name of the political party by which the candidates comprising such group were placed in nomination, or by the political designation as described in the certificate of nomination, or nomination papers under a square. If only one person be nominated by any party, or under any political designation, his name with the office for which he is a candidate shall be printed by itself under the name of such party or political designation. A blank space shall be left after the names of the candidates for each different office in which the voter may insert the name of any person, for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such question shall be printed upon the ballot after the list of candidates. The ballots shall be so printed as to leave a blank space, above such amendment or question so as to give to each voter a clear oppor-

tunity to designate by a cross mark (X) therein, his answers to the questions submitted and on the ballot may be printed such words as will aid the voter to do this as 'yes,' 'no,' and the like.

The ballot shall be not less than four inches in width and not less than six inches in length. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be uniform. On the back and outside, when folded, shall be printed "Official Ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election and a fac-simile of the signature of the Secretary of State or city clerk who has caused the ballot to be printed. Except as otherwise herein provided, ballots shall be printed in accordance with the existing provisions of law.

SECT. 11. All ballots when printed shall be folded as herein before provided, and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the Secretary of State and the several city clerks for the term of one year.

SECT. 12. There shall be provided for each voting place, at which an election is to be held, two sets of such general ballots, each of not less than sixty for every fifty and fraction of fifty votes cast in said voting place at the next preceding election, city, state or national, corresponding to the election for which said ballots are to be provided.

SECT. 13. The Secretary of State, in case of a state election, and the several city clerks, in case of city elections, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections twenty-nine, thirty, thirty-one and thirty-two of this act to be printed in large, clear type, on separate cards, to be called cards of instructions; and they shall respectively furnish the same and the ballots for use in each such election. They shall also cause to be printed on tinted paper, and without the fac-simile endorsements, ten or more copies of the form of the ballot provided for each voting place at each election

therein, which shall be called specimen ballots, and shall be furnished with the other ballots provided for each such voting place.

SECT. 14. The Secretary of State shall, seven days at least previous to the day of any election of state or county officers, transmit to the clerks in each city, town and plantation in which such election is to be held, printed lists containing the names, residences, and party or political appellations of all candidates nominated as herein provided for such election, and to be voted for at each polling place in each such city, town and plantation respectively, substantially in the form of the general ballot to be so used therein; and the clerks shall immediately cause the lists for each plantation, town or ward, as the case may be, to be conspicuously posted in one or more public places in such plantation, town or ward. The Secretary of State shall likewise cause to be published prior to the day of any such election, in at least two newspapers, if there be so many, printed in each county, representing, so far as practicable, the political parties which, at the preceding election, cast the largest and next largest number of votes, a list of all the nominations made as herein provided, and to be voted for in such county, so far as may be, in the form in which they shall appear upon the general ballots. New nominations made or authorized shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed and communications transmitted as herein directed by the Secretary of State to any clerk, shall be duplicated on the succeeding day.

SECT. 15. The city clerk of each city shall four days at least prior to the day of any city election therein, cause to be conspicuously posted in one or more public places in each ward of such city a printed list containing the names, residences and party or political appellations of all candidates nominated, as herein provided, and to be voted for in such ward, substantially in the form of the general ballot to be so used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many, printed in such city, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made, as herein provided, and to be voted for in such city, so far as may be, in the form in which they shall appear upon the general ballots.

SECT. 16. The Secretary of State shall send, separately and at different times or by different methods, the two sets of general and

special ballots, together with the specimen ballots, and cards of instruction printed by him, as herein provided, to the several city, town and plantation clerks, so as to be received by them, one set seventy-two hours at least, previous to the day of election, and the other set forty-eight hours at least previous thereto. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended, and the number of ballots of each kind enclosed; and the respective city, town and plantation clerks shall on delivery to them of such packages, return receipts therefor to the secretary. The secretary shall keep a record of the time when, and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city, town and plantation clerks.

SECT. 17. The two sets of ballots together with the specimen ballots and cards of instruction printed by the city clerks as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the polling places for which they are intended, and the number of ballots of each kind enclosed.

SECT. 18. The several city, town and plantation clerks, or municipal officers, shall send to the presiding election officer or officers of such voting place before the opening of the polls on the day of election one set of ballots so prepared, sealed and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding election officer or officers present, which receipt, with a record of the number of ballots sent, shall be kept in the clerk's office for one year. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer or officers, and the packages, books or blocks of ballots shall be delivered to the ballot clerks hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling rooms outside the guard rails. The second set of ballots shall be retained by the respective city, town and plantation clerks until they are called for or needed for the purposes of voting, and, upon the requisition in writing of the presiding election officer or officers of any voting place, the second set of ballots shall be

furnished to such voting place in the manner above provided as to the first set.

SECT. 19. In case the ballots to be furnished to any city, town or plantation or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed, lost or stolen, it shall be the duty of the clerk or municipal officers of such city, town or plantation to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of such other ballots from him or them, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed, lost or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting as above.

SECT. 20. The municipal officers, sixty days before any election, may divide towns of more than four thousand inhabitants and wards of cities into convenient polling districts, which shall contain not less than three hundred voters in each, defining the limits thereof by a writing under their hands to be filed with and recorded by the city or town clerks; and attested copies thereof shall forthwith be posted by said clerks in not less than six public and conspicuous places in said town or ward, and the same shall be published in one or more of the newspapers, if any, printed in said city or town, thirty days at least before such election. They shall also ten days before any such election, appoint a warden and ward clerk for each polling place other than the one in which the warden duly elected for such ward shall preside, who shall perform the same duties at elections as presiding officers and clerks of towns and wards now perform. Any vacancy occurring after appointment may be filled by the voters of said polling district as similar vacancies are now filled. All such officers shall be sworn. The board of registration of voters for any city in which a ward has been so divided, and the municipal officers of any town which has been so divided, shall in the manner now provided for by law, prepare check lists of the qualified voters for each of said polling districts, in lieu of the check lists now provided by law for the entire town or ward, to be used as hereinafter provided, and all provisions of law applicable to check lists for towns and wards shall apply to check lists for such polling districts.

SECT. 21. The municipal officers of cities, towns and plantations voting in accordance with the provisions of this act, shall biennially in the month of May appoint clerks for each polling place; and such municipal officers shall appoint as such clerks such persons as shall be recommended for such appointment by the several political party committees of the several cities, towns or plantations, representing the two political parties which, at the gubernatorial election next preceding such appointment, cast the greatest number of votes. For each polling place in cities and towns of more than one thousand inhabitants four clerks, and for each polling place in plantations, and for each island ward of the city of Portland and for the island district of the town of Cumberland and for every town of less than one thousand inhabitants, two clerks shall be appointed. Said clerks shall equally represent each of the political parties which cast the largest number of votes in the state election next preceding their appointment. Each of said clerks shall be sworn to the faithful performance of his duties, and shall hold office for two years from the date of his appointment, and until a successor is appointed and qualified, or he vacates the office. Vacancies occurring in the office of election or ballot clerks shall be forthwith filled by the municipal officers in manner hereinbefore provided. Such election clerks shall attend at the times and places designated for meetings in their respective wards, towns or plantations for the election of any national, state, county, city or ward officers, and for the determination of any question submitted to the qualified voters of any city by lawful authority, shall be present at and witness the counting by the presiding election officer or officers of all votes cast in such meetings, and shall receive such reasonable compensation for each day's actual service as the municipal officers of their respective cities, towns and plantations may determine. No person shall be eligible to the position of election clerk in any ward, town or plantation where he is a candidate to be voted for. Two of the clerks in each polling place, one from each political party shall be detailed by the municipal officers to act as ballot clerks. The two ballot clerks thus detailed and appointed in each polling place shall have the charge of the ballots therein and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each ward, town or plantation shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation,

furnishing and preservation of check lists shall apply to such duplicate lists.

SECT. 22. The municipal officers in each city, town or plantation, as aforesaid, shall cause the polling places therein to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they shall be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes, and of such voting shelves or compartments. The arrangement shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from the view of persons just outside the guard rail. The number of such voting shelves or compartments shall not be less than one for every one hundred voters qualified to vote at such polling place, and not less than three in any town, and not less than five in any ward of a city. No person other than the election officers, election clerks and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the presiding election officer or officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

SECT. 23. Any person desiring to vote shall give his name, and, if requested so to do, his residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check-list by the ballot clerk having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, as above provided. The ballot clerk shall give him one, and only one ballot, and his name shall be immediately checked on said list.

Besides the election officers, and election clerks, not more than two voters in excess of the number of voting shelves or compartments provided, shall be allowed in said inclosed space at one time.

SECT. 24. On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided and shall prepare his ballot by marking in the appropriate margin or place, a cross [X] as follows: He may place such mark within the square above the name of the party group or ticket, in which case he shall be deemed to have

voted for all the persons named in the group under such party or designation. And if the voter shall desire to vote for any person or persons, whose name or names are not printed as candidates on the party group or ticket, he may erase any name or names which are printed on the group or party ticket, and under the name or names so erased he may fill in the name or names of the candidates of his choice. Or if the voter does not desire to vote for a person or persons whose name or names are printed upon the party group or ticket, he may erase such name or names with the effect that the ballot shall not be counted for the candidate or candidates whose names are so erased. In case of a question submitted to the vote of the people he shall place such mark in the appropriate margin above the answer which he desires to give. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes in case all of such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer nor an election clerk, whose name has been checked on the list of the ballot clerks, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the presiding election officer or officers, for the time being, to secure the observance of the provisions of this section.

