

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

SENATE.

No. 175.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-THREE.

AN ACT relating to Boards of Registration and the Regis-
tration of Voters.

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

SECTION 1. All persons born or naturalized in the
2 United States and subject to the jurisdiction thereof, are
3 citizens of the United States and of the State wherein they
4 reside.

SECT. 2. Every male citizen who had the right to vote
2 on the fourth day of January, eighteen hundred and
3 ninety-three, together with those not heretofore registered,
4 who were sixty years of age and upwards on said day,
5 and every other male citizen, excepting paupers, persons
6 under guardianship, and Indians not taxed, who, not
7 being prevented by physical disability from so doing, is

8 able to read the constitution of the State of Maine in the
9 English language, in such manner as to show that he is
10 neither prompted nor reciting from memory, and to write
11 his name, and who is twenty-one years of age or upwards,
12 and shall have his residence established in this State for
13 the term of three months next preceding any national,
14 State, city or town election, shall have the right to vote
15 at every such election in such city or town where his
16 residence is so established, *provided, however*, that no
17 person whose name is not entered upon the voting list as
18 hereinafter provided, shall be allowed to vote.

SECT. 3. Every person whose name has not been
2 entered upon the voting lists, in any city, in accordance
3 with the provisions of this act, must, if he desires to vote,
4 appear in person at a place provided for registration and
5 prove that he possesses all the qualifications of a voter.

SECT. 4. A board of registration is hereby established
2 in each city of the State, which shall have exclusive power
3 and authority to determine the qualification of voters
4 therein, and exclusive power to make up, correct and
5 revise the list of voters in each of said cities, and shall
6 perform all the duties, and have, exclusively, all the
7 powers now exercised by boards of registration or by the
8 municipal officers of said cities in making, preparing,
9 revising and correcting the list of voters therein, under
10 chapter four of the Revised Statutes, or any other stat-
11 utes relating thereto.

SECT. 5. Said board shall consist of three members
2 who shall be residents and legal voters of the city where
3 such board is established; one of whom shall be ap-
4 pointed and commissioned by the governor, by and with

5 the consent of his council, for a term of four years from
6 May first, eighteen hundred and ninety-three, unless
7 previously appointed and commissioned under chapter
8 thirty-four of the Public Laws of Maine, approved Feb-
9 ruary twenty-five, eighteen hundred and ninety-one, in
10 which case the term of service of such appointee shall be
11 governed by the provisions of said law, and who shall not
12 hold or be eligible to any state, county or city office how-
13 ever elected or appointed thereto so long as he continues
14 a member of said board. The other two members of the
15 board shall be chosen one from the political party polling
16 the highest number of votes for governor in this State at
17 the next preceding State election, and one from the
18 political party polling the next highest number of votes
19 for governor of this State at said election; and they shall
20 each hold their office for the term of three years from the
21 first day of May, eighteen hundred and ninety-three; and
22 said members shall not hold or be eligible to any state,
23 county or city office however elected or appointed thereto
24 so long as they shall continue members of said board.
25 Each shall be nominated by the city committee of his own
26 political party, and upon due notice thereof in writing,
27 the several mayors of said cities shall forthwith appoint
28 such persons, so nominated, members of said board. If
29 either or both of said political parties, after the approval
30 of this act, refuses or neglects to seasonably nominate a
31 member of such board and to notify the mayor of such
32 city, said mayor shall thereupon select and appoint a
33 member of said board from the political party so neglect-
34 ing and refusing to nominate, and said mayor shall so
35 appoint in all such cases of vacancy, whether caused by

36 death, resignation, declination, neglect or refusal to act
37 after being so appointed, or by election or appointment
38 to any state, county or city office, or however such
39 vacancy may be caused; but in cases of necessity arising
40 from the exigency of the public business, the other two
41 members may proceed therewith as provided by this act,
42 until such vacancy shall be filled in the manner provided
43 herein. And if any member of said board be absent or
44 disqualified by sickness or otherwise, such mayor shall
45 upon notice thereof forthwith fill his place by the appoint-
46 ment of some qualified elector of said city of the same
47 political party as the absent member represents, to act in
48 his absence.

