

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1916

S. P. 613

In Senate, May 9, 1973

Reported by Senator Shute of Franklin from the Committee on Election Laws and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT to Revise the Election Laws.

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 21, § 1, sub-§ 9, repealed.** Subsection 9 of section 1 of Title 21 of the Revised Statutes is repealed.

**Sec. 2. R. S., T. 21, § 1, sub-§ 13-A, additional.** Section 1 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 13-A to read as follows:

**13-A. Federal office.** "Federal office" means the office of United States Senator and Representative to Congress.

**Sec. 3. R. S., T. 21, § 1, sub-§ 37, amended.** Subsection 37 of section 1 of Title 21 of the Revised Statutes is amended to read as follows:

**37. State office.** "State office" means the office of ~~United States Senator~~ Governor, ~~Representative to Congress~~ State Senator, Representative to the State Legislature and Presidential Elector.

**Sec. 4. R. S., T. 21, § 43, amended.** The first paragraph of section 43 of Title 21 of the Revised Statutes, as amended by section 3 of chapter 398 of the public laws of 1965 and by chapter 18 of the public laws of 1971, is further amended to read as follows:

In a city or town which has a population of ~~4,000~~ 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: one member nominated by the city committees of each of the 2 major parties and appointed by the municipal officers, and the 3rd member appointed by the Governor, with the advice and consent of the Council ~~except that a.~~ A city or

town which has a population of 4,000 to 5,000 may, by vote of its legislative body, have a board of registration in lieu of a registrar of voters.

**Sec. 5. R. S., T. 21, § 43, sub-§ 5, additional.** Section 43 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 5 to read as follows:

5. **When open.** In addition to sections 631 and 632, each board shall be open to act upon applications for registration and enrollment on at least one business day in each of the months of January, February and March in each even-numbered year.

**Sec. 6. R. S., T. 21, § 102-A, sub-§ 1, ¶ J, repealed.** Paragraph J of subsection 1 of section 102-A of Title 21 of the Revised Statutes, as enacted by chapter 154 of the public laws of 1965, is repealed.

**Sec. 7. R. S., T. 21, § 175, amended.** The first sentence of section 175 of Title 21 of the Revised Statutes, as amended by chapter 185 of the public laws of 1971, is further amended to read as follows:

The registrar **may require a deposit but shall furnish a certified copy of the voting list to any person within 10 business days after request and payment at a reasonable price determined by the municipal officers, which accrues to the municipality registrar unless the legislative body of the municipality shall vote otherwise.**

**Sec. 8. R. S., T. 21, § 241, repealed and replaced.** Section 241 of Title 21 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

#### § 241. General qualifications

A person who meets the following requirements may vote in any election in the municipality in which his residence is established.

1. **Citizenship.** He must be a citizen of the United States.
2. **Age.** He must be at least 18 years of age.
3. **Residence.** In order to vote in any election, he shall have established a residence in this State and in the municipality in which he resides.
4. **Registration.** He must be registered to vote in the municipality.
5. **Enrollment.** In order to vote at a caucus, convention or primary election, he must be enrolled in a party in the municipality.

**Sec. 9. R. S., T. 21, § 242, repealed and replaced.** Section 242 of Title 21 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

#### § 242. Residence

Voting residence is governed by the following provisions.

1. **Residence.** The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.

2. **Change.** A change of residence is made only by the act of removal, joined with the intent to remain in another place. There can only be one residence.

3. **Residence retained.** A person does not lose his residence if he leaves his home and goes to another country, state or place in this State for temporary purposes only with the intent of returning.

4. **Armed services, students, institutional patients, Indians.** A person shall not be held to have gained or lost a residence solely by reason of his presence or absence while employed in the service of the United States or of this State, or while a student in any institution of learning, or while kept in any institution or other asylum at public expense, or while confined in any public prison, or while residing upon any Indian or military reservation.

5. **Voting in another state.** A person loses his residence in this State if he votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this State until he again qualifies under section 241.

6. **Separate residence.** The place where a person's family resides is presumed to be his place of residence, but a person may acquire a separate residence if he takes another abode with the intention of remaining there.

