

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

HOUSE.

No. 24.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

*To the Hon. Senate and House of Representatives
of the State of Maine in Legislature assembled:*

The undersigned, of Bangor, in the county of Penobscot, respectfully prays for the enactment of a statute providing for *voting by proxy at public elections*. For the form of bill and reasons for its adoption he begs to refer to the annexed circular, believing that the measure will prove to be one of great benefit to the people and perfectly safe in its operation, when reduced to practice.

ALBERT W. PAINE.

BANGOR, Jan. 7, 1885. •

VOTING BY PROXY AT PUBLIC ELECTIONS.

The following suggestions are respectfully addressed to the calm consideration of men of all parties.

By the CONSTITUTION of Maine every male citizen of the age of twenty-one years is a voter, except paupers, persons under guardianship and Indians not taxed.

By the REVISED STATUTES none are allowed to vote unless personally present at the polls, so that if by sickness or other cause any one is prevented from being thus present, he is disfranchised and reduced to the condition of a pauper or Indian.

Is THIS RIGHT? In all other business affairs, mankind are accustomed to act by proxy, and why should not the disabled voter be allowed the same privilege?

In all *Corporation Meetings* the members have that right to the fullest extent, and no harm is ever known to result.

All *Corporation Business* is necessarily done by proxy, as the corporation has no personal existence.

All *Commission Merchants, Auctioneers, Brokers and Lawyers* are but agents or proxies, in all they do in the line of their business.

All *Mercantile Agents and Traveling Salesmen* are of the same class, doing their immense work all in the same way.

All kinds of property, *real and personal, vessels and merchandise*, are constantly bought and sold by proxy.

All the business of *Insurance* of every kind, is effected through agents or proxies, including the taking of risks and the proof and payment of losses.

All *Pension Claims* are proved by proxy and payments made in the same manner.

All *Bank Deposits* are paid out on checks, which are one form of proxy, and all *Drafts and Bills of Exchange* are of the same character.

The principal part of all money paid out by the *National and State Governments* is paid out on vouchers executed elsewhere than at the treasury.

The *Post-office*, with its postmasters and mail carriers, in all the duties of distributing the mails, in paying postal orders and notes, and delivery of registered letters acts on the proxy plan.

Telegraph and Express Companies, Railroads and Steamboats, are all agents or proxies of the public, and universally trusted.

Government and all its officers and representatives, State and National, in all their work of making and executing laws and other matters, are one great proxy system.

By the Constitution and Statute of our State, *Soldiers* absent from the State in *Military Service* are now allowed to vote in a manner far more objectionable and less safe than the mode now proposed.

Indeed, by far the largest part of the business of the world is, or may be, done by proxy, one acting by another. And in all the cases cited are included all and the same classes of men, as are voters. And besides, in hardly any single case, among them all, are such safeguards and precautions provided as are contained in the Act now proposed; while the amount involved in any single case of voting is comparatively of no importance as bearing on the question of integrity and fairness of the parties and consequent safety.

Why, then, should not the sick and otherwise disabled voter be allowed to send his vote to the polls by another person in the same way that he is able to do all other kinds of business, and thereby secure a more perfect enfranchisement of the people, and save great expense and exposure?

The *safety* of the measure is perfectly secured by the proposed Bill:

1. No one can thus vote unless his name is on the voting list.
2. Nor by any other as proxy whose name is not on the same list.

3. The vote must be prescribed by the voter so as to leave the proxy no discretion.

4. The vote, and the authority to throw it, must be signed by the voter and acknowledged before a magistrate, the same as deeds of real estate are executed.

5. And all must be on one and the same piece of paper, so that the authority can not be detached and annexed to another vote.

6. The proxy vote must then be kept one year subject to general observation in the Clerk's office.

7. The proxy party must satisfy the presiding officer of the identity of the voter, the same as he is now required to prove his own identity before voting, if his identity be called in question.

8. The penalties for any improprieties are so severe, and the means of detection so greatly increased, that elections must necessarily be more reliable and safe than now, so far as the new system is adopted.