SECT. 25. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately canceled, and together with those not distributed to the voters, shall be preserved, and with the check lists used, which shall be certified by the ballot clerks, to be such, shall be secured, sealed and sent to the several city, town and plantation clerks, and by them be preserved for six months, as a public

record. The ballots shall be sorted and counted in open town or ward meeting in such manner as to afford the electors ample opportunity to observe the sorting and counting; and when the ballots have been sorted and counted and the result declared and recorded, all the ballots shall, in open meeting, be sealed in a package which said package together with the check lists sealed in the same manner as the ballots, shall forthwith be returned to the city, town or plantation clerk, to be preserved by him as a public record, for six months, and any warden, ballot clerk, city or town clerk or other person who shall abstract from or in any manner tamper with said packages, or who shall in any manner abstract from or tamper with the unused ballots, shall be punished by a fine not less than two hundred dollars nor more than one thousand dollars, or by imprisonment for not less than ninety days or more than two years.

SECT. 26. Any voter who shall declare to the presiding election officer or officers that he cannot mark his ballot by reason of physical disability, or from inability to read the same, shall receive the assistance in the marking of his ballot, of two of the election clerks; such clerks shall not both represent one and the same political party, and they shall certify on the outside of such ballot that the same was marked by them, or by the voter with their assistance, and thereafter shall give no information concerning the same. The presiding election officer or officers may require every voter, who applies for such assistance, to make oath to his inability to mark his ballot, before such clerks shall be directed to assist as aforesaid, and such officer or officers are hereby qualified to administer such oath, and no clerk shall assist or offer to assist any voter in marking his ballot until directed so to do by the presiding election officer or officers

SECT. 27. If a voter marks more names for any one office than there are persons to be elected to such office, or if for any reason it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot without the official indorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked defective on the back thereof, and shall be preserved, as required by section twenty-five.

SECT. 28. Meetings for the election of national, state, county and municipal officers may be opened as early as eight o'clock in

the forenoon, and in no case shall the polls be kept open later than five o'clock in the afternoon, and notice of the time of opening and closing shall be given in the warrant calling the meeting.

SECT. 29. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere with any voter when inside said inclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine of not less than five dollars, nor more than one hundred dollars; and election officers shall report any person so doing to a police officer or constable, whose duty it shall be to see that the offender is duly brought before the proper court.

SECT. 30. Any person who shall, prior to an election, willfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall willfully deface, tear down, remove or destroy any card of instruction or specimen ballot printed or posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall willfully hinder the voting of others, shall be punished by fine of not less than five dollars nor more than one hundred dollars.

SECT. 31. Any person who shall falsely make or willfully deface or destroy any certificate of nomination or nomination paper, or any part thereof or any letter of withdrawal; or file any certificate of nomination or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination or nomination paper, or any part thereof which has been duly filed; or forge or falsely make the official indorsement on any ballot; or willfully destroy or deface any ballot, or willfully delay the delivery of any ballots or shall take or remove any ballot outside of the inclosure provided for voting before the close of the polls, shall be punished by fine not exceeding one thousand dollars or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

SECT. 32. Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duty, or who

shall willfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not less than five, nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

SECT. 33. Any election or ballot clerk who shall assist, or offer to assist any voter, before such clerk shall have been directed by the presiding officer or officers to so assist such voter, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars or by imprisonment not exceeding sixty days for each offense. and thereafter shall be disqualified from holding the office of election or ballot clerk.

Provisions in the charter of any city for the election of two persons to assist the warden in receiving, sorting and counting the ballots, are not affected by the provisions of this act or the act of which it is amendatory ; but persons so elected shall be deemed election clerks for that purpose ; they shall equally represent the two political parties which, at the state election next preceding, cast the greatest number of votes.

SECRETARY OF STATE'S OFFICE, }
AUGUSTA, MAINE. }

The following suggestions, recommendations, and accompanying forms, are respectfully presented, with the hope that the same to some extent, may prove helpful, in carrying into effect the provisions of the foregoing law, at the coming September election. The law as it now stands, in several of its features, is very different from the original statute. The method of marking the ballot is wholly new. Too close care and attention to the different alterations cannot be given. The various changes will be found to be carefully described in the following pages, and the law can be easily understood, after a careful reading of what follows. In order that no mistakes occur, owing to the amendments of 1893, *all previous instructions from this office should be disregarded. Substitute this for the former pamphlet.*

SECT. 1. This law applies to the cities, towns and plantations, at the annual State elections and at national elections. It applies also to all municipal elections in cities after September 1, 1892; but *does not apply* to municipal elections in towns and plantations at their annual town meetings.

DUTIES OF CONVENTION OFFICERS.

SECT. 6. The law assigns to the officers of nominating conventions, certain very important duties, upon the discharge of which is made to depend the printing of candidates' names upon the general ballot. All such officers, when chosen in convention, must see to it that the proper *certificates of nomination and acceptances of candidates*, are seasonably filed with the Secretary of State.

These certificates must be sworn to by the Chairman or Secretary of the convention, and *must* be filed thirty days, exclusive of Sundays, before the day of election, or by August 6, 1894.

To provide against accidents, delays, or negligences of senders, and to ensure necessary time for printing the ballot, it would materially aid in putting the law into successful operation, if all nominating conventions should be called and held sufficiently early, to admit of filing these certificates *more* than thirty days before the day of election.

Certificates cannot be received in any case later than August 6th, 1894.

NOMINATION CERTIFICATES.

SECTS. 3 and 5. The following form is believed to conform to the requirements of the statute, is recommended, and will be furnished by the Secretary of State to all county and district committees, on request:

FORM A.

ONE PER CENT.

[To be used for each and every Candidate Nominated.]

STATE OF MAINE.

To the Secretary of State, Augusta, Maine.

At a Convention of the _____ party, of the _____
 [District or County.]
 which party in said _____ at the Gubernatorial election
 [District or County.]
 in 1892, polled in said _____ at least one per cent of the
 [District or County.]
 entire vote cast for Governor in said _____ holden at
 [District or County.]
 in _____ County, on the _____ day of
 _____ of _____ was nominated as a candidate
 for the office of _____

{ *Chairman
 } or Secretary.

ss.

1894.

Personally appeared the above named
 (*Chairman or Secretary), and made oath to the truth of the fore-
 going.—Before me,

JUSTICE OF THE PEACE.

*Erase title of officer not signing.

1894.

Having been nominated by a convention of
 of _____ as a candidate for the office of
 [District or County.]

I accept the same.

.....

SECT. 3. It must be remembered that nominating *conventions* can be held only by parties, which at the next preceding State election (September, 1892) cast *one per cent* of the entire vote cast at such election, in the district or county, for which such convention is to be held.

Based upon the number of votes cast by the several political parties at the September election 1892, *four parties only*, have the right to hold nominating conventions, viz: Republican, Democratic, Prohibitory and People's.

NOMINATION PAPERS.

SECT. 4. In certain cases candidates may be duly nominated, by papers signed by individual voters; these nomination papers, with the written acceptance of the candidate, to be filed the same as required in case of the convention certificate before referred to.

Inasmuch as *all* nominations, made outside of the nominating conventions of the four parties, Republican, Democratic, Prohibitory and People's, *must* be made under section four, due care should be exercised by all persons interested, in an *exact compliance with the provisions of this section*. Defective certificates under this section, *cannot be received*, as the Secretary of State has no discretion in the matter.

SECT. 6. The *written consent of every candidate, however nominated must be filed*, on or before *Aug. 6, 1894*.

The following form of certificate will be furnished upon application to the Secretary of State.

FORM D.

[To be used for Nominations made by Signatures.]

STATE OF MAINE.

TO THE SECRETARY OF STATE, AUGUSTA, MAINE.

The undersigned, qualified voters of the _____
 (State, District, County.)

in accordance with the provisions of law relating thereto, make the following nominations, to wit :

OFFICE TO BE FILLED.	NAME OF CANDIDATE.	PARTY OR POLITICAL PRIN. REPRESENTED. (Not more than 3 words.)	RESIDENCE. (City or Town.)

(Print or write all the above entries very plainly.)

We certify that we have not subscribed to any other nomination of candidates for this office.

SIGNATURES. (To be made in person.)	RESIDENCES. (Street and number, if any.)

SIGNATURES.	RESIDENCES.

STATE OF MAINE.

_____ ss. _____ 1894.

Then personally appeared _____ one of the signers to the above nomination papers, and made oath that the statements therein contained are true.—Before me,

JUSTICE OF THE PEACE.

(Each clerk to use different check mark.)

STATE OF MAINE.

_____ 1894

I hereby certify that _____ of the within signatures, which
(Number.)
I have marked _____ are names of qualified voters.
(Some kind of check mark.)
within the _____ for which the within nomination is
(State, District, County.)
made. _____ } Clerk of
(City, Town or Plantation.)

(Each clerk to use different check mark.)

STATE OF MAINE.

_____ 1894.

I hereby certify that _____ of the within signatures, which
(Number.)
I have marked _____ are names of qualified voters.
(Some kind of check mark.)
within the _____ for which the within nomination is
(State, District, County.)
made. _____ } Clerk of
(City, Town or Plantation.)

