

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty-Fourth Legislature.

HOUSE.

No. 1.

STATE OF MAINE.

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

AN ACT to provide for Printing and Distributing Ballots
at the Public Expense and to Regulate Voting for State
and City Elections.

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

SECT. 1. All ballots cast in elections for national, State,
2 district and county officers in cities and towns after the
3 first day of September in the year eighteen hundred and
4 ninety, and all ballots cast in municipal elections in cities
5 after that date, shall be printed and distributed at public
6 expense, as hereinafter provided. The printing of the
7 ballots and cards of instructions to voters shall in
8 municipal elections in cities be paid for by the several
9 cities respectively, and in all other elections the printing
10 of the ballots and cards of instruction, and the delivery
11 of them to the several cities and towns, shall be paid for.

12 by the State. The distribution of the ballots to the
13 voters shall be paid for by the cities and towns
14 respectively.

The term "State election," as used in this act, shall
16 apply to any election held for the choice of a national,
17 State, district or county officer, whether for a full term
18 or for the filling of a vacancy, and the term "State
19 officer" shall apply to any person to be chosen by the
20 qualified voters at such an election. The term "city
21 election" shall apply to any municipal election so held in
22 a city, and the term "city officer" shall apply to any
23 person to be chosen by the qualified voters at such an
24 election.

Nominations of Candidates.

SECT. 2. Any convention of delegates, and any caucus
2 or meeting of qualified voters, as hereinafter defined, and
3 individual voters to the number and in the manner
4 hereinafter specified, may nominate candidates for public
5 office, whose names shall be placed upon the ballots to be
6 furnished as herein provided.

SECT. 3. Any convention of delegates representing a
2 political party which, at the election next preceding,
3 polled at least three per cent. of the entire vote cast in
4 the State, or in the electoral district or division thereof
5 for which the nomination is made, and any caucus called
6 and held by such a political party in any such electoral
7 district or division, may for the State, or for the district
8 or division for which the convention or caucus is held, as
9 the case may be, by causing a certificate of nomination to
10 be duly filed, make one such nomination for each office
11 therein to be filled at the election. Every such certifi-

12 cate of nomination shall state such facts as may be re-
13 quired as above for its acceptance, and as are required in
14 section five of this act; shall be signed by the presiding
15 officer and by the Secretary of the convention or caucus,
16 who shall add thereto their places of residence; and shall
17 be sworn by them to be true to the best of their know-
18 ledge and belief, and a certificate of the oath shall be an-
19 nexed to the certificate of nomination.

SECT. 4. Nominations of candidates for any offices to
2 be filled by the voters of the State at large may be made
3 by nomination papers signed in the aggregate for each
4 candidate by not less than one thousand qualified voters
5 of the State. Nominations of candidates for electoral
6 districts or divisions of the State may be made by nomi-
7 nation papers signed in the aggregate for each candidate
8 by qualified voters of such district or division, not less in
9 number than one for every one hundred persons who
10 voted at the next preceding annual election in such dis-
11 trict or division, but in no case less than fifty. In the
12 case of a first election to be held in a town or ward newly
13 established, the number of fifty shall be sufficient for the
14 nomination of a candidate who is to be voted for only in
15 such town or ward; and in the case of a first election in
16 a district or division newly established, other than a town
17 or ward, the number of fifty shall be so sufficient. Each
18 voter signing a nomination paper shall add to his signa-
19 ture his place of residence, and each voter may subscribe
20 to one nomination for each office to be filled, and no more.
21 The nomination papers shall before being filed be respec-
22 tively submitted to the clerks of the cities or towns in
23 which the signers purport to be qualified voters, and each

24 clerk to whom the same is submitted shall forthwith cer-
25 tify thereon what number of the signatures are names of
26 qualified voters both in the city or town for which he is a
27 clerk and in the district or division for which the nomina-
28 tion is made; one of the signers to each such separate
29 paper shall swear that the statements therein are true, to
30 the best of his knowledge and belief, and the certificate
31 of such oath shall be annexed.