SECT. 6. The person appointed and commissioned by
2 the governor shall preside at all meetings of the board,
3 but shall not vote therein except in case of a tie. He
4 shall give notice of the time and place of the sessions of
5 the board and sign all orders and processes issued by the
6 same. If he is necessarily absent or disqualified by sick-
7 ness or otherwise during any session of said board, the
8 mayor of said city shall upon notice thereof, immediately
9 appoint a qualified elector of the city, who shall be of
10 the same political party as said chairman, to act in his
11 absence.

SECT. 7. All the members of said board shall be sworn
2 to the faithful and impartial performance of their duties.

SECT. 8. Said board shall have the exclusive power
2 and authority to hear evidence and determine the qualifi-
3 cation of voters in the city in which it is established.
4 Said presiding officer, at the request of any member,
5 shall cause any party or witness appearing before the

6 board to be sworn; any member of the board may
7 administer oaths; and the board shall have power to
8 compel the attendance of witnesses; to punish for con-
9 tempt; and to issue all processes necessary to the per-
10 formance of the duties of the board.

SECT. 9. The assessors, of any city, by one or more
2 of their number or by one or more assistant assessors,
3 shall in the months of April and May in each year, visit
4 every building in their respective cities and make true
5 lists containing as near as can be ascertained from any
6 owner or occupant thereof, the name, age, occupation and
7 residence on the first day of April in the current and his
8 occupation and residence on the first day of April in the
9 preceding year, or of his becoming an inhabitant after
10 said last named day, of every male person twenty-one
11 years of age and upwards, residing therein and liable to
12 be assessed for a poll tax; and shall ascertain if any such
13 person has within the year next preceding the first day
14 of April of the current year moved from said building
15 out of said city and taken up his residence elsewhere, and
16 shall make diligent inquiries and true record concerning
17 all matters required of them in this section. They shall
18 make correction of any error in the name or place of
19 residence of a person assessed on his personal application
20 therefor, and on proof of the same, shall make proper
21 correction thereof on their books.

SECT. 10. The assessors shall promptly on or before
2 the first day of July in each year, transmit to the boards
3 of registration, the lists so made or certified copies thereof,
4 noting therein every change of name or residence of per-
5 sons assessed a poll tax by them and on or before said

6 first day of July in each year, shall prepare street lists
7 containing the name of every person assessed by them,
8 or who has moved out of said city. Such lists shall be
9 arranged by wards or voting precincts if any. They
10 shall prepare a copy of said street lists and deliver the
11 same to their respective boards of registration on or
12 before the fifteenth of said July.

SECT. 11. The assessors shall, in said streets lists,
2 arrange all buildings used as residences in the order in
3 which they stand on the street or other place, by giving their
4 number or other definite description; so that each building
5 can be readily identified, and shall place opposite or under
6 each number, as near as can be ascertained, the name,
7 age, occupation and place of occupation of every person
8 residing in said building on the first day of April of the
9 current year and assessed a poll tax, with his residence on
10 the first day of April of the preceding year or on the day
11 of his becoming an inhabitant after said last named day.
12 And said board of registration shall enter on the voting
13 lists the name of every person assessed a poll tax for the
14 current year, as transmitted to them by the assessors,
15 provided every such name can be indentified as having
16 been borne upon the voting lists of the last preceding
17 election. Each board of registration shall promptly
18 transmit to the assessors of its city, notice of any error in
19 the name or residence of a person assessed, together with
20 the name and residence of every male citizen who shall
21 prove for the purposes of registration that he was a resi-
22 dent of the city on the first day of April of said current
23 year, but whose name does not appear on the list trans-
24 mitted to said boards by said assessors.

SECT. 12. Any assessor or assistant assessor, who shall
2 knowingly or wilfully enter or cause to be entered on any
3 list of assessed polls, the name of any person as a resident
4 of any building, who is not a resident thereof, shall for
5 each such offence be punished by a fine not exceeding three
6 hundred dollars or by imprisonment in the county jail
7 not exceeding one year.

