

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

SENATE.

No. 2.

STATE OF MAINE.

AUGUSTA, January 12, 1893.

*To the President of the Senate and Speaker of the House
of Representatives:*

I have the honor to suggest an amendment to the Australian Ballot Law, chapter 102, Public Laws of 1891, herewith submitted, relating to the form of the official ballot.

Respectfully,

NICHOLAS FESSENDEN,

Secretary of State.

I desire to offer a suggestion, relating to the form of the official ballot, together with the necessary amendments to carry the suggestion into effect, provided the same shall meet with the approval of the Legislature.

This suggestion is that the Legislature authorize the use of substantially the same form of official ballot as exists in the State of Indiana. This form has proved a success in that state, and judging from the experience of our own State, it could be advantageously employed here.

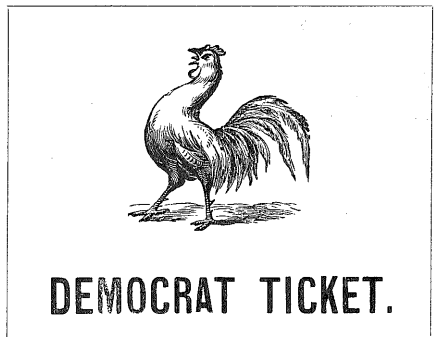
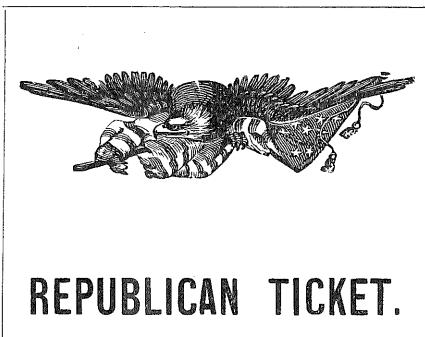
A glance at this form, and a brief consideration of its merits in certain important directions, will suffice, in my opinion to convince the candid man that it is admirably adapted for use, in the furtherance of a convenient and secret ballot; and that its adoption will greatly facilitate the use of the secret ballot system, while it will reduce the assistance needed at the hands of ballot markers to a minimum.

Briefly stated it consists in printing at the head of each party group on the ballot, an emblem or device enclosing such emblem or device with the party appellation in a large square, and providing that a X made anywhere within the square shall be a vote for the whole ticket, at the same time preserving below the party appellation, as now is done, a sufficient space under each candidate's name for a voter to write in any name agreeable to him, also providing a square or a circle opposite each candidate's name, for the use of any voter who may desire to vote a mixed or split ticket.

Some of the reasons which lead me to offer this suggestion are as follows :

1st. Under the form provided for by the law as it now stands, hundreds, perhaps thousands of voters neglected to exercise their right of suffrage in this State, owing to a feel-

PROPOSED NEW FORM O



For Governor.
HENRY B. CLEAVES of Portland

For Representative to Congress.
NELSON DINGLEY, Jr., of Lewiston

For Senators.
JOHN HARPER of Lewiston
JESSE M. LIBBY of Poland

For County Attorney.
HENRY W. OAKES of Auburn

For Judge of Probate.
FRANKLIN M. DREW of Lewiston

For Register of Probate.
FRED O. WATSON of Auburn

For Sheriff.
BENJAMIN J. HILL of Auburn

For County Commissioners.
SETH CHANDLER of Lewiston
GEORGE PARCHER of Leeds

For County Treasurer.
NOEL B. POTTER of Lewiston

For Representatives to Legislature.
FRANK L. NOBLE of Lewiston
GEORGE W. FURBUSH of Lewiston
JOSEPH E. CLOUTIER of Lewiston
MARTIN A. WARD of Lewiston

