

# 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-Sixth Legislature.

---

---

SENATE.

No. 177.

---

---

## STATE OF MAINE.

---

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

---

AN ACT amendatory of Chapter one hundred and two of the  
Public Laws of 1891, entitled “An Act to provide for the  
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 :*

SECTION 1. Chapter one hundred and two of the Public  
Laws of 1891 is hereby amended as follows :

Amend Section 6.—By substituting therein for the word  
“twenty” the word “thirty,” and by adding the word “and”  
after the word ‘offices’ in the second line thereof, so that  
said section as amended shall read as follows :

‘Section 6. Certificates of nomination and nomination  
papers for the nomination of candidates for state or county  
offices *and* representatives to the legislature shall be filed  
with the Secretary of State at least *thirty* days, exclusive  
of Sundays, previous to the day of election for which the

candidates are nominated. Such certificates and papers for the nomination of candidates for the offices of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least seven days, exclusive of Sundays, previous to the day of such election. With nomination papers and certificates shall also be filed the consent in writing of the persons nominated.'

Amend Section 8 by adding thereto the following: 'or slips containing the new nominations shall be printed under the direction of the Secretary of State, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.' So that said section as amended shall read as follows :

'Section 8. In case a candidate who has been duly nominated under the provisions of this act, shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner herein provided for such nomination; or, if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus, in such manner as the convention or caucus has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying such vacancy, shall state, in addition to the other facts required by this act the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and

shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or, slips containing the new nomination shall be printed under the direction of the Secretary of State, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.'

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 enclosed in a square.'

2d. Strike out of said section, after the words "blank space" in line twenty-eight thereof the words "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."

Substitute therefor the following :

'Above such amendment or question so as to give to each voter a clear opportunity to designate by a cross mark (X) therein,' so that said section as amended shall read as follows :

‘Section 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—ward residences in city election—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 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, for whom he desires 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, above such amendment or question so as to give to each voter a clear opportunity to designate by a cross mark (X) therein, his answers to the questions sub

mitted, and on the ballot may be printed such words as will aid the voter to do this as "yes," "no," and the like.

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 provisions of law.'

Amend Section 11.—by inserting therein, immediately before the word "books," the word "packages," so that said section as amended, shall read as follows :

Section 11. All ballots when printed shall be folded as hereinbefore provided, and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the Secretary of State and the several city clerks for the term of one year.'

Amend Section 12,—by changing the figures "75" therein to "60."

Also—change the word "voters" in line four therein to "votes."

Also—strike out all of said section, after the word "votes," as amended, and insert therein the following—cast in said voting place at the next preceding election, city, state or

national, corresponding to the election for which said ballots are to be printed.'

So that said section as amended, shall read as follows:

'Section 12. There shall be provided for each voting place, at which an election is to be held, two sets of such general ballots, each of not less than 60 for every 50 and fraction of 50 votes cast in said voting place at the next preceding election, city, state or national, corresponding to the election for which said ballots are to be provided.'

Amend Section 18 as follows:

First:—insert the word 'presiding' before the words "election officers" in the second line of said section, and the words 'officer or' after the word "election" in same line.

Second:—insert the words 'or officers,' after the words "presiding election officer" in the first and second sentences of said section, and after the words "presiding election officer" in the last sentence of said section.

Third:—for the words "ballot officers," substitute the words 'ballot clerks' in the second sentence of said section.

Fourth:—insert the words 'city, town and plantation' after the word "respective" in line nineteen of said section.

So that said section as amended shall read as follows:

'Section 18. The several city, town and plantation clerks, or municipal officers, shall send to the presiding election officer or officers of each voting place before the opening of the polls on the day of election one set of ballots so prepared, sealed and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding election officer or officers present, which receipt, with a record of the number of ballots sent, shall be kept in the clerk's office for one year. At the opening of the polls in

each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer or officers, and the packages, books or blocks of ballots shall be delivered to the ballot clerks hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling rooms, outside the guard rails. The second set of ballots shall be retained by the respective city town and plantation clerks until they are called for or needed for the purposes of voting, and, upon the requisition in writing of the presiding election officer or officers of any voting place, the second set of ballots shall be furnished to such voting place in the manner above provided as to the first set.'