SECT. 13. Any inmate of a building liable to be assessed
2 for a poll tax, who shall refuse or neglect to give his true
3 name when inquired thereof by any assessor or assistant
4 assessor, and any owner or occupant of a building who
5 shall refuse or neglect to give full and true information
6 within his knowledge relating to all persons residing in
7 such buildings when inquired thereof by any assessor or
8 assistant assessor, or who shall knowingly or wilfully
9 give to an assessor or assistant assessor for the purpose
10 of the assessment of a poll tax, the name of any person
11 as a resident of a building, who is not a resident therein,
12 shall be punished for each offence by fine not exceeding
13 one hundred dollars or by imprisonment not exceeding
14 six months.

SECT. 14. Boards of registration shall keep a general
2 register of voters containing the names and records of all
3 voters entered from year to year on the voting lists under
4 the provisions of this act, giving the full christian name
5 and the surname, or the full name or initial or initials of
6 any other name or names he may have, date of registra-
7 tion, residence on the first day of April of the year of
8 registration, or on the day of his becoming an inhabitant
9 after said first day of April, age, place of birth, occupa-
10 tion, place of occupation, how long resident of the city,

11 place of casting his last vote, married or single, residence
 12 of wife or family, where naturalized, when naturalized, in
 13 what court, arranged under the following heads, viz. :

When registered.	Name.	Residence, street and number.	Residence April 1st, street and number.	Place of birth. Age—date of birth.	Occupation.	Place of business.	How long a resident of city.	Where last vote was cast.	Married or single.	Residence of wife or family.	Where naturalized.	When naturalized.	By what court.	Remarks.
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SECT. 15. Applicants under examination for registra-
 2 tion shall be required, unless prevented by physical disa-
 3 bility from so doing, or unless he had the right to vote,
 4 on the fourth day of January, eighteen hundred and
 5 ninety-three, to read in the English language other than
 6 the title, so much as may be necessary, from an official
 7 edition of the constitution, in such manner as to show
 8 that he is neither prompted nor reciting from memory, and
 9 to write his name in a book kept for that purpose. The
 10 name of the applicant if admitted to registration, shall
 11 be announced in a clear, audible and distinct voice before
 12 entering his name on the register.

SECT. 16. Any applicant for registration claiming
 2 exemption from the educational test herein required,
 3 excepting those sixty years of age and upwards at the time
 4 said test became operative, must declare under oath that
 5 he was a legal voter in this State of the fourth day of
 6 January, eighteen hundred and ninety-three, and if re-
 7 quired so to do furnish such other and further reason-
 8 able evidence of the truthfulness of his statement as may
 9 be satisfactory to said board.

SECT. 17. In making examination of an applicant, who
 2 is a naturalized citizen, he shall be required to produce

3 for inspection his papers of naturalization, or a certificate
4 of the same from the court where he was naturalized, and
5 to make oath that he is the identical person mentioned
6 therein, and said board if satisfied that he has been
7 legally naturalized shall make a record or memorandum
8 upon said paper of the date of such inspection and enter
9 it upon the general register, and also, in a book kept for
10 the purpose, the name and location of the court by which
11 said papers were issued, with the date thereof and the
12 date of said inspection, together with the name of said
13 applicant as it is spelled and recorded in said papers,
14 which need not again be produced before said board for
15 examination after they have once been passed upon and
16 the above minutes thereof recorded on the papers and in
17 the general register.

SECT. 18. All meetings of said board of registration
2 shall be open and public and shall close on each day at
3 nine o'clock in the afternoon, except as hereinafter pro-
4 vided. A record shall be kept of all names added to or
5 stricken from the voting lists and of all other proceedings
6 of said board. No name shall be added to or stricken
7 from said voting lists except during the open sessions of
8 said boards.