(Each clerk to use different check mark.)

STATE OF MAINE.

_____ 1894.

I hereby certify that _____ of the within signatures, which
(Number.)
I have marked _____ are names of qualified voters.
(Some kind of check mark.)
within the _____ for which the within nomination is
(State, District, County.)
made. _____ } Clerk of
(City, Town or Plantation.)

(Each clerk to use different check mark.)

STATE OF MAINE.

_____ 1894.

I hereby certify that _____ of the within signatures, which
(Number.)
I have marked _____ are names of qualified voters.
(Some kind of check mark.)
within the _____ for which the within nomination is
(State, District, County.)
made. _____ } Clerk of
(City, Town or Plantation.)

VACANCIES.

SECT. 8 Vacancies in nominations are to be filled as provided in section eight, to which the attention of all convention officers is especially invited.

As relates to nominations made in conventions, it may be a wise measure for every nominating convention to elect a committee, whose duty it shall be to fill any and all vacancies, occurring after such convention finally adjourns, and before the day of election; and whose further duty it shall be, to file with the Secretary of State, the certificate called for by this section, which certificate by whomsoever filed, should substantially conform to the certificate hereinafter given, known as Form B. Section eight has been amended so as to provide that where vacancies occur *after the ballots have been printed*, and so late that it is impracticable to print new ballots, slips or "stickers" may be printed under the direction of the Secretary of State, containing the necessary new name or names, and these "stickers" having been pasted in proper place upon the ballot, are thereafter part of the ballot, as if originally printed thereon. Under this clause, the Secretary of State might authorize the printing of such slips by telegraph, up to a very late hour prior to election. Consequently he should be very *promptly notified of any vacancy, especially a vacancy occurring after September 1, 1894*. This duty falls to the different political party committees.

FORM B.

[To be used for each and every vacancy filled by Committee.]

STATE OF MAINE.

To the Secretary of State, Augusta, Maine.

Whereas: At a Convention of the
 [District or County.]
 party, which party in said [District or County.] at the Gubernatorial
 election in 1892, polled in said [District or County.] at least one per
 cent of the entire vote cast for Governor in said [District or County.]
 holden at in County, on the
 day of 1894, of was
 nominated as a candidate for the office of and
 since said Convention adjourned, said has
 *died, withdrawn, resigned, and therefore a vacancy exists.

And Whereas: At said Convention a committee consisting of
 was duly authorized by vote of
 said Convention to fill all vacancies arising in the ticket then and
 there nominated. Now, therefore, we, the said committee have
 nominated as a candidate for the office of
 to fill said vacancy, of } Committee.

*Erase words not used.

ss. 1894.

Personally appeared the above named
and made oath to the truth of the foregoing.—Before me,

.....
JUSTICE OF THE PEACE.

1894.

I, the original nominee above named, have
withdrawn from above nomination.

1894.

I, having been nominated to fill a vacancy as above set forth,
hereby accept said nomination.

.....

In all cases where a second nominating convention is held, the following form of certificate should be used :

FORM C.

[To be used in case of nominations made by a second convention.]

STATE OF MAINE.

To the Secretary of State, Augusta, Maine :

At a convention of the _____ party
of the _____ which party in said _____
at the Gubernatorial election in 1892, polled in said _____
at least one per cent of the total vote cast for Governor in said _____
in said _____ on the _____ day of _____
was nominated as a candidate for the office of _____
[District or County.]

Since the date of said Convention, to wit, on the _____ day of _____ said _____ has
*~~died.~~ †~~resigned.~~ ~~withdrawn~~ from said nomination.

At a second Convention of said party, within said _____
of _____ has been nomi-
nated a candidate for the office of _____ to fill the
vacancy so created. } *Chairman
} or Secretary.

*Erase words not used. †If resigned or withdrawn, written notice must accompany this.

ss. 1894.

Personally appeared the above named
[*Chairman or Secretary], and made oath to the truth of the foregoing. Before me,

Justice of the Peace.

*Erase title of officer not signing.

1894.

Having been nominated by a convention of _____
of _____ as a candidate for the office of _____
[District or County.]

to fill vacancy as above stated, I accept the same.

1894.

I, _____ above named original or first nominee,
hereby withdraw from said nomination.

Blank forms like all the foregoing will be furnished to all convention officers or convention committees on request after April 1, 1894.

RECEIPTS FOR BALLOTS.

SECT. 16. Ballots will be printed, and sent by the Secretary of State, to city, town and plantation clerks, direct, in two sets. One set *in time to be received by such clerks seventy-two hours*, at least, and the second set *forty-eight hours*, at least, before the day of election.

With each set or lot, will be sent a receipt substantially like the following, which receipt must be signed by the clerk receiving the ballots, and returned to the Secretary of State :

..... 1894.

RECEIVED OF NICHOLAS FESSENDEN,

Secretary of State,

One package. Said to contain..... Specimen Ballots ;
..... General Ballots ; and Cards of Instruction, for use
in said town.

..... Town Clerk.

To be returned immediately to
Secretary of State.

SECT. 18. The city, town or plantation clerk, having received and receipted to the Secretary of State for these ballots, will handle and dispose of them *on the day of election* as provided in section 18. To this section, the attention of all municipal officers, clerks and ballot clerks is especially called. You will notice that but one set at a time is to be delivered to the election officers ; and receipts, which may be similar to above, must be given by the election officers to such city, town or plantation clerk.

You will also notice that the packages of ballots must be delivered to the election officers, with *unbroken seals*—the seals therein to be *publicly broken* by the election officers (who shall have received and receipted for such packages,) at the opening of the polls, *and not sooner*.

SPECIMEN BALLOT—UNMARKED.

REPUBLICAN.	DEMOCRAT.	PROHIBITION.	PEOPLE'S.
<u>For Governor</u> Henry B. Cleaves of Portland	<u>For Governor</u> Charles F. Johnson of Waterville	<u>For Governor</u> Timothy B. Hussey of North Berwick	<u>For Governor</u> Luther C. Bateman of Searsmont
<u>For Representative to Congress</u> Nelson Dingley, Jr., of Lewiston	<u>For Representative to Congress</u> Daniel J. McGillicuddy of Lewiston	<u>For Representative to Congress</u> Ammi S. Ladd of Auburn	<u>For Representative to Congress</u> Gideon R. Sanford of Camden
<u>For Senators</u> Oscar H. Hersey of Buckfield Addison E. Herrick of Bethel William H. Fullard of Dexter Raymond F. Heath of Waterville	<u>For Senators</u> William N. Thomas of Oxford Charles Rankin of Hiram John Jones of Sweden Cyrus Powers of Rumford	<u>For Senators</u> Ethan Willis of Paris Henry D. Irish of Buckfield William Smith of Upton H. D. K. Bowers of Porter	
<u>For County Attorney</u> Eugene F. Smith of Norway	<u>For County Attorney.</u> Edward E. Hastings of Fryeburg	<u>For County Attorney</u> William T. Eustis of Dixfield	
<u>For Judge of Probate</u> George A. Wilson of Paris	<u>For Judge of Probate</u> Charles E. Holt of Norway	<u>For Judge of Probate</u> Madison K. Mabry of Rumford	
<u>For Register of Probate</u> Albert D. Park of Hartford	<u>For Register of Probate</u> Charles G. Mason of Norway	<u>For Register of Probate</u> Charles H. Cole of Gilead	
<u>For Sheriff</u> James L. Parker of Norway	<u>For Sheriff</u> Justin E. McIntire of Waterford	<u>For Sheriff</u> Charles B. Smith of Denmark	
<u>For County Commissioners</u> Joseph F. Stearns of Lovell Abel D. Russell of Augusta	<u>For County Commissioners</u> Seymour A. Farrington of Fryeburg Henry B. Damon of Stow	<u>For County Commissioners</u> Gilbert Tilton of Buckfield Albert Boyd of Linnens	



DEMOCRAT.

For Representative to Congress
Samuel D. Leavitt of Eastport



DEMOCRATIC-REPUBLICAN.

For Representative to Legislature
William Dickey of Fort Kent

<u>For Sheriff</u>	<u>For Sheriff</u>	<u>For Sheriff</u>
James L. Parker of Norway	Justin E. McIntire of Waterford	Charles B. Smith of Denmark
<u>For County Commissioners</u>	<u>For County Commissioners</u>	<u>For County Commissioners</u>
Joseph F. Stearns of Lovell	Seymour A. Farrington of Fryeburg	Gilbert Tilton of Buckfield
Abel D. Russell of Augusta	Henry B. Damon of Stow	Albert Boyd of Linneus
<u>For County Treasurer</u>	<u>For County Treasurer</u>	<u>For County Treasurer</u>
George M. Atwood of Paris	Wilber L. Farrar of Paris	William M. Brooks of Oxford
<u>For Representatives to Legislature</u>	<u>For Representatives to Legislature</u>	<u>For Representatives to Legislature</u>
John M. Philbrook of Bethel	Joshua R. Howard of Hanover	William X. Robbins of Lee
Philander W. Jameson of New Portland	James D. Fuller of Benton	L. F. Smythe of Peru
George W. Murphy of Richmond	Howard Rockwood of Lyman	Jonas French of Avon
Frederick L. Weeks of Clinton	Kendall Wright of Perkins	Will Burbank of Blaine
Stephen J. Johnson of Waterville	James J. Mahoney of Dover	Ernest Murch of Starks
Fred C. L. Newbert of Dexter	Charles F. Flynt of Sebec	Byron B. Boyd of Alexander



DEMOCRATIC-REPUBLICAN.