7. **Spouse may have separate residence.** A married woman may be deemed to have a residence separate from that of her husband for the purposes of voting, holding office or performing jury duty. Her residence for those purposes is determined as if she were single.

8. **Becoming 18 on federal property.** A person who becomes 18 years of age while residing on federal property as a patient at or an employee of a federal agency, or while in the Armed Forces, is deemed to have gained a voting residence in the municipality in which he resided at the time he became such a patient, employee or serviceman.

9. **Voting residence retained.** A person who has gained a voting residence in a municipality retains it, if he so desires, when he becomes a patient at or an employee of a federal agency where he is required to reside on land ceded to the Federal Government by the State. This rule applies to a member of the Armed Forces or the National Guard who is required to be in a place other than that in which he has gained a voting residence.

10. **Spouse of member of Armed Forces.** A spouse of a member of the Armed Forces on active duty may have the same residence for voting purposes as his or her spouse. A member of the Armed Forces on active duty, whose spouse has a place of residence in this State, may establish a residence in the place of residence of the spouse by filing with the registrar an affidavit declaring an intention to reside in that place upon severance from the Armed Forces.

11. **Federal property.** A person residing on federal property, except as stated in subsection 4, shall be eligible to register and vote in the voting district in which the federal property is located.

**Sec. 10. R. S., T. 21, § 243, amended.** The first sentence of section 243 of Title 21 of the Revised Statutes is repealed.

**Sec. 11. R. S., T. 21, § 246, sub-§ 4, repealed.** Subsection 4 of section 246 of Title 21 of the Revised Statutes is repealed.

**Sec. 12. R. S., T. 21, c. 9, repealed.** Chapter 9 of Title 21 of the Revised Statutes, as amended, is repealed.

**Sec. 13. R. S., T. 21, § 361, sub-§ 1, amended.** Subsection 1 of section 361 of Title 21 of the Revised Statutes is amended to read as follows:

1. **Call.** The caucus may be called by the chairman or a majority of the members of the municipal committee of a political party.

**Sec. 14. R. S., T. 21, § 401, amended.** The first paragraph of section 401 of Title 21 of the Revised Statutes is amended to read as follows:

Each party shall hold a state convention between March 1st and ~~October~~ **August** 1st biennially during general election year.

**Sec. 15. R. S., T. 21, § 441, amended.** The first paragraph of section 441 of Title 21 of the Revised Statutes, as amended by section 9 of chapter 65 of the public laws of 1971, is further amended to read as follows:

The nomination of a candidate by a party for any **federal**, state or county office, excluding Presidential Elector, must be made by primary election.

**Sec. 16. R. S., T. 21, § 441, sub-§ 2, amended.** Subsection 2 of section 441 of Title 21 of the Revised Statutes, as enacted by section 1 of chapter 178 of the public laws of 1971, is amended to read as follows:

2. **Limitation.** A person may file as a candidate for any **federal**, state or county office either by primary election or nomination petition, but not by both.

**Sec. 17. R. S., T. 21, § 443, amended.** The first sentence of section 443 of Title 21 of the Revised Statutes, as amended by section 2 of chapter 225 of the public laws of 1967, is further amended to read as follows:

A candidate for any **federal**, state or county office must be a voting resident of the electoral division he seeks to represent on the date established for filing primary petitions in the year he seeks election.

**Sec. 18. R. S., T. 21, § 445, sub-§ 9, amended.** Subsection 9 of section 445 of Title 21 of the Revised Statutes is amended to read as follows:

9. **When filed.** It must be filed ~~with~~ **in the office** of the Secretary of State ~~on~~ by or before 9 p.m. on April 1st of the election year in which it is to be used.

**Sec. 19. R. S., T. 21, § 446, sub-§ 1, amended.** The first sentence of subsection 1 of section 446 of Title 21 of the Revised Statutes is amended to read as follows:

The consent must contain a statement over the signature of the candidate that he will accept the nomination of the primary election ~~that he will not withdraw and that he will qualify for the office if he is elected.~~

**Sec. 20. R. S., T. 21, § 491, amended.** The first paragraph of section 491 of Title 21 of the Revised Statutes, as amended by section 12 of chapter 65 of the public laws of 1971, is further amended to read as follows:

The nomination of a candidate, other than by a party, for any **federal**, state or county office must be made by nomination petition.