SECTION 5. All certificates of nomination and nomina-
2 tion papers shall, besides containing the names of
3 candidates, specify as to each (1) the office for which he
4 is nominated; (2) the party or political principle which
5 he represents, expressed in not more than three words;
6 (3) his place of residence, with street and number
7 thereon, if any. In the case of electors of president and
8 vice president of the United States, the names of the
9 candidates for president and vice president may be
10 added to the party or political appellation.

SECT. 6. Certificates of nomination and nomination
2 papers for the nomination of candidates for State or
3 county offices shall be filed with the Secretary of State
4 at least fourteen days previous to the day of the election
5 for which the candidates are nominated. Such certificates
6 and papers for the nomination of candidates for the offices
7 of mayor and of aldermen in cities shall be filed with the
8 city clerks of the respective cities at least ten days pre-
9 vious to the day of such election, and for the nomination
10 of candidates for all other city offices at least six days
11 previous to the day of such election.

SECT. 7. The certificates of nomination and nomination
2 papers being so filed, and being in apparent conformity

3 with the provisions of this act, shall be deemed to be
4 valid, unless objection thereto is duly made in writing.
5 Such objections or other questions arising in relation
6 thereto in the case of nominations of State or County
7 officers shall be considered by the Secretary of State and
8 the Adjutant General and Attorney General, and the de-
9 cision of the majority of these officers shall be final.
10 Such objections or questions arising in the case of nomi-
11 nations of city officers shall be considered by the muni-
12 cipal officers, and their decision shall be final. In case
13 such objection is made, notice shall forthwith be mailed
14 to the candidates affected thereby, addressed to their
15 residences as given in the certificates of nomination or
16 nomination papers.

SECT. 8. Any person whose name has been presented
2 as a candidate may cause his name to be withdrawn from
3 nomination, by request in writing, signed by him and
4 acknowledged before an officer qualified to take ac-
5 knowledgements of deeds and filed with the Secretary of
6 State ten days, or with the proper city clerk five days,
7 as the case may be, previous to the day of election, and
8 no name so withdrawn shall be printed upon the ballots.
9 No nomination published and posted as herein provided
10 shall be subsequently omitted as invalid.

SECT. 9. All certificates of nomination and nomination
2 papers when filed shall be opened under proper regula-
3 tions to public inspection, and the Secretary of State and
4 the several city clerks shall preserve the same in their
5 respective offices not less than five years.

Form of Ballots.

SECT. 10. Every general ballot, or ballot intended for
2 the use of all voters, which shall be printed in accordance
3 with the provisions of this act, shall contain the names,
4 residences, together with street and number, if any, and
5 the party or political designation of all candidates whose
6 nominations for any offices specified in the ballot have
7 been duly made and not withdrawn in accordance here-
8 with, and shall contain no other names. Except that in
9 the case of electors of president and vice president of the
10 United States the names of the candidates for president
11 and vice president may be added to the party or political
12 designation. The names of candidates for each office
13 shall be arranged under the designation of the office in
14 alphabetical order, according to surnames, except that the
15 names of candidates for the offices of electors of presi-
16 dent and vice president shall be arranged in groups, as
17 presented in the several certificates of nomination or
18 nomination papers. There shall be left at the end of the
19 list of candidates for each different office, as many blank
20 spaces as there are persons to be elected to such office in
21 which the voter may insert the name of any person, not
22 printed on the ballot, for whom he desires to vote as can-
23 didate for such office. Whenever the approval of a con-
24 stitutional amendment or other question is submitted to
25 the vote of the people, such questions shall be printed
26 upon the ballot after the list of candidates.

The ballots shall be so printed as to give to each voter
28 a clear opportunity to designate by a cross mark [X] in a
29 sufficient margin at the right of the name of each candi-

30 date, his choice of candidates and his answer to the ques-
31 tions submitted, and on the ballot may be printed such
32 words as will aid the voter to do this, as "vote for one,"
33 "vote for three," "yes," "no," and the like.

