

MAINE STATE LEGISLATURE

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March 7, 1955

Honorable Wallace Woodworth, House of Representatives
Re: Elections in Room adjoining that where Town Meeting is being held.

We have before us the four questions you left in the office on March 3rd. We will treat them in order.

Question 1. Is it permissible to have anyone enter the election booth to help a person who has asked for help?

Answer. Section 36 of Chapter 5 of the Revised Statutes of 1954 provides that if a voter declares his inability to mark the ballot by reason of physical disability or from inability to read the same or because his religious faith prevents him from marking the ballot, he shall receive the assistance in the marking of his ballot of two election clerks, who shall not both represent one and the same political party, and they shall certify on the outside that the ballot was marked by them or by the voter with their assistance, and they shall thereafter give no information concerning the same. In order to protect the secrecy of the ballot it would appear to be permissible to have the two people mentioned in this section enter the booth and there assist the voter in making his selection.

Question 2. Is a raised hand called as a legal vote if not raised in the main room where the voting is going on?

Answer. It is impossible to give a yes or no answer to this question. If the main room is filled to overflowing and the townspeople are in an adjoining room and understand the motion before the town meeting, their votes would appear to be properly before the town, there appears to be no valid reason why the party in the adjoining room could not go into the main room, we doubt if such a vote should be counted. Where the room is available, the voter should make his presence known and give such attention as will apprise him of the issues at hand. We trust that this is sufficient to determine any particular circumstance that may arise.

Question 3. If there is no Democratic town committee, is it required to have two Democratic ballot clerks?

The answer to this question is found in Section 14 of Chapter 5 of the Revised Statutes of 1954. There must, under this statute, be ballot clerks appointed from both political parties. We believe that if the committee recommends the appointment of certain individuals, then the municipal officers must follow their recommendation. If there be no organization recommending people for appointment, the municipal officers nevertheless must appoint ballot clerks. If this were not true, how could the voter receive help as we have mentioned in our answer to Question 1?

Question 4. Is it permissible for a person to register and vote the same day both at town meetings and election (State or National) days?

The answer to this question is determined by the number of voters in the town. Section 43 of Chapter 3, R. S. 1954, provides that in towns under 500 voters the municipal officers shall be in session on the day of election to receive applications and shall hear and determine such applications at any time before the polls are closed. Section 42 of the same chapter refers to registration in towns having 500 to 2000 voters. This section requires that municipal officers shall receive applications on the day next preceding the day of election and on such additional days prior thereto as they may determine. No application shall be received after the hour of 9 P.M. and no name shall be added on the day of election except such as were on the list used in the last preceding election and inadvertently omitted, and shall make no change in the names except to correct clerical errors. Section 41 of the same chapter deals with registration in towns having 2000-3500 voters and in all cities having less than 3500 inhabitants. The requirements are practically the same as in Section 42, above mentioned, except that they must receive applications on three days next preceding the day of election. The answer, therefore, in any given case will be determined by the number of registered voters in the particular municipality.

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