**Sec. 21. R. S., T. 21, § 491, sub-§ 2, amended.** Subsection 2 of section 491 of Title 21 of the Revised Statutes, as enacted by section 2 of chapter 178 of the public laws of 1971, is amended to read as follows:

2. **Limitation.** A person may file as a candidate for any **federal**, state or county office either by primary election or nomination petition, but not by both.

**Sec. 22. R. S., T. 21, § 533, sub-§ 3, amended.** Subsection 3 of section 533 of Title 21 of the Revised Statutes, as amended by chapter 52 of the public laws of 1971, is further amended to read as follows:

3. **Candidate or spouse, his mother, father, children, sister or brother.** A candidate or his spouse or his mother, father, **children**, sister or brother. This does not apply unless the relatives mentioned are election officials in the electoral division from which the candidate seeks election.

**A. Exception.** This does not apply to a candidate for warden or ward clerk or his spouse, **his mother, father, children, sister or brother.**

**B. Limitation.** This subsection shall not apply to municipalities with a population of less than 500.

**Sec. 23. R. S., T. 21, § 601, sub-§ 1, amended.** Subsection 1 of section 601 of Title 21 of the Revised Statutes is amended to read as follows:

1. **How packaged.** The ballots must be packed in sealed, **marked** packages in standard units as determined by the Secretary of State. **The other election materials must be separately packed and marked.** ~~The All~~ election materials must be packed in a sealed box or boxes and sent to the clerk of each municipality. ~~The Each~~ box must be labeled on the outside with the number of each **kind of material** enclosed and the name of the voting place for which they are intended.

**Sec. 24. R. S., T. 21, § 603, sub-§ 1, amended.** Subsection 1 of section 603 of Title 21 of the Revised Statutes is amended to read as follows:

1. **Provided by municipality.** The municipal officers of each municipality shall provide at least one voting booth for each 200 voters qualified to vote at each voting place. **Those municipalities using voting machines shall follow section 1031, subsection 4.**

**Sec. 25. R. S., T. 21, § 603, sub-§ 1-A, additional.** Section 603 of Title 21 of the Revised Statutes is amended by adding a new subsection 1-A to read as follows:

**1-A. Voting machines.** In municipalities which have voting machines, the **municipal officers shall additionally provide sufficient voting booths and paper ballots to insure adequate voting facilities.**

**Sec. 26. R. S., T. 21, § 631, amended.** The first paragraph of section 631 of Title 21 of the Revised Statutes, as amended, is further amended to read as follows:

The registrar shall accept registrations ~~prior to~~ at a regular election according to the time schedule prescribed by this section.

**Sec. 27. R. S., T. 21, § 631, sub-§§ 2-5, amended.** Subsections 2 to 5 of section 631 of Title 21 of the Revised Statutes, as amended, are further amended to read as follows:

2. **Municipality of 2,501 to 5,000.** In a municipality of 2,501 to 5,000 population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 4th to 6th business days next prior to election day. He shall ~~not~~ accept registrations **in person** on election day ~~or~~ but not on the 3 business days next prior to it.

3. **Municipality of 5,001 to 10,000.** In a municipality of 5,001 to 10,000 population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 6th to 10th business days next prior to election day. He shall ~~not~~ accept registrations **in person** on election day ~~or~~ but not on the 5 business days next prior to it.

4. **Municipality of 10,001 to 24,000.** In a municipality of 10,001 to 24,000 population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 8th to 14th business days next prior to election day. He shall ~~not~~ accept registrations **in person** on election day ~~or~~ but not on the 7 business days next prior to it.

5. **Municipality of 24,001 or more.** In a municipality of 24,001 or more population, he shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 10th to 18th business days next prior to election day. He shall ~~not~~ accept registrations **in person** on election day ~~or~~ but not on the 9 business days next prior to it.

