

# MAINE STATE LEGISLATURE

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**PUBLIC DOCUMENTS**

OF THE

**STATE OF MAINE**

BEING THE

**REPORTS**

OF THE VARIOUS

**PUBLIC OFFICERS  
DEPARTMENTS AND  
INSTITUTIONS**

FOR THE TWO YEARS

**JULY 1, 1928 - JUNE 30, 1930**

STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1929-1930

which that counter made. All that was preserved was the total vote of the ward as certified by the ward officers, which record combined figures and data from several counters without showing what figures each counter made or which ballots each counted.

We cannot express too strongly our condemnation of the very apparent frauds in the count of votes that was made in this election, but we are helpless under the law as it exists to bring in any indictment against any person or persons. We hope, however, that the eventual adoption of some at least of these suggestions may result in preventing the recurrence again of such a situation.

EARLE H. BICKLER, *Foreman*

FRED H. LANCASTER

*Attorney for the State for said County*

CLEMENT F. ROBINSON, *Attorney General*

Note: See P. L. 1931 c. 34, embodying many of the Grand Jury's suggestions.

### ELECTIONS—BALLOT MARKING

July 16, 1930

To the Honorable The Governor and Council,  
Augusta, Maine  
Gentlemen:

In my opinion primary ballots marked with a cross after the name of a candidate, in the absence of any definite evidences of fraud, should be counted for that candidate even though the cross is not made within the square.

Section 14 of the Primary Election Law says that the voter should mark a cross "in the square to the right of" the printed name of a candidate; a cross "to the right of" a name written or pasted in. Section 8 of the same Act prescribes that the ballot shall be printed so as to give the voter an opportunity to vote by a cross "to the right of the name of each candidate." The same section requires the ballot to bear the words "make a cross in the square to the right . . . . add names . . . . and mark cross to right of such names."

If it were an open question the proper ruling might well be that the cross must be in the square in the case of the printed names. In other cases a cross anywhere to the right would be sufficient. The Law Court has, however, given a liberal interpretation and eliminated the requirement that the cross be within the square. See 124 Me. 488, 490-2.

The Court seems to have felt that the Legislature had clearly indicated a requirement that the voter must make a cross, but had not so clearly required the cross to be within a square. Where the cross is within the box, it is at least within a rectangle, but apparently the Court would hold the same of a cross even if it is wholly outside of the ruled spaces.

Very truly yours,

CLEMENT F. ROBINSON

Attorney General