SECT. 19. Said boards of registration shall prepare
2 ward lists of voters of such persons as appear to them to
3 be legally qualified voters, at least thirty days before the
4 next ensuing election. But after the first list of voters
5 has been so prepared under this or any preceding act
6 relating to the registration of voters, said boards of regis-
7 tration shall so prepare such lists of voters at least thirty
8 days before any election to be held for any purpose, by

9 placing upon such lists all the names which appear upon
10 the voting lists for the last preceding election, except the
11 names of such persons as have died or ceased to reside
12 therein, or shall appear to said board to have otherwise
13 become disqualified to vote therein since said preceding
14 election, but no new name shall be added during such
15 preparation ; nor any other correction or revision of said
16 list, except the correction of errors discovered to have
17 been of the board's own making. And a certified copy
18 of all such lists made in accordance with this section,
19 shall be furnished to the clerk of such city by said board
20 at least thirty days prior to any such election, and said
21 clerk shall post said certified copies of said lists of voters
22 in their respective wards, at or near the several voting
23 places customarily used as such in said cities, at least
24 twenty-seven days prior to any such election. *Provided,*
25 *however,* that in case of a failure to elect any municipal
26 office at any election, or any person elected declines to
27 serve, so that a special election is held to fill the vacancy,
28 the board shall not be required to prepare, or the city
29 clerk to post, a new list of voters.

SECT. 20. Said boards of registration shall be in session
2 from nine in the forenoon to one o'clock in the afternoon,
3 and from three to five o'clock in the afternoon and from
4 seven to nine o'clock in the afternoon, in cities of not less
5 than twenty-five thousand inhabitants, on each of the
6 twelve secular days next prior to any election ; on the first
7 nine of said secular days, to receive evidence touching the
8 qualification of voters therein, and to revise and correct
9 the voting lists, and on the latter three of said secular
10 days, to enable the board to verify the correctness of said

11 lists and to complete and close up its records of said ses-
12 sions. And in all other cities, for the same purpose, and
13 at the same hours on each of the five secular days next
14 prior to any election, the first four thereof to be devoted
15 to registration as above, and the last one of said secular
16 days to enable the board to verify the correctness of said
17 lists and to complete and close up its records of said ses-
18 sions. And on the last of said secular days, at five
19 o'clock in the afternoon, certified copies of said voting
20 lists shall be delivered to the clerks of said cities and
21 receipts taken therefor, except that on the last of said
22 days devoted to registration and on the last of said days
23 devoted to the records as above, the sessions of the board
24 shall close at five o'clock in the afternoon, but no name
25 shall be added to or stricken from said lists after five
26 o'clock in the afternoon of the last of said days devoted
27 to registration as above. Said board shall not place upon
28 said lists during said revision of the same, the name of any
29 person who shall not personally appear before said board
30 and request it, and during said time said board shall
31 revise and correct the voting lists. And the wardens of
32 cities shall be governed by said revised and corrected
33 lists; and no names shall be added to or stricken from
34 said lists on the day of election, and no person shall
35 vote at any election whose name is not on said lists.
36 No board of registration shall be answerable for any
37 omission of a name or residence from the voting lists, or
38 for any error in the same, unless such name and residence
39 are correctly entered in the general register of voters;
40 but on the day of election said board shall be in session
41 and shall give to any registered voter whose name has

42 been omitted from the voting list, or in whose name or
43 residence as placed on said voting list a clerical error has
44 been made, a certificate signed by a majority of the board,
45 giving the corrected name and residence of such person
46 and directed to the officer presiding over the election;
47 such officer shall on receipt of such certificate, allow the
48 person therein named to vote and shall check his name on
49 the certificate and securely attach the certificate to the
50 voting list.