The ballot shall be not less than four inches in width and
35 not less than six inches in length. Before distribution the
36 ballots shall be so folded in marked creases that their
37 width and length when folded shall be uniform. On the
38 back and outside, when folded shall be printed "Official
39 Ballot for," followed by the designation of the polling
40 place for which the ballot is prepared, the date of the
41 election, and a fac-simile of the signature of the Secretary
42 of State or city clerk who has caused the ballot to be
43 printed. Except as otherwise herein provided, ballots
44 shall be printed in accordance with the existing provisions
45 of law.

SECT. 11. All ballots when printed shall be folded as
2 hereinbefore provided and fastened together in convenient
3 numbers in books or blocks, in such manner that each
4 ballot may be detached and removed separately. A record
5 of the number of ballots printed and furnished to each
6 polling place shall be kept and preserved by the Secretary
7 of State and the several city clerks.

SECT. 12. There shall be provided for each voting
2 place, at which an election is to be held, two sets of such
3 general ballots, each of not less than one hundred for
4 every fifty and fraction of fifty voters therein, and it shall
5 be the duty of the clerks in each city or town in which an
6 election for State or county officers is to be held to certify
7 to the Secretary of State fourteen days previous to any
8 such election, the number of qualified voters in each city
9 or in each town.

Information of Voters.

SECT. 13. The Secretary of State in case of a State
2 election, and the several city clerks, in case of city elec-
3 tions, shall prepare full instructions for the guidance of
4 voters at such elections, as to obtaining ballots, as to the
5 manner of marking them, and the method of gaining
6 assistance, and as to obtaining new ballots in place of
7 those accidentally spoiled, and they shall respectively
8 cause the same, together with copies of sections twenty-
9 seven, twenty-eight, twenty-nine and thirty of this act to be
10 printed in large, clear type, on separate cards, to be called
11 cards of instructions; and they shall respectively furnish
12 the same and the ballots for use in each such election.
13 They shall also cause to be printed on tinted paper, and
14 without the fac-simile endorsements, ten or more copies
15 of the form of the ballot provided for each voting place
16 at each election therein, which shall be called specimen
17 ballots, and shall be furnished with the other ballots pro-
18 vided for each such voting place.

SECT. 14. The Secretary of State shall, six days at least
2 previous to the day of any election of State or county
3 officers, transmit to the clerks in each city and town in
4 which such election is to be held, printed lists containing
5 the names, residences, and party or political appellations
6 of all candidates nominated as herein provided for such
7 election and to be voted for at each polling place in each
8 such city and town respectively, substantially in the form
9 of the general ballot to be so used therein; and the clerks
10 shall immediately cause the lists for each town or ward,
11 as the case may be, to be conspicuously posted in one or

12 more public places in such town or ward. The Secre-
13 tary of State shall likewise cause to be published prior
14 to the day of any such election, in at least two news-
15 papers, if there be so many, published in each county,
16 representing, so far as practicable, the political parties
17 which, at the preceding election, cast the largest and next
18 largest number of votes, a list of all the nomination made
19 as herein provided and to be voted for in such county, so
20 far as may be, in the form in which they shall appear
21 upon the general ballots.

SECT. 15. The city clerk of each city shall four days at
2 least prior to the day of any city election therein, cause
3 to be conspicuously posted in one or more public places
4 in each ward of such city a printed list containing the
5 names, residences, and party or political appellations of
6 all candidates nominated, as herein provided, and to be
7 voted for in such ward, substantially in the form of the
8 general ballot to be so used therein; and he shall likewise
9 cause to be published, prior to the day of such election,
10 in at least two newspapers, if there be so many, published
11 in such city, representing the political parties which cast
12 at the preceding election the largest and next largest
13 number of votes, a list of all the nominations made, as
14 herein provided, and to be voted for in such city, so far
15 as may be, in the form in which they shall appear upon
16 the general ballots.

Delivery of Ballots to Cities and Towns.