For Representative to Legislature
William Dickey of Fort Kent

NUMBER OF BALLOTS.

SECT. 12. The number of ballots so printed and furnished will be at the rate of 60 for each 50 voters or fraction of 50 voters.

BALLOTS.

SECT. 10. The ballots will be substantially like the following form, each ballot having upon its back the official endorsement of the Secretary of State. No others can be used at any polling place within the State, except in cases provided for in section 19 :

BALLOT BOXES.

The size of the ballot to be used at the September election will necessitate the use of ballot boxes at least ten by eighteen inches in dimension and perhaps boxes of still larger size may be advantageous.

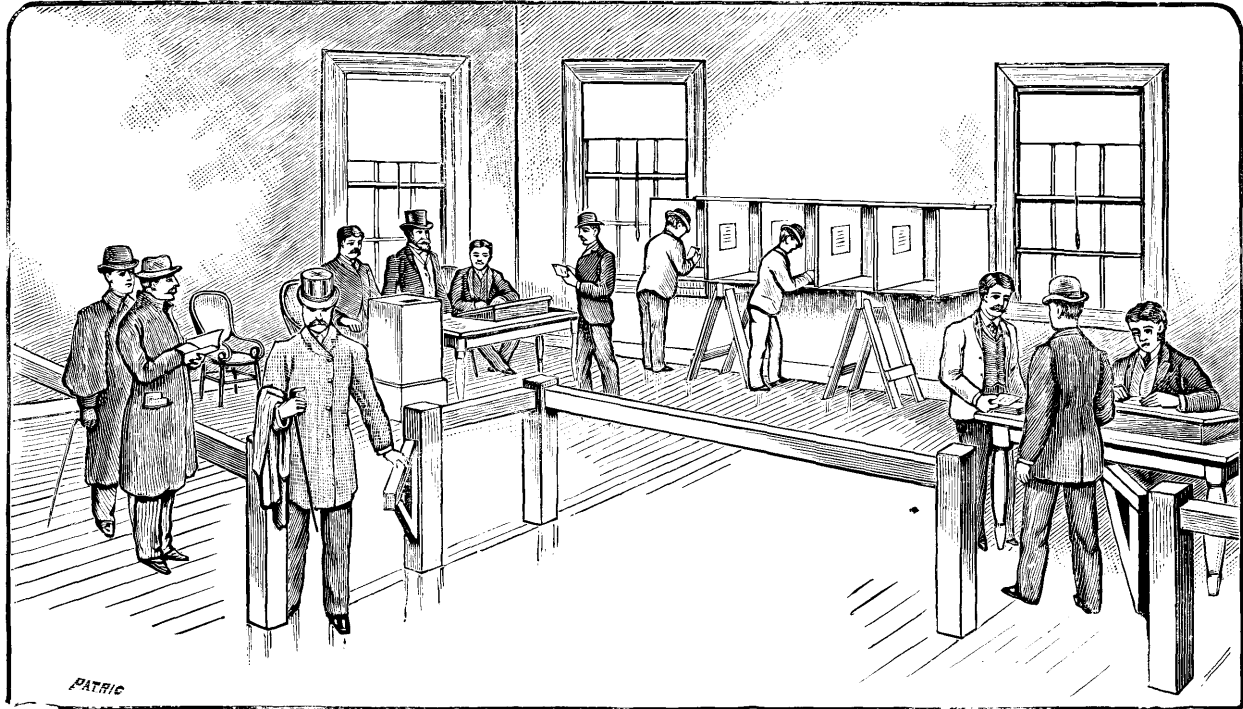
LOSS OF BALLOTS.

SECT 19. In event of loss, or failure to receive ballots, the municipal officers or clerk, are to procure other ballots substantially of the same form as the official ballot; to be handled and disposed of, as provided by section 19, to which your attention is invited.

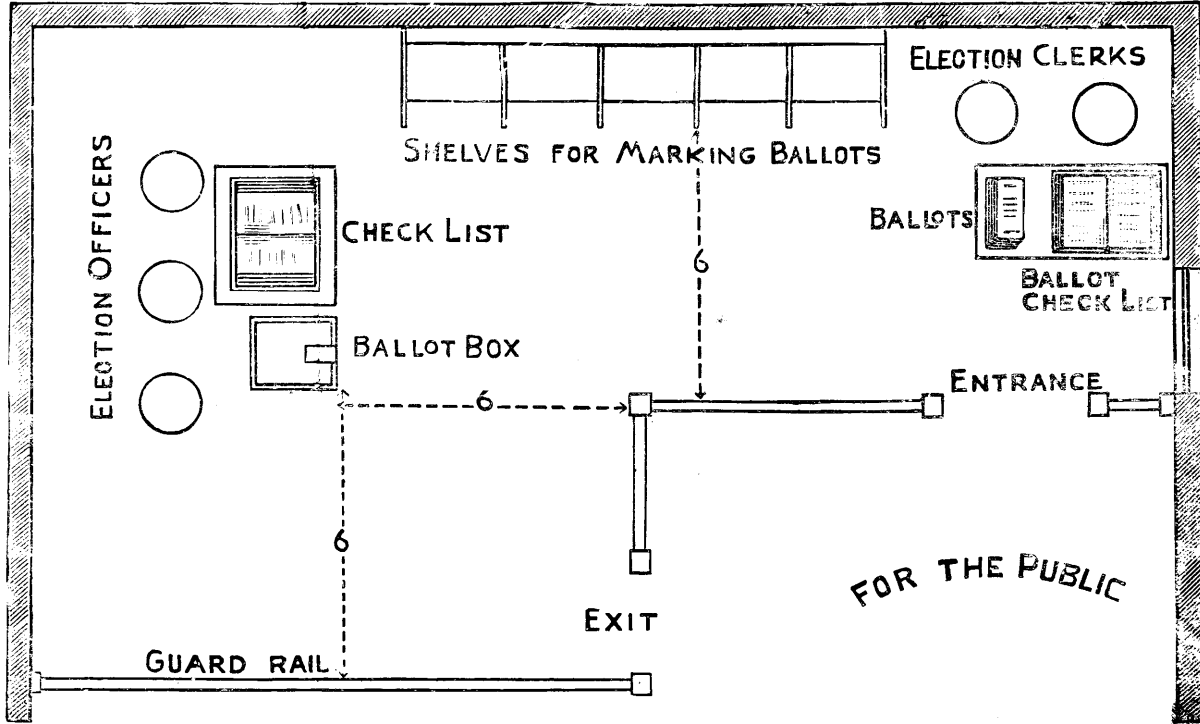
From the remarkable success attained two years ago in the work of distributing the ballots, (receipts from both lots from every polling place in the State being on file in my office the Saturday night previous to election) I am satisfied that resort to this section will not be necessary where proper care is taken of the ballots after they are received. They can only be "destroyed, lost or stolen" by gross carelessness and negligence of the city, town or plantation clerk into whose hands they come.

POLLING PLACES.

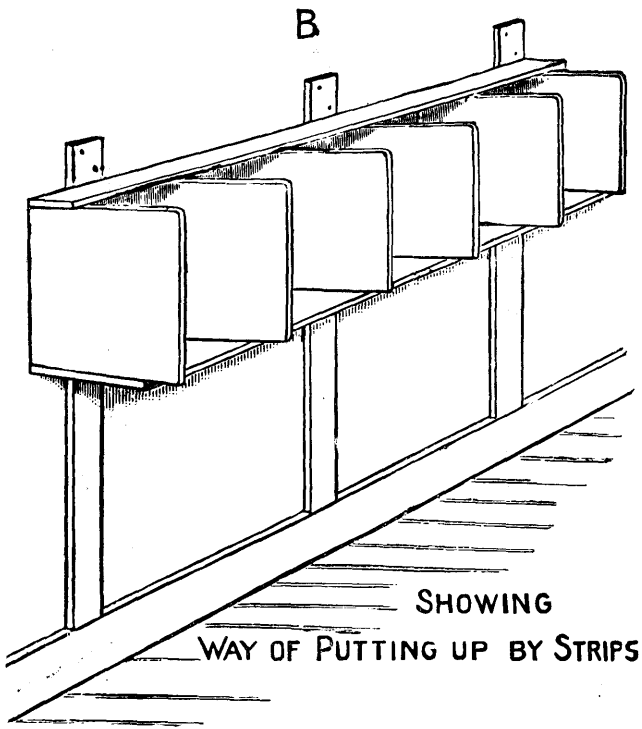
SECT. 22. A sufficient space, not less than *six feet in depth*, in any case, must be railed or separated from the rest of the polling place or ward room, say at one end, or in one corner thereof, by a "guard rail." The larger the number of voters, and consequently greater number of voting booths required, the greater must be the space inside this "guard rail"—because, *inside the rail* must be space enough for election officers, polling and ballot clerks, ballot box and table and also space besides, for at least one voter for each hundred of the whole number entitled to vote at any one polling place; and booths or voting compartments as follows: Booths, or compartments, somewhat resembling three sides of a narrow and not deep closet, at least one for each hundred voters—must be provided; each booth to contain a shelf, sufficiently wide for a voter to mark his ballot upon, equipped with marking facilities—pen and ink, or pencil. In *each* booth must be posted a card of instructions to voters, also a card containing the last four sections of the law; which will be supplied by the Secretary of State.