**Sec. 28. R. S., T. 21, § 632, amended.** The first paragraph of section 632 of Title 21 of the Revised Statutes, as amended by section 10 of chapter 225 of the public laws of 1967, is further amended to read as follows:

The registrar shall accept registrations ~~prior to~~ at a special election according to the time schedule prescribed by this section.

**Sec. 29. R. S., T. 21, § 632, sub-§ 2, amended.** The last sentence of subsection 2 of section 632 of Title 21 of the Revised Statutes is amended to read as follows:

He shall ~~not~~ accept registrations on election day ~~or~~ but not on the business day next prior to it.

**Sec. 30. R. S., T. 21, § 633, amended.** Section 633 of Title 21 of the Revised Statutes is amended to read as follows:

**§ 633. —change of**

The ~~time~~ hourly schedule established by sections 631 and 632 may be changed by the municipal officers according to the needs of the municipality.

**Sec. 31. R. S., T. 21, § 701, sub-§ 2, ¶ B, amended.** The first sentence of paragraph B of subsection 2 of section 701 of Title 21 of the Revised Statutes, as amended, is further amended to read as follows:

The ballot must contain the name, without any title, and place of residence of each candidate arranged under the proper office designation alphabetically ~~by surname with the surname first.~~

**Sec. 32. R. S., T. 21, § 701, sub-§ 2, ¶ D, amended.** Paragraph D of subsection 2 of section 701 of Title 21 of the Revised Statutes, as amended by section 1 of chapter 194 of the public laws of 1969, is further amended to read as follows:

**D. Space for write-ins.** At the end of the list of candidates for nomination to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write or paste the name, **with the surname first or last**, without any title, of any person for whom he desires to vote, in which event he shall write in or paste in the residence of the person whose name is written in, before his vote shall be counted.

**Sec. 33. R. S., T. 21, § 702, sub-§ 1, repealed and replaced.** Subsection 1 of section 702 of Title 21 of the Revised Statutes, as repealed and replaced by the Initiated Bill, is repealed and the following enacted in place thereof:

**1. Arrangement.** The ballot must contain the name, without any title, and municipality of residence of each nominee, arranged under the proper office designation alphabetically with the surname first.

**A. Exception.** The names of Presidential Electors must not appear on the ballot.

**Sec. 34. R. S., T. 21, § 702, sub-§ 2, ¶ A, repealed and replaced.** Paragraph A of subsection 2 of section 702 of Title 21 of the Revised Statutes, as last repealed and replaced by the Initiated Bill, is repealed and the following enacted in place thereof:

**A. Column listing.** The names of all nominees for office shall as far as possible be placed in one vertical column. When the names to be printed on the ballot are over 25, another column or columns may be added in which the names of the additional nominees shall be printed. When 2 or more columns are used, the same number of names, so far as possible, shall be printed in each column. However, the names of candidates for any one office shall not be split into more than one column regardless of number. The initial letter of the surname of the several candidates in each column shall be printed directly beneath each other in a vertical line and the initial letter of the respective party designations of each nominee shall be printed directly beneath each other in a vertical line.

**Sec. 35. R. S., T. 21, § 702, sub-§ 2, ¶ F, amended.** Paragraph F of subsection 2 of section 702 of Title 21 of the Revised Statutes, as amended by section 2 of chapter 194 of the public laws of 1969, is further amended to read as follows:



**F. Space for write-ins.** At the end of the list of nominees to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write the name, **with the surname first or last**, without any title, of any person for whom he desires to vote, in which event he shall write in the residence of the person whose name is written in before his vote shall be counted.

**Sec. 36. R. S., T. 21, § 741, sub-§ 2, ¶ A, amended.** Paragraph A of subsection 2 of section 741 of Title 21 of the Revised Statutes, as amended by chapter 108 of the public laws of 1965, is further amended to read as follows:

**A. Exception.** In any municipality, the municipal officers may permit the polls to remain open ~~till~~ **until 9 p.m.** on election day in a voting place which uses voting machines ~~exclusively~~.