SECT. 16. The Secretary of State shall send, separately
2 and at different times or by different methods, the two
3 sets of general and special ballots, together with

4 the specimen ballots, and cards of instruction printed
5 by him, as herein provided, to the several city and
6 town clerks, so as to be received by them, one set 48
7 hours at least previous to the day of election, and the
8 other set 24 hours at least previous thereto. The same
9 shall be sent in sealed packages, with marks on the out-
10 side clearly designating the polling place for which they
11 are intended and the number of ballots of each kind
12 enclosed; and the respective city and town clerks shall
13 on delivery to them of such packages return receipts
14 therefor to the Secretary. The Secretary shall keep a
15 record of the time when, and the manner in which the
16 several packages are sent, and shall preserve for the period
17 of one year the receipts of the city and town clerks.

SECT. 17. The two sets of ballots together with the
2 specimen ballots and cards of instruction printed by the
3 city clerks, as herein provided, shall be packed by them
4 in separate sealed packages, with marks on the outside
5 clearly designating the polling places for which they are
6 intended, and the number of ballots of each kind enclosed.

SECT. 18. The several city and town clerks shall send
2 to the election officers of each voting place before the
3 opening of the polls on the day of election one set of
4 ballots so prepared, sealed and marked for such voting
5 place, and a receipt of such delivery shall be returned to
6 them from the presiding or senior election officer present,
7 which receipt, with a record of the number of ballots sent,
8 shall be kept in the clerk's office. At the opening of the
9 polls in each polling place the seals of the packages shall
10 be publicly broken, and the packages shall be opened by
11 the presiding election officer, and the books or blocks of

12 ballots shall be delivered to the ballot officers hereinafter
13 provided for. The cards of instruction shall be immedi-
14 ately posted at or in each voting shelf or compartment
15 provided in accordance with this act for the marking of
16 the ballots, and not less than three such cards and not
17 less than five specimen ballots shall be immediately posted
18 in or about the polling rooms, outside the guard rails.
19 The second set of ballots shall be retained by the respec-
20 tive clerks until they are called for or needed for the
21 purposes of voting, and, upon the requisition in writing
22 of the presiding election officer of any voting place, the
23 second set of ballots shall be furnished to such voting
24 place in the manner above provided as to the first set.

SECT. 19. In case the ballots to be furnished to any
2 city or town or voting place therein, in accordance with
3 the provisions of this act, shall fail for any reason to be
4 duly delivered, or in case after delivery they shall be
5 destroyed or stolen, it shall be the duty of the clerk of
6 such city or town to cause other ballots to be prepared
7 substantially in the form of the ballots so wanting and to
8 be furnished; and upon receipt of such other ballots from
9 him, accompanied by a statement under oath that the
10 same have been so prepared and furnished by him, and
11 that the original ballots have so failed to be received or
12 have been so destroyed or stolen, the election officers shall
13 cause the ballots so substituted to be used in lieu of the
14 ballots wanting as above.

Additional Election Officers.

SECT. 20. The municipal officers of cities, towns and
2 plantations shall biennially in the month of May appoint

3 clerks for each polling place. For each polling place in
4 cities and towns six clerks, and for each polling place in
5 plantations, and for each island ward of the city of Portland
6 two clerks shall be appointed. Said clerks shall equally re-
7 present each of the political parties which cast the largest
8 number of votes in the State election next preceding their
9 appointment. Each of said officers shall be sworn to the
10 faithful performance of his duties, and shall hold office for
11 two years from the date of his appointment, and until a
12 successor is appointed and qualified, or he is removed.
13 Such election officers shall attend at the times and places
14 designated for meetings in their respective wards, towns
15 or plantations for the election of any national, state,
16 county or ward officers, and for the determination of any
17 question submitted to the qualified voters of any city by
18 lawful authority, and shall receive such reasonable
19 compensation for each day's actual service as the municipal
20 officers of their respective cities, towns and plantations
21 may determine. No person shall be eligible to the
22 position of election officer in any ward, town or plantation
23 where he is a candidate to be voted for.

Two of the clerks in each polling place shall be detailed
25 to act as ballot clerks. The two ballot clerks thus
26 detailed and appointed in each polling place shall have
27 the charge of the ballots therein, and shall furnish them
28 to the voters in the manner hereinafter set forth.