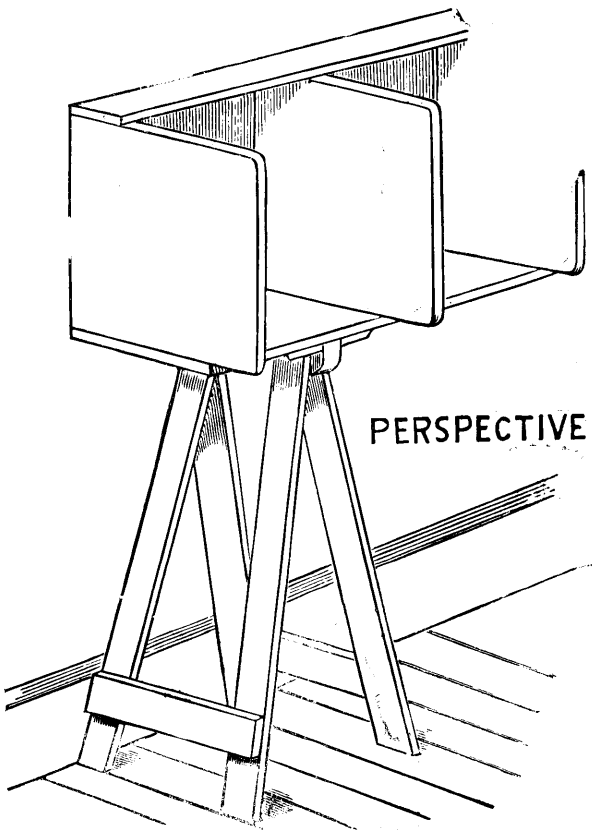


SCENE AT POLLING PLACE.



PLAN FOR END OF ROOM—SIZE 20x24.





PERSPECTIVE

HORSES TO GRATE TOGETHER.

These booths or compartments are to be so constructed and placed, as to secure the following objects :

First: That no person can see, or know, how any voter marks his ballot.

Second: That each booth, its shelf and occupant, shall be in plain view of all persons *outside* the guard rail.

Third: That each booth, its shelf and occupant, shall be in plain view of the election officers and clerks, *inside* the guard rail ; but so placed that these officers cannot see or know how the voter marks his ballot. *And no town can have less than three and no ward in a city less than five such booths*

The law does not prescribe whether these booths shall be single, or constructed in a set or series ; whether they shall be temporary or permanent structures. Probably either would be a compliance with the law ; but in any event, they must be so constructed, as to height, width and depth, that *absolute secrecy* shall be attained.

It is possible to construct a series of four, five, six or more booths, of matched sheathing, having dividing partitions of same material, which can be hooked or hinged to the back partition—with cleats upon sides of the partitions to support necessary shelf—and such booths once constructed could be used many times.

The “guard rail” should be strong, well and securely set, and sufficiently high to afford complete protection to all persons inside its limits.

SECT. 23. The voter announces his name, and if required, his residence, *outside* the guard rail ; and does not enter the railed space, until his name has been found on the check list and called aloud by the ballot clerk ; then the voter passes *inside* the guard rail, the ballot clerk gives him one ballot and one only, folded, his name is checked on the list, and he is in position to mark his ballot.

HOW VOTER SHALL MARK BALLOT.

SECT. 24. Having received ballot from ballot clerk, the voter will enter one of the booths or voting compartments and there mark his ballot.

First: He may mark one X within the square above the party name of *one* group of candidates. Such a cross so marked *within the square*, is a vote for every candidate in the list or column below. In other words, a X within the square, alone, and with no other marks whatever is a *straight party* vote. Any voter desiring to cast

a straight party ticket marks one X within the square, over the name of his party, and makes no other mark whatever. One X is enough, but it must be *within the square, and nowhere else*.

No X can be counted unless the same is *within* the square. See decision of Supreme Judicial Court in case *Curran vs. Clayton* hereinafter referred to.

The vote is lost, unless the X is within the square.

Second: If for any cause a voter does not desire to vote a "straight ticket," that is, for every candidate in any one party column or list, he will *first* mark a X within the square above the party name of one of the party columns or groups, *precisely the same as if he intended to vote a straight ticket*, then running down the list of candidates, he will erase—*i. e.* draw a line through—the name of any candidate or candidates for whom he does not wish to vote, and he may then "*fill in*" the name or names of any candidate or candidates he chooses, instead of those erased, in the blank space below left for this purpose.

He may "fill in," or "insert" such new names, either by writing them in, or by printing them in, or by using what is known as a "sticker,"—that is, a slip having the name or names written or printed thereon, and gummed on the back thereof, so as to be stuck on to the ballot in the proper place, as a postage stamp is affixed to an envelope.

Perhaps a stamp, upon which is cut or engraved such name or names would also come within the legal intendment of the words "insert"—"fill in," but however new names are filled in, or inserted great care must be taken to fill them in, *in the proper place upon the ballot*.

Bear in mind these facts, that the counting of the votes, in every case, depends upon the presence of a X within one of the squares—that only one X is necessary, and only one should be made—that no side crossing or marking, such as was required two years ago, is proper or allowable under the present law—that a X anywhere else than *within* a square is not to be counted.

· **WHATEVER YOU DO, AND HOWEVER YOU VOTE—STRAIGHT OR SPLIT—MARK ONE X ONLY AND MARK IT WITHIN THE SQUARE, and if you vote a split ticket be very sure to make such erasures as you make, and to fill in such names as you insert *in the column beneath the square* where you have marked the X.**

In all cases use only one column or list, that one over which stands your X.

SPECIMENS OF BALLOT MARKINGS.

Straight Tickets.

A STRAIGHT REPUBLICAN TICKET.

X			
REPUBLICAN.	DEMOCRATIC.	NAT. PROHIBITORY.	PEOPLES.

A STRAIGHT DEMOCRATIC TICKET.

	X		
REPUBLICAN.	DEMOCRATIC.	NAT. PROHIBITORY.	PEOPLES.

A STRAIGHT PROHIBITION TICKET.

		X	
REPUBLICAN.	DEMOCRATIC.	NAT. PROHIBITORY.	PEOPLES.

A STRAIGHT PEOPLES PARTY TICKET.

			X
REPUBLICAN.	DEMOCRATIC.	NAT. PROHIBITORY.	PEOPLES.

The above displays the *headings* of the ballot. The several candidates' names will be printed beneath their respective party names in the usual order, commencing with the names of the candidates for Governor.

SPECIMEN OF BALLOT MARKINGS.

Split Tickets.

Ballot No. 1.

Represents a ballot mainly Democratic, but for the Republican candidate for Governor.

	X	
REPUBLICAN.	DEMOCRAT.	NAT. PROHIBITORY.
For Governor, John Doe of Portland.	For Governor, Richard Roe of Bath. <i>John Doe.</i>	For Governor, Francis Loe of Bangor.
For Rep. to Congress, James Leen of Alna.	For Rep. to Congress, Robert Meen of Troy.	For Rep. to Congress, Joseph Deen of Saco.
For Senators, John Rone of Etna.	For Senators, Samuel Done of Anson.	For Senators, Thomas Fone of Benton.
For Clerk of Courts, Albert Cane of Rome.	For Clerk of Courts, Frederick Bane of Wells.	For Clerk of Courts, Milton Jane of Cooper.
For Sheriff, William Briggs.	For Sheriff, Moses Riggs.	For Sheriff, Harrison Diggs.
For County Attorney, Henry Willows.	For County Attorney, Nathaniel Bellows.	For County Attorney, Abraham Fellows.
For Judge of Probate, Peter Henley.	For Judge of Probate, Franklin Penley.	For Judge of Probate, George J. Denley.
For Rep. to Legislature, Hubert Smith, Jr.	For Rep. to Legislature, John A. Smith.	For Rep. to Legislature, James D. Smith.

Ballot No. 2.

Represents a ballot, mainly Republican, although the **X** mark appears in the square over the Democratic party name.

	X	
REPUBLICAN.	DEMOCRAT.	NAT. PROHIBITORY.
For Governor, John Doe of Portland.	For Governor, John Doe of Saco <i>John Doe.</i>	For Governor, Francis Loe of Bangor.
For Rep. to Congress, James Leen of Alna.	For Rep. to Congress, James Leen of Alna <i>James Leen.</i>	For Rep. to Congress, John Deen of Saco.
For Senators, John Rone of Etna.	For Senators, John Rone of Etna <i>John Rone.</i>	For Senators, Thomas Fone of Benton.
For Clerk of Courts, Albert Cane of Rome.	For Clerk of Courts, Albert Cane of Rome <i>Albert Cane.</i>	For Clerk of Courts, Milton Jane of Cooper.
For Sheriff, William Briggs.	For Sheriff, William Briggs <i>William Briggs.</i>	For Sheriff, Harrison Diggs.
For County Attorney, Henry Willows.	For County Attorney, Henry Willows <i>Henry Willows.</i>	For County Attorney, Abraham Fellows.
For Judge of Probate, Peter Henley.	For Judge of Probate, Peter Henley <i>Peter Henley.</i>	For Judge of Probate, George J. Denley.
For Rep to Legislature, Hubert Smith, Jr.	For Rep. to Legislature, John A. Smith.	For Rep. to Legislature, James D. Smith.