Amend Section 21 by inserting after the words "polling place" in line four thereof, the following: 'and such municipal officers shall appoint as such clerks such persons as shall be recommended for such appointment by the several political party committees of the several cities, towns or plantations, representing the two political parties which at the gubernatorial election next preceding such appointment, cast the greatest number of votes.

Also, after the word "removed," in line sixteen of said section, insert the following: 'Vacancies occurring in the office of election or ballot clerks, shall be forthwith filled by the municipal officers in manner hereinbefore provided.'

Also, insert in line twenty-one thereof, after the word "authority," the following: 'shall be present at and witness



the counting by the presiding election officer or officers, of all votes cast in such meetings.'

Also, substitute for the word "officers," the word 'clerks,' wherever the word "officers" appears in said section, except where said word "officers" occurs immediately after the word "municipal," in the first line of said section and in the fifth from the last line of said section.

So that said section as amended shall read as follows :

'SECT. 21. The municipal officers of cities, towns and plantations voting in accordance with the provisions of this act, shall biennially in the month of May appoint clerks for each polling place ; and such municipal officers shall appoint as such clerks such persons as shall be recommended for such appointment by the several political party committees of the several cities, towns or plantations, representing the two political parties which, at the gubernatorial election next preceding such appointment, cast the greatest number of votes. For each polling place in cities and towns of more than one thousand inhabitants four clerks, and for each polling place in plantations, and for each island ward of the city of Portland and for the island district of the town of Cumberland and for every town of less than 1,000 inhabitants, two clerks shall be appointed.

Said clerks shall equally represent each of the political parties which cast the largest number of votes in the state election next preceding their appointment. Each of said clerks shall be sworn to the faithful performance of his duties, and shall hold office for two years from the date of his appointment, and until a successor is appointed and qualified, or he vacates the office.

Vacancies occurring in the office of election or ballot clerks shall be forthwith filled by the municipal officers in manner hereinbefore provided. Such election clerks shall attend at the times and places designated for meetings in their respective wards, towns or plantations for the election of any national, state, county, city or ward officers, and for the determination of any question submitted to the qualified voters of any city by lawful authority, shall be present at and witness the counting by the presiding election officer or officers of all votes cast in such meetings, and shall receive such reasonable compensation for each day's actual service as the municipal officers of their respective cities, towns and plantations may determine. No person shall be eligible to the position of election clerk in any ward, town or plantation where he is a candidate to be voted for.

Two of the clerks in each polling place, one from each political party, shall be detailed by the municipal officers to act as ballot clerks. The two ballot clerks thus detailed and appointed in each polling place shall have the charge of the ballots therein and shall furnish them to the voters in the manner hereinafter set forth.

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

Amend Section 22 by inserting in line nineteen thereof, after the word "the," the word 'presiding,' and after the word "election," in the same line, insert the words 'officer or.'

'SECT. 22. The municipal officers in each city, town or plantation, as aforesaid, shall cause the polling places

therein to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they shall be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes, and of such voting shelves or compartments. The arrangement shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from the view of persons just outside the guard rail. The number of such voting shelves or compartments shall not be less than one for every one hundred voters qualified to vote at such polling place, and not less than three in any town, and not less than five in any ward of a city. No persons other than the election officers, election clerks and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the presiding election officer or officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.'

Amend section 23 by substituting in line five thereof, for the words "ballot officer," the words 'ballot clerk.' Also in line ten thereof after the words 'election officers,' strike out the comma, and insert the words "and election clerks," so that said section as amended, shall read as follows :

'SECT. 23. Any person desiring to vote shall give his name, and if requested so to do, his residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check list by the

ballot clerk having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space inclosed by the guard rail, as above provided. The ballot clerk shall give him one, and only one ballot, and his name shall be immediately checked on said list.