A duplicate list of the qualified voters in each ward,
30 town or plantation shall be prepared for the use of the
31 ballot clerks, and all the provisions of law relative to the
32 preparation, furnishing and preservation of check lists
33 shall apply to such duplicate lists.

Voting Shelves or Compartments.

SECT. 21. The municipal officers in each city, town or
2 plantation, shall cause the polling places therein to be
3 suitably provided with a sufficient number of voting
4 shelves or compartments, at or in which voters may
5 conveniently mark their ballots so that in the marking
6 thereof they may be screened from the observation of
7 others, and a guard rail shall be so constructed and
8 placed that only such persons as are inside said rail can
9 approach within six feet of the ballot boxes, and of such
10 voting shelves or compartments. The arrangement shall
11 be such that neither the ballot boxes nor the voting
12 shelves or compartments shall be hidden from view of those
13 just outside the said guard rail. The number of such
14 voting shelves or compartments shall not be less than one
15 for every one hundred voters qualified to vote at such
16 polling place, and not less than three in any town, and
17 not less than ten in any ward of a city. No persons
18 other than the election officers and voters admitted as
19 hereinafter provided, shall be permitted within said rail,
20 except by authority of the election officers for the purpose
21 of keeping order and enforcing the law. Each voting
22 shelf or compartment shall be kept provided with proper
23 supplies and conveniences for marking the ballots.

Preparation of Ballots.

SECT. 22. Any person desiring to vote shall give his
2 name, and, if requested so to do, his residence, to one of
3 the ballot clerks, who shall thereupon announce the same
4 in a loud and distinct tone of voice, clear and audible,

5 and if such name is found upon the check-list by the
6 ballot officer having charge thereof, he shall likewise
7 repeat the said name, and the voter shall be allowed to
8 enter the space enclosed by the guard-rail, as above
9 provided. The ballot elerk shall give him one, and only
10 one ballot, and his name shall be immediately checked on
11 said list.

Besides the election officers, not more than four voters
13 in excess of the number of voting shelves or compartments
14 provided shall be allowed in said enclosed space at one
15 time.

SECT. 23. On receipt of his ballot the voter shall forth-
2 with, and without leaving the enclosed space, retire alone
3 to one of the voting shelves or compartments so provided
4 and shall prepare his ballot by marking in the appropriate
5 margin or place, a cross [X] opposite the name of the
6 candidate of his choice for each office to be filled, or by
7 filling in the name of the candidate of his choice in the
8 blank space provided therefor, and marking a cross [X]
9 opposite thereto; and, in case of a question submitted to
10 the vote of the people, by marking in the appropriate
11 margin or place, a cross [X] against the answer which he
12 desires to give. Before leaving the voting shelf or com-
13 partment the voter shall fold his ballot, without display-
14 ing the marks thereon, in the same way it was folded
15 when received by him, and he shall keep the same so
16 folded until he has voted. He shall vote in the manner
17 now provided by law before leaving the enclosed space,
18 and shall deposit his ballot in the box with the official
19 endorsement uppermost. He shall mark and deposit his
20 ballot without undue delay and shall quit said enclosed

21 space as soon as he has voted. No such voter shall be
22 allowed to occupy a voting shelf or compartment already
23 occupied by another, nor to remain within said enclosed
24 space more than ten minutes, nor to occupy a voting shelf
25 or compartment for more than five minutes in case all of
26 such shelves or compartments are in use, and other voters
27 are waiting to occupy the same. No voter not an election
28 officer whose name has been checked on the list of the
29 ballot officers, shall be allowed to re-enter said enclosed
30 space during said election. It shall be the duty of the
31 presiding election officer for the time being to secure the
32 the observance of the provisions of this section.

SECT 24. No person shall take or remove any ballot
2 from the polling place before the close of the polls. If
3 any voter spoils a ballot he may successively obtain others
4 one at a time, not exceeding three in all, upon returning
5 each spoiled one. The ballots thus returned shall be
6 immediately cancelled, and together with those not dis-
7 tributed to the voters, shall be preserved and with the
8 check list used by the ballot clerks, which shall be certi-
9 fied by them to be such, shall be secured in an envelope,
10 sealed, and sent to the several city and town clerks, as
11 required by law in the case of the ballots cast, and the
12 other check-list used.