For Governor.
CHARLES F. JOHNSON of Waterville

For Representative to Congress.
DANIEL J. MCGILLICUDDY of Lewiston

For Senators.
ROYAL M. MASON of Auburn
WINFIELD S. TREAT of East Livermore

For County Attorney.
WILLIAM H. NEWELL of Lewiston

For Judge of Probate.
ASA P. MOORE of Lisbon

For Register of Probate.
GEORGE E. WARREN of Durham

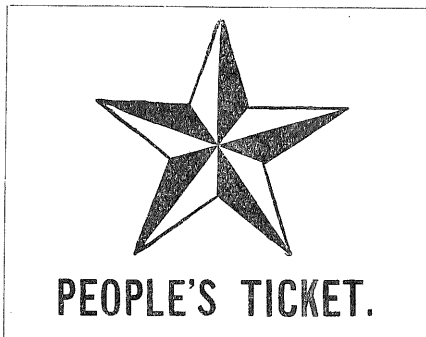
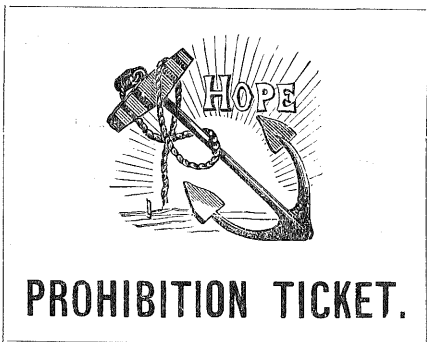
For Sheriff.
JOHN H. TWOMBLY of Auburn

For County Commissioners.
OTIS S. WHITE of Lisbon
CYRUS B. LANE of Leeds

For County Treasurer.
DANIEL LARA of Auburn

For Representatives to Legislature.
FRANCOIS X. BELLEAU of Lewiston
ISAAC B. ISAACSON of Lewiston
THOMAS C. SPILLANE of Lewiston
ALONZO M. GARCELON of Lewiston

M OF OFFICIAL BALLOT.



For Governor.
TIMOTHY B. HUSSEY of North Berwick

For Representative to Congress.
AMMI S. LADD of Auburn

For Senators.
HENRY W. COPELAND of Turner
JOSIAH H. WILLIAMS of Durham

For County Attorney.

For Judge of Probate.
A. K. P. EDWARDS of Lisbon

For Register of Probate.
GEORGE H. HASCALL of Durham

For Sheriff.
PAINE HASKELL of Auburn

For County Commissioners.
DANIEL D. GOLDER of Webster
JOHN G. ROBERTS of Auburn

For County Treasurer.
OTHO W. CHASE of Turner

For Representatives to Legislature.
PARIS PARKER BEAL of Lewiston
ALBION S. PRESCOTT of Lewiston
ORVILLE V. BISBEE of Lewiston
WARREN B. FARR of Lewiston

For Governor.
LUTHER C. BATEMAN of Searsmont

For Representative to Congress.
NORMAN W. LERMOND of Warren

For Senators.
HENRY W. COPELAND of Turner
FRANK W. WHITE of Auburn

For County Attorney.
ELBRIDGE Y. TURNER of Auburn

For Judge of Probate.
ETHAN A. SWIFT of Auburn

For Register of Probate.
WILFRED HARRIS of Auburn

For Sheriff.
PRESTON J. CARVER of Auburn

For County Commissioners.
LORENZO M. SYLVESTER of Leeds
KINGSBURY DONNELL of Webster

For County Treasurer.
OTHO W. CHASE of Turner

For Representatives to Legislature.
ELI ROY of Lewiston
ELIPHALET C. NOYES of Lewiston

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Senate Document, No. 2.



ing of doubt or uncertainty as to how and where to mark their ballots. The form suggested would entirely obviate this difficulty because

2d. Any person above the age of infancy whether such person could read or not, or write or not, would easily learn what emblem, device, or symbol stood for the party, for whose candidates such person desired to vote.

A picture, is of all things the best and surest method or medium of conveying information. It is so to the mind of the infant, and continues so to be throughout life.

3rd. The voters of the State may be generally grouped into two classes. One class, and by far the greater class numerically, desire to vote a straight party ticket; this always has been the fact, and doubtless always, will be the fact. Every possible facility should be afforded this great majority to exercise their voting right, in the quickest, most convenient and surest way.

This form of ballot accomplishes this end most admirably.

4th. The second class of voters—much less numerically—a mere handful by comparison—with the other class, desire to vote a split ticket.

This form of ballot affords this class of voters, every facility they now have, and the emblem or device at the head of each party group, adds a distinguishing feature of such a marked character, that no doubt can exist as to the exact column in which will be found the different candidates for whom they may desire to vote.