SECT. 21. When the right of any person to have his
2 name placed upon such list is challenged by any qualified
3 elector, or when the right of any person to have his name
4 remain upon such list is so challenged, before said board
5 shall add to or strike from said list the name of any such
6 person, they shall issue a notice and summons to said
7 person so challenged and allow him a reasonable oppor-
8 tunity to be heard. Such notice and summons shall be
9 served upon such person by an officer selected by the
10 board, by giving him in hand or by leaving at his last and
11 usual place of abode, an attested copy of said notice and
12 summons, at least six hours before the closing of the
13 final session of the board devoted to the revision and
14 correction of the voting lists. Said person and said
15 board may also summon and examine other witnesses
16 before said board concerning his right to vote, and if it
17 appears to said board that such person is not or will not
18 be qualified to vote at such election, they shall cause his
19 name to be erased from said list and not add it thereto.
20 And the lists of voters made under this act shall state
21 the street, and so far as practicable, the number of the
22 street where each voter resides. The residence of a

23 voter as stated upon the list of voters used at the last
24 preceding election, shall be deemed his last and usual
25 place of abode, unless he shall have given notice in
26 writing, over his own signature, or in person to the city
27 clerk of a change of his residence, which notice, if given
28 after the first day of April, shall entitle him to have his
29 residence so corrected on the voting list to be used at
30 the next subsequent election, but shall not entitle him to
31 have his registration otherwise changed nor to vote in any
32 ward or precinct other than that in which he resided on
33 said first day of April. Said clerk shall keep a record
34 of all notices of change of residence, which record shall
35 at all times be open to public inspection.

SECT. 22. Any person who shall cause his name to be
2 placed upon the list of voters of more than one ward in
3 any city for the same election, or shall cause his name to
4 be placed upon any list of voters in any city in the State,
5 knowing he is not a qualified voter therein for the elec-
6 tion for which the said list is made, or who shall falsely
7 personate any voter, or any person causing any such act
8 or aiding or abetting any person in any manner in either
9 of said acts shall be punished by a fine not exceeding one
10 hundred dollars or by imprisonment for not more than
11 one year.

SECT. 23. The clerks of cities shall be the custodians
2 of the records of said boards and of the revised and cor-
3 rected lists of voters prepared by said boards for use at
4 any election and shall seasonably transmit to the wardens
5 of cities a true and attested copy of such lists for their
6 use on election day; and it shall be the duty of said
7 clerks to keep said lists one year and furnish certified

8 copies thereof on application of any person and payment
9 therefor, within ten days thereafter; and for failure so to
10 do they shall be punished by a fine not exceeding five
11 hundred dollars or by imprisonment not exceeding one
12 year. The wardens and ballot clerks shall certify on
13 said voting lists that they are the lists used by them
14 respectively at said elections.

SECT. 24. The president of such boards shall receive
2 five dollars for each day that the board shall be in session
3 for the revision and correction of the voting lists and for
4 completing the records thereof, and the other two mem-
5 bers of said boards shall receive four dollars per day for
6 such time. They shall also receive a per diem not
7 exceeding five dollars to be fixed by the boards of alder-
8 men and council for such time as they are necessarily
9 employed in making up and preparing such lists of voters,
10 together with reasonable and necessary expenses, includ-
11 ing blank books, stationery and the necessary assistance
12 of clerks, all of which shall be paid by the city where
13 such board is established, and each of said cities shall
14 provide a suitable place for holding the sessions of said
15 board, and pay for the services of such officers as said
16 board may employ and have in attendance to preserve
17 order and execute its precepts. All witness fees shall be
18 paid at the established rates of fees before municipal
19 courts.

SECT. 25. Notices of the time and place of the ses-
2 sions of such board to revise and correct said voting lists,
3 shall be given by the president thereof and posted by the
4 clerks of said cities at the same time and place as are the
5 certified copies of the lists of voters; and the voting lists

6 as revised and corrected by said board of registration shall
7 be used at each election held in said cities in the several
8 wards thereof.

SECT. 26. Any qualified elector in said cities may
2 challenge the right of any person to vote in any ward of
3 said cities at any election held therein and shall be given
4 the opportunity by the presiding officer thereof, to make
5 such challenge, and such presiding officer shall note the
6 fact of such challenge upon the voting list used in such
7 ward.

SECT. 27. All notices of said boards, assessors, city
2 clerks or of any other public officer relating to registra-
3 tion of voters or to elections, shall be posted at or as near
4 as may be to the places designated for receiving votes on
5 election days.