SECT. 25. Any voter who declares to the presiding
2 election officer that he cannot read, or that by blindness
3 or other physical disability he is unable to mark his ballot,
4 shall, upon request, receive the assistance of one or two
5 of the election officers in the marking thereof, and such
6 officer or officers shall certify on the outside thereof that
7 it was so marked with his or their assistance, and shall

8 thereafter give no information regarding the same. The
9 presiding officer may, in his discretion, require such dec-
10 laration of disability to be made by the voter under oath
11 before him, and he is hereby qualified to administer the
12 same.

SECT. 26. If a voter marks more names than there are
2 persons to be elected to an office, or if for any reason it is
3 impossible to determine the voter's choice for any office to
4 be filled, his ballot shall not be counted for such office.
5 No ballot without the official endorsement shall, except as
6 herein otherwise provided, be allowed to be deposited in
7 the ballot box, and none but ballots provided in accordance
8 with the provisions of this act shall be counted. Ballots
9 not counted shall be marked "defective" on the back
10 thereof, and shall be preserved.

Time of Opening and Closing the Polls.

SECT. 27. Meetings for the election of National, State,
2 County and Municipal Officers may be opened as early as
3 six o'clock a. m., and in no case shall the polls be kept
4 open later than five o'clock p. m., and notice of the time
5 of opening and closing shall be given in the warrant call-
6 ing the meeting.

Penalties.

SECT. 28. A voter who shall, except as herein other-
2 wise provided, allow his ballot to be seen by any person
3 with an apparent intention of letting it be known how he
4 is about to vote, or who shall make a false statement as
5 to his inability to mark his ballot, or any person who
6 shall interfere, or attempt to interfere with any voter

7 when inside said enclosed space, or when marking his
8 ballot, or who shall endeavor to induce any voter before
9 voting to show how he marks or has marked his ballot,
10 shall be punished by fine of not less than five dollars, nor
11 more than one hundred dollars ; and election officers shall
12 report any person so doing to the police officer in charge
13 of the polls, whose duty it shall be to see that the offender
14 is duly brought before the proper court.

SECT. 29. Any person who shall, prior to an election,
2 wilfully deface or destroy any list of candidates posted
3 in accordance with the provisions of this act, or who,
4 during an election, shall wilfully deface, tear down,
5 remove or destroy any card of instruction or specimen
6 ballot printed or posted for the instruction of voters, or
7 who shall, during an election, wilfully remove or destroy
8 any of the supplies or conveniences furnished to enable a
9 voter to prepare his ballot, or shall wilfully hinder the
10 voting of others, shall be punished by fine of not less than
11 five dollars nor more than one hundred dollars.

SECT. 30. Any person who shall falsely make or wil-
2 fully deface or destroy any certificate of nomination or
3 nomination paper, or any part thereof or any letter of
4 withdrawal ; or file any certificate of nomination or nomi-
5 nation paper or letter of withdrawal, knowing the same
6 or any part thereof to be falsely made ; or suppress any
7 certificate of nomination or nomination paper, or any part
8 thereof which has been duly filed ; or forge or falsely
9 make the official endorsement on any ballot ; or wilfully
10 destroy or deface any ballot, or wilfully delay the delivery
11 of any ballots, shall be punished by fine not exceeding

12 one thousand dollars, or by imprisonment in the jail not
13 more than one year, or by both such fine and imprison-
14 ment.

SECT. 31. Any public officer upon whom a duty is
2 imposed by this act, who shall wilfully neglect to perform
3 such duty, or who shall wilfully perform it in such
4 a way as to hinder the objects of this act, shall be
5 punished by a fine of not less than five nor more than one
6 thousand dollars, or by imprisonment in jail for not more
7 than one year, or by both such fine and imprisonment.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 9, 1889. }

Presented by Mr. LOONEY of Portland, and ordered printed, pending
reference to Committee on Legal Affairs.

NICHOLAS FESSENDEN, *Clerk.*