5th. The adoption of this form of ballot, will practically reduce the labor of the ballot clerks, so far as marking ballots is concerned, to a minimum, because with this form, only a

voter who is totally blind or one having lost the use of both hands need require the assistance of a clerk in marking.

This is a large gain in the direction of secrecy, and a desirable one. If the principle of a secret ballot be correct then that form of ballot which affords the greatest degree of secrecy is to be preferred and there can be no question but that with this form there would be rarely a case of a voter unable to mark his own ballot. Every voter would have learned, long before election day, which emblem or device stood for his party. Such device would stare at him from the sample ballot, meet him in the newspapers, be recognized with absolute certainty. To instruct any voter where to make his X on such a ballot, would require but a moment of time.

6th. This form of ballot has proved to be a success in Indiana, and has accomplished in marked degree, precisely what is herein claimed for it. No reason exists why it should not have a like effect here, as it rests upon a well known educational principle, that 'tis easier to learn through the eye—by a picture—than by any other method.

If it should be deemed best to empower the State Committee, rather than the State Conventions of political parties to select the party emblem, figure or device herein suggested, such change can be easily made, by substituting the words "Committee" for "Convention," as indicated in bracketed words in the draft herewith presented.

Amend Section 10 as follows :

1st. In line thirteen thereof, after the comma following the word "ballot," strike out all the rest of this sentence or clause of the section and substitute the following :—

"Above each group shall be placed the name of the political party by which the candidates comprising such group

were placed in nomination, or by the political designation as described in the certificate of nomination, or nomination papers together with the appropriate party device, emblem or symbol hereinafter provided for; such party designation or name, and symbol, emblem or device to be enclosed in a square."

2nd. In line twenty-eight of said section, after the words "blank space," strike out the words "at the right of the name of the party or political designation, and also," and insert the following, "said blank space to be in form either a circle or a square."

3rd. In line thirty-four of said section, after the period following the words "and the like," insert the following:

"The State Convention [Committees] of political parties, entitled to hold nominating conventions under the provisions of this act, shall at the first convention held after the approval of this amendment, select a figure or device, such as a star, eagle, plow or some such appropriate symbol as the party device or emblem. The secretary of such State Convention [Committee] or one of the secretaries thereof, shall forthwith certify such figure or device to the Secretary of State, and such device thereafter shall be deemed to be the device or emblem of the party selecting the same and such figure or device shall be printed on all ballots used at national and State elections, at the head of the party group or ticket, immediately above the party appellation or name, and such figure or device, together with such party name or designation, shall be enclosed in a square as hereinbefore provided. Such figure or device shall not be the flag of the nation, nor the seal nor coat of arms of the United States, nor of any State.

If, forty days prior to any national or State election, any such political party, whose duty it is to select such figure or device, shall not have done so, in State Convention [Committee] as aforesaid, and certified the same as aforesaid to the Secretary of State, or if when such figures or devices are so certified any two or more shall be found to be alike, or so much alike in the opinion of the Secretary of State, as to produce confusion in the voter's mind regarding the same, in either of such events, it shall be the duty of the Secretary of State, to select a figure or device for use as aforesaid.

Such figure or device, once selected as herein provided, shall be taken and deemed to be the device or emblem of the party selecting the same, until subsequently changed in State Convention [Committee], and in such event of a decision of a party, and when two sections or wings of a party, or any faction thereof lay claim to the party emblem, figure or device, such claim shall be determined by the Secretary of State."

So that said Section as amended shall read as follows :

SECT. 10. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this act, shall contain the names and residences of all candidates whose nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, and the office for which they have been severally nominated and shall contain no other names except that in case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political designation. The names of candidates nominated by any party shall be grouped together upon the ballot. Above each group shall be placed the name of the political party by

which the candidates comprising such group were placed in nomination, or by the political designation as described in the certificate of nomination, or nomination papers together with the appropriate party device, emblem or symbol hereinafter provided for: such party designation or name, and symbol, emblem or device to be enclosed in a square. If only one person be nominated by any party or under any political designation, his name with the office for which he is a candidate shall be printed by itself under the name of such party or political designation. A blank space shall be left after the names of the candidates for each different office in which the voter may insert the name of any person, not printed on the ballot, for whom he desire to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such question shall be printed upon the ballot after the list of candidates. The ballots shall be so printed as to leave a blank space, said blank space to be in form either a circle or square, at the right of the name of each candidate, so as to give to each voter a clear opportunity to designate by a cross mark (X) therein, his choice of candidates, and his answers to the questions submitted, and on the ballot may be printed such words as will aid the voter to do this as "yes," "no," and the like.