**Sec. 37. R. S., T. 21, § 761, amended.** The first sentence of section 761 of Title 21 of the Revised Statutes, as amended, is further amended to read as follows:

The registrar shall post a certified copy of the voting list for each voting district at the usual voting place in that district ~~at least 7 days before any regular election~~ **prior to the opening of the polls on election day.**

**Sec. 38. R. S., T. 21, § 801, sub-§ 2, repealed and replaced.** Subsection 2 of section 801 of Title 21 of the Revised Statutes, as amended by section 15 of chapter 225 of the public laws of 1967, is repealed and the following enacted in place thereof:

2. Election materials distributed and posted. At any time after receipt thereof and prior to the opening of the polls, the clerk may open the boxes of election materials, break the seals on the packages not marked "ballots," use the materials for instructional purposes, and then the clerk or his designated agents shall post an adequate number of instruction posters and specimen ballots in the voting room outside the guardrail. At the opening of the polls, the warden shall break the seals on the packages containing the ballots, and distribute the ballots to the incoming election clerks.

**Sec. 39. R. S., T. 21, § 831, sub-§ 3, repealed.** Subsection 3 of section 831 of Title 21 of the Revised Statutes, as amended, is repealed.

**Sec. 40. R. S., T. 21, § 921, sub-§§ 1 and 2, amended.** Subsections 1 and 2 of section 921 of Title 21 of the Revised Statutes, as amended, are further amended to read as follows:

1. Individual square method. He shall place the mark in the square at the ~~right of~~ **left** and close to each candidate for nomination for whom he wishes to vote.

2. Write-in vote. If he wishes to vote for a person whose name is not on the ballot, he shall write the name and municipality of residence or paste a sticker containing the name and municipality of residence in the blank space provided at the end of the list of candidates for nomination to the office in question, **with the surname first or last**. He shall then place the mark in the square at the ~~right~~ **left** of it.

**Sec. 41. R. S., T. 21, § 922, sub-§§ 1 and 2, amended.** Subsections 1 and 2 of section 922 of Title 21 of the Revised Statutes, as amended, and as repealed and replaced by the Initiated Bill, are amended to read as follows:

1. **Individual square method.** He shall make a cross or a check mark in the square at the ~~right~~ **left and close** to each nominee for whom he wishes to vote, regardless of political designation, but must follow directions as to the number of nominees to be elected to each office.

2. **Write-in vote.** If he wishes to vote for a person whose name is not on the ballot, he shall write the name **and municipality of residence** in the blank space provided at the end of the list of nominees for the office in question, **with the surname first or last.** He shall then place the mark in the square at the ~~right~~ **left** of it.

**A. Stickers prohibited.** A sticker may not be used to vote for a write-in candidate.

**Sec. 42. R. S., T. 21, § 925, sub-§ 3, ¶ B, repealed and replaced.** Paragraph B of subsection 3 of section 925 of Title 21 of the Revised Statutes, is repealed and the following enacted in place thereof:

**B. Distinguishing marks.** Only the signature or initials of the voter, written on the ballot, shall be deemed the distinguishing mark that will void a ballot.

**Sec. 43. R. S., T. 21, § 925-A, additional.** Title 21 of the Revised Statutes is amended by adding a new section 925-A, to read as follows:

**§ 925-A. Disqualification of ballots**

Any person engaged at a primary or general election as a ballot clerk, assistant ballot clerk or any person employed as a counter of ballots shall use pens or pencils containing only red ink or red lead.

**Sec. 44. R. S., T. 21, § 926, sub-§ 5, additional.** Section 926 of Title 21 of the Revised Statutes, as amended by chapter 164 of the public laws of 1967, is further amended by adding a new subsection 5, to read as follows:

5. **Two or more voting districts.** In municipalities having 2 or more voting districts where absentee ballots are counted at a place other than the voting district, all absentee ballots, applications and envelopes may be packed together in the same container, which container shall then be sealed publicly.

The portions of subsection 1, paragraph A, and subsection 2 which are applicable to absentee ballots do not apply to municipalities with 2 or more voting districts where absentee ballots are counted separately.

