

MAINE STATE LEGISLATURE

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March 3, 1933

Honorable Harold E. Weeks
State Senator
Augusta, Maine

Dear Senator Weeks:

Concerning the Madison Village Corporation, -- under date of July 19, 1932 this office advised Mr. E.L. Hight of Madison that there was no statute which makes any provision for the secret ballot in village corporations. This letter was brief, and did not enter further into details for the reason that opinions are not ordinarily given unless requested through statutory channels. However, I am glad to advise you in your capacity as Senator from Somerset County, that, concerning the use of the so-called Australian or secret ballots at meetings of the Madison Village Corporation, I know of no rule of law which would require an enactment of the legislature to permit its use by the corporation. The charter provides that,--

"All the officers shall be chosen by ballot."

without prescribing any particular form of ballot or mode of balloting.

Obviously the form and mode are left for the determination of the corporation itself. Selection by the Australian ballot is an election by ballot and so within the rights of the corporation. It is permissible for the corporation to decide upon the form of ballot and mode of balloting and to set up the machinery necessary for the purpose.

Faithfully yours,

Attorney General