"The State Conventions [Committee] of political parties, entitled to hold nominating conventions under the provisions of this act, shall at the first convention held after the approval of this amendment, select a figure or device, such as a star, eagle, plow, or some such appropriate symbol as a party device or emblem. The Secretary of such State Convention [Committee] or one of the secretaries thereof, shall forthwith

certify such figure or device to the Secretary of State, and such device thereafter shall be deemed to be the device or emblem of the party selecting the same, and such figure or device shall be printed on all ballots used at National and State elections, at the head of the party group or ticket, immediately above the party appellation or name, and such figure or device, together with such party name or designation, shall be enclosed in a square as hereinbefore provided. Such figure or device shall not be the flag of the nation, nor the seal nor coat of arms of the United States nor of any state.

If, forty days, prior to any National or State election, any such political party, whose duty it is to select such figure or device, shall not have done so, in State Convention [Committee] as aforesaid and certified the same as aforesaid, to the secretary of state, or if when such figures or devices are so certified any two or more shall be found to be alike, or so much alike, in the opinion of the secretary of state, as to produce confusion in the voter's mind regarding the same, in either of such events, it shall be the duty of the secretary of state to select a figure or device for use as aforesaid.

Such figure or device once selected as herein provided shall be taken and deemed to be the device or emblem of the party selecting the same, until subsequently changed in State Convention [Committee]. And in event of a division of a party, and where two sections or wings of a party, or any faction thereof lay claim to the party emblem, figure or device, such claim shall be determined by the Secretary of State."

The ballot shall be not less than four inches in width and not less than six inches in length. Before distribution the ballots shall be so folded in marked creases that their width

and length when folded shall be uniform. On the back and outside, when folded, shall be printed "Official ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election and a fac-simile of the signature of the Secretary of State or city clerk who has caused the ballot to be printed. Except as otherwise herein provided, ballots shall be printed in accordance with the existing provision of law.

Further amend section twenty-four as follows :

After the word "mark" at the end of line five thereof strike out the words "opposite the name of a party or political designation," and insert the following, "anywhere within the big square at the head of the party group or ticket, which encloses the party name and emblem."

Also amend said section twenty-four, by inserting after the words "election officers" in the thirty-second line thereof, the words "nor an election clerk," and by substituting for the words "ballot officers" in the thirty-third line thereof, the words "ballot clerks," and by inserting after the word "officers" in the thirty-fifth line thereof the words "or officers."

(This amendment appears already and is repeated here for accuracy only.)

So that said section as amended shall read as follows :

SECT. 24. On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting shelves or compartments so provided and shall prepare his ballot by marking in the appropriate margin or place, a cross (X) as follows: He may place such mark anywhere within the big square at the head of the party group or ticket which encloses the party name and emblem, in

which case he shall be deemed to have voted for all the persons named in the group under such party or designation; or he may place such mark opposite the names of the individual candidates of his choice for each office to be filled, or he may fill in the name of the candidate of his choice in the blank space provided therefor and place the mark opposite as aforesaid, in which cases he shall be deemed to have voted only for the individual candidates opposite whose name he has placed such mark. In case of a question submitted to the vote of the people he shall place such mark in the appropriate margin against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the inclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes in case all of such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer nor an election clerk, whose name has been checked on the list of the ballot clerks, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the presiding election officer or officers, for the time being, to secure the observance of the provisions of this section.

STATE OF MAINE.

IN SENATE, January 12, 1893.

On motion by Mr. HERSEY of Oxford, laid on the table to be printed,
pending reference to Committee on Legal Affairs.

KENDALL M. DUNBAR, *Secretary.*