**Sec. 45. R. S., T. 21, § 1031, sub-§ 4, additional.** Section 1031 of Title 21 of the Revised Statutes is amended by adding a new subsection 4, to read as follows:

4. **Provided by municipality.** In those municipal voting districts using voting machines the municipal officers of each municipality shall provide at least one voting machine for each 450 voters qualified to vote at each voting place.

**Sec. 46. Effective date.** Section 45 of this Act shall become effective January 1, 1974.

**Sec. 47. R. S., T. 21, § 1038, sub-§ 1, amended.** Subsection 1 of section 1038 of Title 21 of the Revised Statutes is amended to read as follows:

1. **Content of label.** The ballot label must contain the names of the candidates or nominees of each political party arranged as nearly as practicable in accordance with the requirements for paper ballots, **except the voting square shall be in the position required by the construction of the machine and subject to section 1032, subsection 4.**

**Sec. 48. R. S., T. 21, § 1253, sub-§ 2, amended.** The last sentence of subsection 2 of section 1253 of Title 21 of the Revised Statutes, as enacted by section 8 of chapter 451 of the public laws of 1965 and as amended by section 1 of chapter 161 of the public laws of 1967, is further amended to read as follows:

The clerk shall **type** or write in ink the name of the person for whom the absentee ballot is intended in the upper left hand section of all return envelopes. **Upon receipt of a duplicate application, the clerk shall follow the same procedure, but the first ballot returned shall be the ballot counted.**

**Sec. 49. R. S., T. 21, § 1253, sub-§ 3, amended.** Subsection 3 of section 1253 of Title 21 of the Revised Statutes, as amended by chapter 174 of the public laws of 1971, is further amended to read as follows:

3. **Clerk to list.** The clerk shall keep a list of the persons to whom he furnishes absentee ballots, ~~until after election day, or the clerk shall file the applications and requests in alphabetical order by precinct which he shall maintain for a period of 4 years and which shall be a public record.~~

**Sec. 50. R. S., T. 21, § 1255, amended.** The last sentence of section 1255 of Title 21 of the Revised Statutes, as repealed and replaced by section 18 of chapter 225 of the public laws of 1967 and as amended, is further amended to read as follows:

In order to be valid, an absentee ballot must be delivered to the **municipal** clerk before ~~3 p.m.~~ **8 p.m.** on election day, except in the presidential election absentee ballots may be delivered to the clerk at any time before the closing of the polls.

**Sec. 51. R. S., T. 21, § 1256, sub-§ 5, amended.** Subsection 5 of section 1256 of Title 21 of the Revised Statutes, as amended by section 19 of chapter 225 of the public laws of 1967 and by section 23 of chapter 65 of the public laws of 1971, is further amended to read as follows:

5. **Envelopes and lists delivered.** Before the polls are closed on election day, he shall deliver the return envelopes prescribed by section 1255 with the applications attached and the list required by subsection 4 to the warden of the voting district in which the voter is registered, **except in those municipalities where the municipal officers have authorized the clerk to process absentee ballots. If more than one return envelope is received from the same voter, the clerk shall deliver to the warden for counting only the return envelope bearing the earliest date and time.**

**A. Exceptions.** In a presidential election, the clerk shall deliver the return envelopes with the applications received between 3 p.m. and the close of the polls and the list required by subsection 4 to the warden of the voting precinct as soon as he reasonably can following the closing of the polls. **This exception does not apply to municipalities with 2 or more voting precincts where absentee ballots are counted at a place other than the voting district.**

**Sec. 52. R. S., T. 21, § 1256, sub-§ 6, additional.** Section 1256 of Title 21 of the Revised Statutes, as amended by section 19 of chapter 225 of the public laws of 1967 and by section 23 of chapter 65 of the public laws of 1971, is further amended by adding a new subsection 6, to read as follows:

6. **Centralized place.** When the municipal officers have authorized the counting of absentee ballots at a centralized place at the close of voting in municipalities with 2 or more voting districts, the check list shall be returned to the clerk for use in processing the absentee votes. The check list shall be unsealed, used in processing the absentee ballots, and released in accordance with section 992, except that the clerk shall countersign each copy.