Notwithstanding the **X** appears in the *Democratic* square the above ballot is counted for only one Democratic candidate, the Rep. to Legislature, and is counted for the Republican ticket with this one exception.

Ballot No. 3.

This ballot results, in counting, the same as ballot No. 2, for the Republican candidates except Rep. to Legislature—and for the Democratic candidate for that office.

X		
REPUBLICAN.	DEMOCRAT.	NAT. PROHIBITORY.
For Governor, John Doe of Portland.	For Governor, Richard Roe of Bath.	For Governor, Francis Loe of Bangor.
For Rep. to Congress, James Leen of Alna.	For Rep. to Congress, Robert Meen of Troy.	For Rep. to Congress, Joseph Deen of Saco.
For Senators, John Rone of Etna.	For Senators, Samuel Done of Anson.	For Senators, Thomas Fone of Benton.
For Clerk of Courts, Albert Cane of Rome.	For Clerk of Courts, Frederick Bane of Wells.	For Clerk of Courts, Milton Jane of Cooper.
For Sheriff, William Briggs.	For Sheriff, Moses Riggs.	For Sheriff, Harrison Riggs.
For County Attorney, Henry Willows.	For County Attorney, Nathaniel Bellows.	For County Attorney, Abraham Fellows.
For Judge of Probate, Peter Henley.	For Judge of Probate, Franklin Penley.	For Judge of Probate, George J. Denley.
For Rep. to Legislature, <i>John A. Smith.</i>	For Rep. to Legislature, John A. Smith.	For Rep. to Legislature, James D. Smith.

Ballot No. 4.

Represents a very badly split ticket, the voter, presumably a Prohibitionist, since the **X** mark appears over that column, votes for the Republican Governor, Democratic Congressman, his own party candidate for Senator, Republican Sheriff, Democratic County Attorney, and for candidates of his own selection for the other offices.

		X
REPUBLICAN.	DEMOCRAT.	NAT. PROHIBITORY.
For Governor, John Doe of Portland.	For Governor, Richard Roe of Bath.	For Governor, Francis Lee of Bangor <i>John Doe.</i>
For Rep. to Congress, James Leen of Alna.	For Rep. to Congress, Robert Meen of Troy.	For Rep. to Congress, Joseph Meen of Saco <i>Robert Meen.</i>
For Senators, John Rone of Etua.	For Senators, Samuel Done of Anson.	For Senators, Thomas Fone of Benton.
For Clerk of Courts, Albert Cane of Rome.	For Clerk of Courts, Frederick Bane of Wells.	For Clerk of Courts, Milton Lane of Cooper <i>Asaph Lane.</i>
For Sheriff, William Briggs.	For Sheriff, Moses Riggs.	For Sheriff, Thomas Riggs <i>William Briggs.</i>
For County Attorney, Henry Willows.	For County Attorney, Nathaniel Bellows.	For County Attorney, Charles Bellows <i>Nath'l Bellows.</i>
For Judge of Probate, Peter Henley.	For Judge of Probate, Franklin Penley.	For Judge of Probate, James Penley <i>William Penley.</i>
For Rep. to Legislature, Hubert Smith, Jr.	For Rep. to Legislature, John A. Smith.	For Rep. to Legislature, James A. Smith <i>Peter H. Smith.</i>

HOW VOTER SHALL CAST BALLOT.

SECT. 24. Having marked ballot, the voter will—*before leaving the booth*—fold the ballot, without showing the marks, or letting them be seen by any one, so that when folded, the ballot will be folded the same as when he got it from the ballot clerk, and the voter shall place the ballot in the ballot box so that the official endorsement on the back of the ballot will be uppermost.

The voter shall mark and cast his ballot “without undue delay”—as speedily as possible. No voter can remain *inside* the guard rail over ten minutes, nor *inside* the booth over five minutes; and no voter (unless he be an election officer) can go *inside the guard rail* but *once* during one and the same election.

SECT. 25. This is an all important section, especially for those officers and clerks whose duty it is to officiate at, and to some extent after, election. Its provisions should be carefully studied and as carefully observed.

SPOILED BALLOTS.

If a voter spoils the first ballot given him, he may return it to the ballot clerk from whom he got it, and may receive a second ballot. If he spoils the second ballot he may also return that to the ballot clerk and receive a third ballot; but no voter can receive more than *three ballots*.

In other words, if a voter spoils three ballots, he loses the right to vote at this election.

SORTING AND COUNTING.

“The ballots shall be sorted and counted in open town or ward meetings—in such manner as to afford the electors ample opportunity to observe the sorting and counting.” This is an important change from the original law. That the ballots shall be sorted and counted in “open” town or ward meeting is a requirement of the Constitution, which has always existed, but the spirit of the requirement has been too frequently disregarded by counting officers who have chosen to place upon the word “open” a narrow construction, restricting it to time only, and who have thereupon proceeded to sort and count the ballots secretly and beyond observation. This section defines to some extent what an “open” town or ward meeting is, viz: not only open as to time of adjournment, but open also as to certain of the methods, and the character of the proceedings therein.

The voters are to have *ample* opportunity to observe their election officers, while the process of sorting and counting is going on—to *observe*—not to aid, assist or interfere, and while counting officers must comply with this provision of the law, they are entitled to be protected by adequate police or constabulary force, if necessary, from any improper or unwarrantable interference at the hands of voters.

SORTING AND COUNTING IN CITIES—SPECIAL PROVISION.

It is provided in the last section of this amended statute, that the provisions in any city charter, which provide for the election of two persons to aid the warden in receiving, sorting and counting the ballots, *are not affected by this act.*

Therefore in any city where the right exists by charter to elect two persons to so aid and assist, the same procedure may be had as heretofore *so far as this law is concerned.* The persons so selected are placed upon the official footing of election clerks *for this purpose,* and must be, one a republican, the other a democrat.

PRESERVATION OF BALLOTS.

Two years ago *used* ballots were *not* required to be preserved, while the defective, the unused and the cancelled ballots were required to be sent to the city, town and plantation clerks, who, by inference, were to keep them in some way, or for some purpose, for a time not stated. The present law requires *all* ballots, those marked defective, those cancelled, those not used, and those also, to be preserved as *public records*, for six months following election, by the city, town and plantation clerks. After the *used* ballots have been sorted and counted, the result declared and recorded—all in open meeting, the voters having had ample opportunity to observe the same, *all* ballots, together with the check lists used, and certified to be such, are to be sealed up by the election officers and sent to the city, town and plantation clerks who are to preserve them for the six months following, as a *public record.*

In practice it seems as if the *used* ballots are to be made up into a package by themselves, the cancelled and unused ballots in a package by themselves, and the defective ballots, if any are found to be defective, by themselves the three packages, or kinds of packages to be all sealed up together, with the check lists, also sealed up in same manner.

This section concludes with a severe penalty for *any person* who shall abstract ballots or tamper with either the ballots or the packages.

Evidently the law regards these ballots as the property of the State, the State having provided and paid for them, and no person—neither election officers, clerks nor voters acquire, nor can acquire any ownership of or property in them. No person has any other right in them than to the *use* of them for the purposes, and in the ways provided for in this law. (SECTS. 25 and 31)

No person can take or remove a ballot from the polling place, before the polls are closed, under penalties.

HOW VOTER SHALL BE ASSISTED TO MARK BALLOT.

SECTS. 26 and 33. Voters unable to read and voters physically disabled from making their ballots, may notify the presiding election officer or officers to that effect, and may then have the assistance of *two Election Clerks*.

The presiding election officer or officers will direct such assistance to be given, and may require the applicant to make oath before him or them to his inability to read, or to such physical disability as he claims to exist, before giving such directions. No clerk shall *assist*, or *offer to assist* any voter in marking his ballot, *until directed so to do* by the presiding election officer or officers, and any election or ballot clerk who shall assist or offer to assist any voter, before being so directed, is liable to a fine of not less than twenty-five nor more than one hundred dollars, or *by imprisonment* not exceeding sixty days for *each* offense, and such clerk thereafter becomes disqualified from holding the office of Election Clerk or Ballot Clerk.

These two sections taken together constitute a very important change from the method of assisting, as it existed in 1892. *Then*, the voter selected one or two of the election clerks to aid him; *now*, two clerks, representing two different political parties, *must* assist; *then*, the clerk selected, acted without waiting for orders; *now*, the two clerks must neither assist nor even *offer* to assist, until directed so to do, by the presiding election officer or officers; *then*, no penalty attached so far as the clerk was concerned; *now*, a very serious penalty attaches for any wrong or hasty action by such clerk or clerks. In all cases where a voter is aided by clerks, the clerks must so certify *on the ballot* before it is cast by the voter. No clerk

who has assisted a voter in marking his ballot is allowed to give any information as to how such ballot was marked, and a breach of this duty of secrecy would undoubtedly fall within the penalty prescribed in section 32 of the law.

DEFECTIVE BALLOTS.