Besides the election officers and election clerks, not more than two voters in excess of the number of voting shelves or compartments provided, shall be allowed in said inclosed space at one time.'

Amend section 24 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, "within the square enclosing the name of the party group or ticket.'

Also strike out of said section after the words "such party or designation" in line eight thereof the words "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," and substitute therefor the following :

•And if the voter shall desire to vote for any person or persons, whose name or names are not printed as candidates on the party group or ticket, he may erase any name or names which are printed on the group or party ticket, and under the name or names so erased he may fill in the name or names of the candidates of his choice.

Or if the voter does not desire to vote for a person or persons whose name or names are printed upon the party group or ticket, he may erase such name or names with the effect that the ballot shall not be counted for the candidate or candidates whose names are so erased.'

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.'

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 within the square enclosing the name of the party group or ticket, in which case he shall be deemed to have voted for all the persons named in the group under such party or designation.

And if the voter shall desire to vote for any person or persons, whose name or names are not printed as candidates on the party group or ticket, he may erase any name or names which are printed on the group or party ticket, and under the name or names so erased he may fill in the name or names of the candidates of his choice.

Or if the voter does not desire to vote for a person or persons whose name or names are printed upon the party group or ticket, he may erase such name or names with the effect that the ballot shall not be counted for the candidate or candi-

dates whose names are so erased. In case of a question submitted to the vote of the people he shall place such mark in the appropriate margin above 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, and by them be preserved for six months, as a public record.

The ballots shall be sorted and counted in open town or ward meeting in such manner as to afford the electors ample opportunity to observe the sorting and counting; and when the ballots have been sorted and counted and the result declared and recorded, all the ballots shall, in open meeting, be sealed in a package, which said package together with the check lists sealed in the same manner as the ballots shall

forthwith be returned to the city, town or plantation clerk, to be preserved by him as a public record, for six months, and any warden ballot clerk city or town clerk or other person who shall abstract from or in any manner tamper with said packages, or who shall in any manner abstract from or tamper with the unused ballots shall be punished by a fine not less than \$200 nor more than \$1000, or by imprisonment for not less than ninety days or more than two years.'

Strike out section 26 and substitute therefor the following :

'Section 26. Any voter who shall declare to the presiding election officer or officers that he cannot mark his ballot by reason of physical disability, or from inability to read the same, shall receive the assistance in the marking of his ballot, of two of the election clerks; such clerks shall not both represent one and the same political party, and they shall certify on the outside of such ballot that the same was marked by them, or by the voter with their assistance, and thereafter shall give no information concerning the same. The presiding election officer or officers may require every voter, who applies for such assistance, to make oath to his inability to mark his ballot, before such clerks shall be directed to assist as aforesaid, and such officer or officers are hereby qualified to administer such oath, and no clerk shall assist or offer to assist any voter in marking his ballot until directed so to do by the presiding election officer or officers.'

Add the following section after section 32 of the bill :

'Section 33. Any election or ballot clerk who shall assist, or offer to assist any voter, before such clerk shall have been directed by the presiding officer or officers to so assist such voter, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars or by impris-

onment not exceeding sixty days for each offense, and thereafter shall be disqualified from holding the office of election or ballot clerk.'

SECT. 2. Provisions in the charter of any city for the election of two persons to assist the warden in receiving, sorting and counting the ballots, are not affected by the provisions of this act or the act of which it is amendatory; but persons so elected shall be deemed election clerks for that purpose; they shall equally represent the two political parties which, at the State election next preceding, cast the greatest number of votes.

SECT. 3. This act shall take effect when approved.



STATE OF MAINE.

---

IN SENATE, March 17, 1893.

Reported by Mr. HERSEY from Committee on Legal Affairs, and laid  
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*