The following *objections* have been suggested :

1. *Bribery*—The least reflection must satisfy any one that so far as the proposed system is introduced bribery will be prevented or lessened. The political principles of the voter being known, if he is bribed to vote otherwise, he will certainly not be willing to put his agreement in writing and acknowledge it before a magistrate and have it put on file to be examined for the year to come. And the briber will be equally unwilling to trust him, when he can sell his vote to another, and can then go and vote in person. This objection very plainly has no force.

2. *Fraud*—The most objectionable feature of our present system is the fraudulent impersonation, by others, of absent voters. When such absent voters can vote by proxy, the risk of detection will be so much increased, and the risk of success diminished, such impersonations must necessarily be largely prevented if not entirely so. The new rule will thus prevent fraud and assure greater safety than now exists.

3. *Forgery* — When so many precautions and penalties are provided there is little danger from this source. In none of the cases above cited, are so many safeguards enacted and yet in all of them, involving the same kind of men as are voters, little or no trouble from fraud or forgery is ever found to exist, and neither need be feared. As the party must acknowledge his signature before a magistrate, the forger has the double duty and danger of counterfeiting the magistrate's signature as well as the voter's; and besides, the identity of the party must be proved before the vote can be received. Surrounded by such safeguards, fraud and forgery and all other evils may be regarded as effectually prevented, and entire safety secured to a greater extent than exists under the present system.

The elective franchise should go hand in hand with the duty of taxation, and while the latter is exacted the former should not be denied. If sick or otherwise disabled, the voter should be allowed to send his vote to the polls by his neighbor. Even if an occasional evil is suffered, it is nothing compared with the benefits, and as in all other human business, affords no reason for denying the greater good. Let, then, the Statutes be made to conform to the Constitution of the State, and allow all to vote, as the Constitution provides, "except paupers, persons under guardianship, and Indians not taxed." Abolish the other exception now in force, which excludes also the sick and otherwise disabled citizen, and all will be well.

The following Bill is respectfully submitted to the Legislature for enactment.

A. W. P.

AN ACT

TO PROVIDE FOR VOTING BY PROXY AT PUBLIC ELECTIONS.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows, viz:

SECTION 1. Any legal voter whose name is on the voting list in any city, town, or plantation in this state, who is not personally present, may vote by proxy at any election of presidential electors, representatives to Congress, state and county officers, provided the authority to do so is in writing or printed, specifying the vote to be thrown, directed to some person whose name is on the same list, setting forth the voter's residence and place of voting, signed by him and acknowledged before some magistrate authorized to take the acknowledgement of deeds, the whole to be on one and the same piece of paper.

The vote, when offered, to be examined by the presiding officer or officers, and if any doubt exists as to the identity of the voter or proxy, proof shall be required of both before receiving it, and upon proof of such identity and that it conforms to the above conditions it shall be received and counted. After being counted the vote thus thrown shall be filed in the clerk's office, subject to inspection of all who desire to see it, for at least one year.

SECT. 2. If any one is guilty of forging or altering such vote or authority, or shall throw such vote knowing of such forgery or alteration, he shall be subject to the penalty for forgery; and if any one bribes another in procuring such authority either to himself or another, he shall suffer the penalty provided by statute against bribery at elections; and if any one authorize another to vote for him at one place while he personally or by proxy votes at another place on the same day, or within three months thereof previously, he shall

be punished as provided in chapter four, section seventy-six, of the Revised Statutes, and any proxy who shall knowingly throw such vote shall suffer the same penalty.

SECT. 3. If at any time before the polls close, at any such election, the voter appears in person and desires to withdraw any proxy vote purporting to be his, and seeks to vote in person, he may do so, after first making oath before the presiding officer that the proxy was forged or not executed by him.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 23, 1885 }

Reported from Committee on Judiciary by Mr. LITTLEFIELD, and
ordered printed under joint rules.

NICHOLAS FESSENDEN, *Clerk.*