

# MAINE STATE LEGISLATURE

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December 30, 1926

To Hon. Ralph O. Brewster, Governor of Maine  
Re: Primary Election Records

I am pleased to call to your attention certain provisions of the "Primary Election Law", which are uncertain, confusing and in some respects impossible to follow in the actual conduct of the election.

In Section 13 of Chapter 6 of the Revised Statutes, as amended by Chapter 62 of the Public Laws of 1925, it is provided that

"The selectmen of towns and plantations, the wardens of wards in cities, shall be seasonably furnished by the town, plantation or city clerk, or other official charged with the duty of preserving the same, with duly certified copies of all enrollment lists, arranging each political party separately and its names of voters therein alphabetically."

The words, "or other official charged with the duty of preserving the same", considered in connection with the provisions of Section 39 of said Chapter 6, as amended, in which it is provided that enrollment declarations must be filed with the board of registration of voters in cities, towns and plantations, has caused much doubt in the minds of many as to who shall preserve and furnish such enrollment lists to the "selectmen of towns and plantations and the warden of wards in cities".

In said Section 13, it is provided :

"If not therein enrolled, any voter qualified by law and this chapter as a legal voter at such voting place, may be enrolled after subscribing and making oath before a registration board of the district or precinct to the statement as required by Section 39 of this chapter", etc.

This requirement is impossible of literal execution in cities, because a registration board cannot constantly be in all wards of a city during the time the polls are open.

There appears in Section 11 of said Act, as amended, and as a part of the Primary Election Warrant, the words:

"Voters entitled to enrollment may cause themselves to be enrolled at the polling places during the primary election on taking and subscribing the oath required by law, but said voters shall not be allowed to vote at any primary election within the next six months following said enrollment unless a new voter, or a voter enrolling for the first time in that municipality."

The foregoing section is not generally fully understood and many inquiries have been received by the Secretary of State and this department as to its meaning.

It has been suggested that these words should be left out of the election warrant and inserted in substance in Section 12 which provides for the qualification and enrollment of voters.

In Section 12 of said Act, there appear the words,

"and no person shall be allowed to vote in any primary election unless the name of said voter appears legally on said voting list and enrollment list, except those who have become voters within eight months preceding such primary election, and a voter enrolling for the first time in that municipality, who shall be allowed to enroll and vote."

Regarding this section, inquiries have been made as to the intended meaning of the paragraph excepting "those who have become voters within eight months preceding said primary election", and also as to whether both the voting list and the enrollment list must be had at the polling places on election day.

The foregoing are some of the provisions of the law not readily understood by the town and city election officers and the general public.

Sanford L. Fogg  
Deputy Attorney General

SLF:LMR