Section 27 of the law provides that "if for any reason it is impossible to determine the voter's choice for an office to be filled, his ballot *shall not be counted for such office.*"

While there is much less chance or occasion for defective ballots under the present law than was the case two years ago, still there may be "defective" ballots, and will be, unless due care is exercised, and such ballots cannot be legally counted. Whether a ballot is or is not "defective," or to what extent it is "defective" is a question for the counting board, under the rule above quoted, and this question is to be determined *from the ballot*, not from what a counting board may know, or think it knows of a voter's intention, apart from what the ballot discloses. For instance a ballot without a X in some one of the squares above the party names would be totally "defective"—a blank—"it would be impossible from such a ballot "to determine the voter's choice" for any office whatever.

A ballot with one X and that opposite the party name, opposite a candidate's name, or anywhere else than *within the square* would be totally defective, by the light of the decision rendered by the Supreme Judicial Court of this State in the case of WILLIAM F. CURRAN AGAINST WILLIAM Z. CLAYTON, which originated in Penobscot county, and in which the opinion rendered by Whitehouse, J., was concurred in by Peters, C. J., and Walton, Emery, Foster and Haskell, J. J.

The question raised in this case was whether certain ballots cast at the Bangor municipal election, were or were not "defective," by reason of the marking thereon.

The law (section 10, chapter 102, Acts of 1891) required "a blank space at the right of the name of the party or political designation" also "a blank space at the right of the name of each candidate," the voter to designate *by a X marked therein* his choice of candidates." Certain ballots were cast, (and ultimately counted,) which did not contain a X in such blank space. On one of these ballots the X was placed *above* the candidate's name; on another there was a X *above*, also a X *below* the candidate's name, but

none "at the right" of it; on another the X was placed at the left of the candidate's name; on another there was a X under the party name, and also a X at the left of the candidate's name; on still another there was no X but there was a short straight line drawn diagonally across the square at the right of the party name, constituting half of the X, so to speak.

These ballots, rejected by the warden, when he counted, as defective, were subsequently counted at a recount, and the defendant Clayton, was thereby declared elected as an alderman of the city of Bangor, and he assumed the duties of such office. The plaintiff Curran thereupon brought this action claiming that these ballots, (and perhaps others similarly marked in number enough to control the result) were defective, therefore should not have been counted for the defendant, and that he, Curran, and not Clayton was *legally* elected an alderman.

The defendant contended that "notwithstanding these deviations from the literal requirements of the statute, the elector's intention in each instance was sufficiently disclosed by the marks actually made; that it was not impossible to determine the voter's choice," and that these provisions of law respecting the preparation of the ballot by the voter should be construed as directory and not mandatory, in order that the intention of the elector may be effectuated and not defeated whenever it can be discovered by an inspection of the ballot."

The court held that the ballots were defective, should not have been counted, and that Curran and not Clayton was the legally elected alderman, saying "whatever weight this argument may have been entitled to, or may have received under the system which formerly prevailed in the conduct of elections, it must be remembered that the Act of 1891, now under consideration, was designed to inaugurate an important departure from the mode of voting which had existed in this State prior to its passage.

It is a recognized and familiar principle that the elective franchise, though guaranteed by the Constitution as a sacred privilege to the persons there named as electors, MUST STILL BE EXERCISED UNDER SUCH REGULATIONS AND RESTRICTIONS AS THE LEGISLATURE MAY DEEM REASONABLY NECESSARY to maintain order in the elections, prevent intimidation, preserve the purity of the ballot box," &c., &c.

Continuing, the Court declares concerning the Act of 1891, "its distinguishing feature is its careful provision for a secret ballot"

—— “it was designed to secure complete and inviolable secrecy and under established rules should be examined with reference to the mischief to be remedied, and the object to be accomplished, and interpreted, if practicable so as to promote and not destroy the purpose of its enactment.”

“With respect to these ballots it will be seen that the X mark was placed *not in the appropriate blank space* as required by the Act of 1891, while on one of the ballots a *short straight line* was used to mark the ballot instead of a X. If it be conceded that the intention of the voter may be correctly inferred from the mark actually made by him in each of these instances, it is still a fatal objection to the ballot that such an **IRREGULAR AND UNAUTHORIZED MODE OF MARKING IT**, might readily be and probably would be agreed upon with the voter as a distinguishing mark to identify the ballot cast by him whenever identification was desired. Such a palpable disregard of the plain requirements of the Act strikes at the root of the secret ballot system.”

“Furthermore, if such marks were to be held effective, embarrassing questions, respecting the intention of the voter would constantly arise upon inspection of the ballots and great uncertainty and confusion inevitably result.” The decision in this case, so far as it relates to defective ballots, and beyond that I need not follow it for the purpose in hand, applied to the present law seems to establish beyond question, three propositions.

First: The ballot must be marked by a X.

Second: The X must be within a square over a party name or designation.

Third: Whether or not a ballot is countable must be ascertained from the ballot and must depend upon the correctness and regularity of the markings thereon.

The court, in this same case, quoting an Indiana decision, says “if he (the voter) does not choose to indicate his choice in the manner prescribed by law, he cannot complain if the ballot is not counted.”

A ballot with a X within the square above one of the party appellations, and with certain names erased and new names filled in, *in another column* than the one beneath such X, might be a “defective” ballot, to some extent, because from such a ballot it might be “impossible” to determine the voter’s choice as to some one or more officers. *dependent* upon such erasures and filling in,

while *independent* of such erasures and filling in, such a ballot would show a "straight ticket," and would not be "defective" at all. I can not give a rule for the counting of such ballots, if any such should be cast, because a rule to be of any value must come from the Court. I can only hope that no such ballots will be thrown wherewith counting officers may be perplexed.

A ballot "defective" because the voter has marked "more names for any one office than there are persons to be elected to such office" can occur in *one* way under the present law, viz: in any case, where the ballot contains *two or more crosses*, in as many squares. A ballot so marked would be totally "defective," because in such case the voter has voted for two or three or more candidates for one and the same office, and it is "impossible to determine" his choice, all the X marks having an equal value, and so acting as an offset each to the other. In addition to the cases described in the Curran-Clayton case, I have noted these possible instances of "defective" ballots, because it has seemed to me that errors of these kinds were not unlikely to occur, and there may be instances of defective ballots arising from some other ingenious mismarking by voters, notwithstanding the prescribed method of marking is as simple as simple can be.

POLLS.

SECT. 28. Polls are to be opened as early as 8 o'clock A. M., but in no case can be kept open later than 5 o'clock P. M.

ELECTION CLERKS.

SECT. 21. Election clerks shall be appointed biennially in May, by municipal officers; shall be sworn; shall equally represent the *two* political parties, which at the state election next preceding their appointment, cast the highest number of votes; shall hold office for two years, from the date of appointment *and until a successor is appointed and qualified, or he vacates the office.* The amendment of 1893, introduces a very marked change in the law relating to election clerks. Formerly the municipal officers controlled the appointment of these clerks absolutely. The law has modified this power materially, and now requires the municipal officers to appoint "such persons as shall be recommended for such appointment by the several political *party committees* of the several cities, to was and

plantations representing the two political parties which at the gubernatorial election next preceding (1892) such appointment, cast the greatest number of votes.”

If a polling place contains more than 1000 inhabitants (not voters) there must be four such clerks, two republicans and two democrats.

If a polling place contains less than 1000 inhabitants two such clerks are enough, one republican, one democrat. In all cases, one clerk from each of the two parties shall be detailed by the municipal officers as ballot clerks, who shall have charge of the ballots and deliver them to the voters.

Another *new* feature is, that election clerks “*shall be present at and witness the counting*” by the presiding election officer or officers of all votes cast at elections.

Voters *may* witness or “observe,” but election clerks *must* witness the counting—so far as the voters are concerned the law on this point is strictly *permissive*, but as to the election clerks it is *mandatory*.

“No person shall be eligible to the position of an election clerk in any ward, town or plantation where he is a candidate to be voted for”—means that no person can serve as an election clerk, and at the same time stand as a candidate. The law makes the two positions incompatible. An election clerk who accepts a nomination as a candidate to be voted for thereby *vacates his office of election clerk*, and his successor in that office *must* be appointed by the municipal officers upon the selection or nomination of the political party committees entitled to select or nominate. So too, a candidate would vacate his candidacy by accepting the office of an election clerk.

VACANCIES IN OFFICE OF ELECTION CLERK must be “forthwith” filled by the municipal officers—*however the vacancies may occur*, as by death, removal, resignation, or by accepting a nomination as a candidate for office, and political party committees should be prepared at the *shortest* notice to select and recommend proper persons for such positions, because the attendance of the election clerks at, during, and after election until the counting is finished and all ballots and check lists sealed up, is a *prerequisite to having an election*, so to speak. The presence of the election *officers* is of no more importance, so far as this law is concerned, than the presence of the election *clerks*, at elections.

The appointments of election and ballot clerks should be in writing and recorded in the office of the city, town or plantation clerks.

STATE OF MAINE.

MAY, 1894.

To _____ of _____

The undersigned Municipal Officers of the _____ of _____ in the County of _____, hereby appoint you as Election Clerk within and for said _____ for the term of two years from date hereof.

*And we also hereby detail you to serve as a Ballot Clerk, within and for said _____ during said term of two years.

} *Municipal Officers*
of

STATE OF MAINE.

ss.

1894.

Then personally appeared above named _____ and took the oaths necessary to qualify him to discharge according to law the duties of above named office.