**Sec. 53. R. S., T. 21, § 1259-A, additional.** Title 21 of the Revised Statutes is amended by adding a new section 1259-A, to read as follows:

**§ 1259-A. Procedures when counting to be by the clerk**

The following procedure shall be used when the municipal officers have voted to have the clerk process the absentee ballots.

1. **Envelopes and lists retained.** The clerk shall retain in his possession return envelopes with the applications attached and the list required by section 1256, subsection 4.

2. **Ballot boxes provided.** The municipality shall provide a ballot box with a padlock for the use of the clerk in all primary, regular and special state elections. If the same procedure is to be used in municipal elections, the clerk shall be provided with a separate ballot box with padlock for each voting district.

3. **Check list to clerk.** As soon as the polls are closed, the ward clerk shall fold, wrap and seal the incoming check list. The package shall be signed on one of the seals holding the package together by the warden and ward clerk. A ballot clerk or counter shall take the check list to the designated counting place. Such persons shall be named prior to the election and the total number from the voting districts shall be evenly divided between the political parties.

4. **Counting procedure.** The clerk shall use the same counting procedure as set forth in sections 1259, 1260 and 1261.

**Sec. 54. R. S., T. 21, § 1395, sub-§ 2, amended.** Subsection 2 of section 1395 of Title 21 of the Revised Statutes is amended to read as follows:

2. **Certain spending prohibited.** The spending of money for alcoholic beverages on election day is prohibited.

**Sec. 55. R. S., T. 21, § 1395, sub-§ 3, ¶ A, additional.** Subsection 3 of section 1395 of Title 21 of the Revised Statutes, as enacted by chapter 207 and

as amended by section 2 of chapter 579, both of the public laws of 1971, is further amended by adding a new paragraph A, to read as follows:

**A. Exception. Expenditures by candidates for the office of State Senator and Representative to the Legislature shall be based on biennial salary.**

**Sec. 56. R. S., T. 21, § 1395, sub-§ 4, ¶ A, additional.** Subsection 4 of section 1395 of Title 21 of the Revised Statutes, as enacted by chapter 207 of the public laws of 1971, is amended by adding a new paragraph A to read as follows:

**A. Exception. Expenditures by candidates for the office of State Senator and Representative to the Legislature shall be based on biennial salary.**

**Sec. 57. R. S., T. 21, § 1395, sub-§ 10, amended.** Subsection 10 of section 1395 of Title 21 of the Revised Statutes, as enacted by chapter 207 of the public laws of 1971, is amended to read as follows:

**10. Written political material.** ~~Every~~ All written political advertisement material published and distributed as a flyer, handbill or other nonperiodical publication shall state thereon the name of the person or committee responsible for the publication or distribution of the material or the name of the print shop, printer or person printing, mimeographing or otherwise publishing the advertisement material.

**Sec. 58. R. S., T. 21, § 1471, amended.** The first paragraph of section 1471 of Title 21 of the Revised Statutes is amended to read as follows:

If a candidate for nomination dies, withdraws or becomes disqualified after having filed his primary petition, so that a party has ~~less~~ fewer candidates than there are offices to be filled, the vacancy may be filled as follows.

**Sec. 59. R. S., T. 21, § 1572, sub-§ 1, amended.** The first sentence of subsection 1 of section 1572 of Title 21 of the Revised Statutes is amended to read as follows:

The municipal officers may divide a town or ward into ~~not more than 5~~ convenient voting districts after public notice and hearing held at least 60 days before any election.

**Sec. 60. R. S., T. 21, § 1579, sub-§ 4, repealed and replaced.** Subsection 4 of section 1579 of Title 21 of the Revised Statutes is repealed and the following enacted in place thereof:

**4. Dual registration.** A person who, having registered in one voting district or municipality within this State, or in another state, knowingly registers in another voting district or municipality within this State without revealing his prior registration to the registrar;

**Sec. 61. R. S., T. 21, § 1579, sub-§ 20, repealed and replaced.** Subsection 20 of section 1579 of Title 21 of the Revised Statutes is repealed and the following enacted in place thereof:

**20. Improper voting.** A person who votes or attempts to vote knowing that he is not eligible to do so, or who having once voted either within or without this State, again votes or attempts to vote at the same election;