SECT. 28. The clerk or register of deaths of each city
2 shall, at least thirty-three days before each election, and
3 on the first day designated by said boards for the revision
4 and correction of the voting lists and also on the last of
5 said days set apart for such revision and correction, trans-
6 mit to said boards, a certified list of the names of all male
7 persons over twenty-one years of age deceased since the
8 preceding election, or since the date of the preceding list,
9 with the ward, street and number where such person re-
10 sided at the date of death.

SECT. 29. The board or officer in charge of the police
2 force of any city shall, upon request so to do, by said
3 boards detail a sufficient number of police officers to attend
4 any meeting held by said boards and preserve order and
5 enforce the orders of said boards.

SECT. 30. Any member of said boards who shall refuse
2 or wilfully neglect to require any applicant for registra-
3 tion to whom the same is applicable, to read a portion
4 satisfactorily to a majority of said board, other than the
5 title, from some official edition of the constitution, in such
6 manner as to show that he is neither prompted nor recit-
7 ing from memory, or to require such applicant to write
8 his name in a book kept for the purpose, unless he is pre-
9 vented by physical disability from so doing, or who
10 knowingly shall prevent or seek to prevent the registra-
11 tion of any legal voter, or who knowingly shall register
12 the name of any person not qualified to vote or who shall
13 be guilty of any fraud or corrupt conduct in the execution
14 of the duties of his office, shall for each offence be pun-
15 ished by a fine not exceeding one thousand dollars or by
16 imprisonment not exceeding two years.

SECT. 31. Any city officer who shall wilfully neglect or
2 refuse to perform any duty required of him by law in
3 matters relating to the registration of voters shall for each
4 offence be punished by a fine not exceeding one thousand
5 dollars or by imprisonment not exceeding two years.

SECT. 32. Any person who knowingly or wilfully shall
2 make a false affidavit, or take a false oath, or sign a false
3 certificate regarding the qualification of any person for the
4 assessment of a tax or for registration, or shall injure or
5 deface any list of voters or any notice relating to the
6 registration of voters in any city, or shall prevent or
7 interfere with, or aid or abet any person in preventing or
8 interfering with any public officer in the discharge of his
9 duty relating to the registration of voters, shall for each
10 offence be punished by a fine not exceeding three hundred

11 dollars or by imprisonment in the county jail not exceed-
12 ing one year.

SECT. 33. Any person who shall cause his name to be
2 registered knowing that he is not a qualified voter in the
3 place where so registered, or shall falsely represent or
4 attempt to represent himself as another person before any
5 board of registration, or shall give a false answer to said
6 board concerning any matter relating to the registration
7 of a voter, or the right of any person to vote, or shall aid
8 or abet any other person in doing either of the acts above
9 mentioned, shall for each offence be punished by a fine
10 not exceeding three hundred dollars or by imprisonment
11 in the county jail not exceeding one year.

SECT. 34. Any person who shall refuse to obey the
2 lawful orders or directions of any board of registration,
3 or shall interrupt or obstruct the proceedings at any meet-
4 ing for registration, shall be arrested, detained in custody
5 until a warrant can be procured and shall for each offence
6 be punished by a fine not exceeding fifty dollars or impris-
7 onment not more than sixty days.

SECT. 35. Section forty-seven, chapter four of the
2 Revised Statutes, and chapter thirty four, Public Laws of
3 Maine, eighteen hundred and ninety-one, and all other acts
4 and parts of acts inconsistent herewith are hereby repealed.

STATE OF MAINE.

IN SENATE, March 16, 1893.

Mr. Seiders of Cumberland offered amendments "A", "B", "C", "D", "G" and "H"; Mr. Waterhouse of Cumberland offered amendment "E"; Mr. Thatcher of Penobscot offered amendment "F" and "I", to bill "An Act relating to Boards of Registration and the Registration of Voters" (Senate Document No. 102), which were adopted, and on motion by Mr. Thatcher the bill was laid on the table to be printed as amended.

KENDALL M. DUNBAR, *Secretary.*