Before me,

Justice of the Peace.

*To be used in case of election clerks who are also designated as Ballot Clerks.

Office of the clerk of the

of

1894.

Received and recorded in vol. _____, page _____ of the records of

Clerk of

DIVISION OF TOWNS AND WARDS.

SECT. 20. This section applies to wards of cities, and to towns containing more than four thousand *inhabitants*; such division being discretionary, not mandatory.

If such divisions are made, each polling place so provided for, must contain *not less* than three hundred *voters*—and such division must be made *sixty days before election*.

INSTRUCTION CARDS AND SPECIMEN BALLOTS.

SECT. 18. There are two kinds of these cards known as No. 1 and No. 2. Municipal officers and clerks are directed to post one card of instructions of each number in *each* voting booth, or marking compartment; also to post in or about the polling place, *outside* the guard rail, not less than *three* of each kind of these cards, and not less than *five* specimen ballots. These to be posted immediately after the ballots are delivered to the ballot clerks, at the opening of the polls.

The cards and ballots necessary under this section, will be furnished by the Secretary of State with the general ballots.

1894.

STATE OF MAINE.

No 1.

INSTRUCTIONS TO VOTERS.

Give your name and residence to the ballot clerk.

Go alone to a voting shelf and there unfold your ballot.

To vote a straight ticket, mark a cross X in the square over the party name at the top of the ticket.

To vote other than a straight ticket, mark a cross X in the square over the party name, as if to vote a straight ticket, then below, in same column, erase any name or names, and fill in the name or names of any candidate you choose, in the space left for such purpose.

Mark a cross X in the square over Yes, or No, where either of these words occur as you desire to vote.

Do not mark your ballot in any other way.

If you spoil a ballot return it to the ballot clerk and he will give you another. You cannot have more than two extra ballots, or three in all.

You must mark your ballot in five minutes if other voters are waiting; you cannot remain within the rail more than ten minutes.

Before leaving the voting shelf, fold your ballot as it was folded when you received it and keep it so folded until you place it in the ballot-box.

Do not show any one how you have marked your ballot.

Go to the ballot box and give your name and residence to the warden or presiding election officers.

Put your folded ballot in the box with the certificate of the Secretary of State uppermost and in sight.

A voter who declares to the presiding officer or officers (under oath, if required,) that he cannot read, or that he is physically unable to mark his ballot, shall, upon request, be assisted in the marking of his ballot by two of the election clerks who shall be directed to so assist, by the presiding election officer or officers.

NICHOLAS FESSENDEN,

Secretary of State.

CHECK LISTS.

SECT. 21. This law is not intended to change existing laws relating to check lists, except that *the ballot clerks* must be provided with such a check list: and as at all polling places there must be *such* ballot clerks, *all polling places must be supplied with two such lists*, one for use of the presiding officers, and one for such ballot clerks. Also the check lists must be sealed up, and with the ballots be returned as before described.

MUNICIPAL OFFICERS AND TOWN CLERKS—WARDENS AND
WARD CLERKS.

This law is not intended to change existing laws relating to the duties of these officers, at meetings held for elections, but it imposes new duties.

In towns, the municipal officers preside at such meetings, pass upon the qualifications of voters, receive, sort, count and declare the votes; and with the Town Clerk prepare the Election Returns, as has hitherto been the practice. In cities the Wardens and Ward Clerks do the same.

Votes must be counted, declared, and returns made, on the usual and well known forms, which will be supplied, as heretofore, by the Secretary of State, precisely the same, as at the last and preceding September elections.

The Ballot Clerks provided for by this law, perform none of these duties, but are to safely keep the ballots, to deliver same to the voter, at the direction of the presiding officer or officers, to assist, if necessary, in marking the ballot, when directed so to do, and to witness the counting of the ballots.

SECTS. 21, 23 and 25. The attention of Municipal Officers is called to Chapter 121, Public Laws of 1891, which provides that *in towns* having five hundred or more voters, no name shall be added to the list of voters on the day of election, etc.

CONSTITUTIONAL AMENDMENTS.

These, by this law, must be voted upon, *on the same ballot* which contains the names of candidates for the different offices, and not on a separate ballot as formerly. Vote by marking a X in the square over the words "Yes"—"No."

There are no Constitutional Amendments to be voted upon at the September election, 1894.

*PENALTIES.

Sections (25) 29, 30, 31, 32, (33) define the penalties for violations of the law. Some of them are general and apply to any person, some are specific and apply particularly to certain officers. All are sufficiently severe to merit careful consideration, but do not require detailed description at my hands. These sections are printed as Cards of Instruction No. 2, and are to be posted the same as, and with cards No. 1 before referred to.

TO CLERKS OF CITIES.

The secret ballot law applies to all city elections for the election of municipal officers, and the same duties which are assigned by it, to the Secretary of State in state elections, are assigned to city clerks within their respective cities, in city elections.

There are a few differences, wholly of a minor sort, but the system is the same for cities as for the state; and the forms herein given can be easily adapted to the requirements of city use.

ELECTION OFFICERS.

Wardens and Ward Clerks, in cities.

Selectmen and Town Clerks, in towns.

Assessors and Plantation Clerks, in plantations.

In city wards the Warden is the "Presiding Election Officer."

In towns and plantations a *majority of the Board* of Selectmen or Assessors, as the case may be, are the "Presiding Election Officers."

*The penalties named in sections 25 and 33 did not exist in the Act of 1891, but are new provisions.

ELECTION AND BALLOT CLERKS.

These clerks are *precisely* one and the same, in cases where two election clerks are enough for a polling place, viz: in places having less than one thousand inhabitants, and in certain "island" districts or wards.

Where only *two Election Clerks* are necessary, such clerks are *Ballot Clerks* also.

Where *four* Election Clerks are required, *two of the four* must be "detailed to act as *Ballot Clerks*," the other two being *Election Clerks* only, and having no charge of the Ballots.

Ballot Clerks have all the powers and duties of Election Clerks, and in addition "*shall have the charge of the ballots . . . and shall furnish them to the voters,*" and a check list shall be furnished for their use.

Clerks of wards, towns and plantations *should not* act as election or ballot clerks.

The Constitution makes the clerks of wards, towns and plantations, election *officers* to some extent.

BALLOTS.

Used Ballots—those actually and correctly marked, cast into the ballot box, and to be counted.

Unused Ballots—those not given out to voters and left over at close of polls.

Cancelled Ballots—those spoiled by voters in marking and not cast at all.

Defective Ballots—those actually marked and cast into ballot box, but which cannot be counted, owing to mis-marking by voters.

SIGNATURE NOMINATIONS.

SECT. 4. Before closing these suggestions I deem it my duty to call *special* attention to one feature of the present law, which if clearly understood may avoid trouble for counting officers, and loss to voters. The present method of marking the ballot seems to render unnecessary any proceedings under section four, which regulates the nomination of candidates otherwise than in political party

conventions or caucuses, that is, by signatures. Two years ago there were but two instances of this class of nominations on the State ballot; if no more than that number should occur in this or future elections, the resultant injury at the greatest would not be very wide spread. As to that it would be unsafe to determine upon such meager experience, and besides, in municipal elections in cities it might and probably would occur much oftener, hence I conclude it wisest to refer to this point.

The safe and sure way for voters to mark ballots who desire to vote for a candidate or candidates, so nominated, whose name or names must appear in a column at the right of the ballot, is to fill in such name or names in one of the party groups or columns in appropriate place, erase the name or names of the regular party nominee or nominees, and mark a X in the square at the head of the list or group, *paying no attention whatever to this column at the right, or the candidate's name or names therein.*

A voter who desires to vote *only* for a candidate or candidates nominated by signatures, and for no others, can safely use the column at the right. No other voter can.

As the law *was*, it required a X opposite the name of every candidate, (and no X opposite the party name), whenever the voter would vote other than a straight ticket.

As the law *is*, such a voter may erase and fill in any name or names to suit his pleasure, under a X in the square above one of the party names.

As there is no clear provision for marking more than one X, a ballot having a X in the square over a political party name in one column, and a X also in the square over the signature candidates party designation, in another column, even if the regular nominees name in the party column was erased, might occasion confusion of practice in counting, while if such name were not erased in the party column it might result in "no choice" for the particular office or offices involved, the ballot indicating a vote for two candidates for one office.

TO THE COMMITTEES OF ALL PARTIES.

I respectfully call the attention of the committees of all political parties, upon whom devolve the responsibility of calling *nominating conventions*, to certain features of the ballot law, which seem to necessitate the calling of all such conventions at an earlier season, than has been the practice hitherto, in order to insure the successful operation of the law.

To meet the requirements of the law, considering the territorial limits of the State, and the number of towns not too speedily reachable from Augusta, as mails and expresses run, *all nominating conventions* should be held early enough to admit of the reception, at this office, of *all nomination certificates thirty days, at least*, exclusive of Sundays, before September 10th, the day of election.

Thirty days is none too much time in which to do the necessary work and *insure* reaching every voting precinct in Maine; to do which in many instances will require the shipment of ballots to begin at least five and perhaps seven days before the day of election.

Therefore, I respectfully urge that all county conventions be held as early as July 20th and all class district conventions as early as August 1st.

NICHOLAS FESSENDEN,

Secretary of State.

AUGUSTA, February 1, 1894.