

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

SENATE.

No. 167.

STATE OF MAINE.

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

AN ACT to amend chapter 102 of the Public Laws of 1891, as amended by chapter 267 of the Public Laws of 1893, 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 2 Laws of eighteen hundred and ninety-one, as amended by 3 chapter two hundred and sixty-seven of the Public Laws 4 of eighteen hundred and ninety-three is hereby amended 5 as follows:

Amend section five by adding thereto the following: 'If 7 a candidate is nominated otherwise than by a political party, 8 which at the preceding gubernatorial election polled for

9 governor one per cent. of the entire vote cast for governor
10 within the state, the name of a political party so polling one
11 per cent. of such entire vote, shall not be used in the party
12 or political designation of such candidate, except and unless
13 some other name or term is used to describe, restrict or
14 modify the same.' So that said section, as amended, shall
15 read as follows:

'Section 5. All certificates of nomination and nomina-
17 tion papers shall, besides containing the names of candi-
18 dates, specify as to each, first, the office for which he is
19 nominated; second, the party or political principle which he
20 represents, expressed in not more than three words; third,
21 his place of residence. In the case of electors of president
22 and vice-president of the United States, the names of the
23 candidates for president and vice-president may be added
24 to the party or political appellation. If a candidate is nom-
25 inated otherwise than by a political party, which at the
26 preceding gubernatorial election polled for governor one
27 per cent. of the entire vote cast for governor within the
28 State, the name of a political party so polling one per cent.
29 of such entire vote, shall not be used in the party or politi-
30 cal designation of such candidate, except and unless some
31 other name or term is used to describe, restrict or modify
32 the same.'

Amend section six by adding thereto the following: 'Pro-
34 vided, That certificates of nomination and nomination
35 papers of candidates nominated to fill vacancies caused by
36 the death, resignation or refusal to accept seat of a member-
37 elect of the House of Representatives, or the death or
38 resignation of a Representative, shall be filed at least seven
39 days, prior to the day of election.

41 Provided further, That the municipal officers of the oldest
42 town in a class district, or the municipal officers of any
43 unclassified city or town, shall immediately notify the secre-
44 tary of State of the date of any special election called for
45 the purpose.

46 In case of such special election, the check lists used at the
47 preceding general election shall be used at such special
48 election, and in cities no action of the board of registration
49 of voters shall be necessary prior to such special election.
50 So that said section, as amended, shall read as follows:

51 'Section 6. Certificates of nomination and nomination
52 papers for the nomination of candidates for State of county
53 offices, representatives to the legislature, shall be filed with
54 the secretary of State at least thirty days, exclusive of
55 Sundays, previous to the day of the election for which the
56 candidates are nominated. Such certificates and papers for
57 the nomination of candidates for the offices of mayor and
58 all other offices in cities shall be filed with the city clerks
59 of the respective cities at least seven days, exclusive of
60 Sundays, previous to the day of such election. With nom-
61 ination papers and certificates shall also be filed the con-
62 sent in writing of the person nominated.

63 Provided, That certificates of nomination and nomination
64 papers of candidates nominated to fill vacancies caused by
65 the death, resignation or refusal to accept seat of a mem-
66 ber-elect of the House of Representatives, or the death or
67 resignation of a Representative, shall be filed within seven
68 days at least, prior to the day of election.

69 Provided further, That the municipal officers of the oldest
70 town in a class district, or the municipal officers of any
71 unclassified city or town, shall immediately notify the secre-

71 tary of State of the date of any special election called for
72 the purpose.

In case of such special election, the check lists used at the
74 preceding general election shall be used at such special
75 election, and in cities no action of the board of registration
76 of voters shall be necessary prior to such special election.'

Strike out section seven and substitute therefor the fol-
78 lowing:

'Section 7. When certificates of nomination and nomi-
80 nation papers have been filed in accordance with the pro-
81 visions of this act and are in apparent conformity there-
82 with, they shall be deemed to be valid unless objections
83 thereto are duly made in writing. Such objections, in the
84 case of nominations of candidates for State offices and city
85 offices, shall be filed with the secretary of State, or the city
86 clerk, as the case may be, within the seventy-two hours
87 succeeding five o'clock P. M. of the last day fixed by law
88 within which nomination papers may be filed for the nom-
89 ination of candidates for such office.

'Objections to certificates of nomination and nomination
91 papers which are filed in accordance with this section, and
92 all other questions arising in relation thereto, shall, in the
93 case of nominations of candidates for State offices, be con-
94 sidered by the board hereinafter established and known as
95 the Ballot Law Commission.

'Such objections and questions arising in the case of
97 nominations of candidates for city offices shall be considered
98 by the board of registration (of voters) of the city, together
99 with the city clerk, if not a member of said board of regis-
100 tration, and the city solicitor, and the decision of the
101 majority of these officers shall be final. The boards thus

102 constituted in cities to consider such objections and ques-
103 tions may, at hearings upon any matters within their juris-
104 diction, summons witnesses and administer to them oaths,
105 and may require the production of books and papers, and
106 such witnesses shall be summoned in the same manner,
107 be paid the same fees and be subject to the same penalties
108 for default as witnesses before the supreme judicial court.
109 A summons may be signed and an oath may be admin-
110 istered by any member of such board.

‘In case any such objection is filed, notice thereof shall,
112 by the secretary of State, or the city clerk, as the case may
113 be, be forthwith mailed to the candidates affected thereby,
114 addressed to their residences as given in the certificates
115 of nomination or nomination papers, and to any political
116 party or committee known to the secretary of State or city
117 clerk, as the case may be, as especially interested in the
118 nomination to which objection is made.

‘Whenever a greater number of candidates, bearing the
120 same political or other designation, are nominated for an
121 office than there are persons to be elected to such office,
122 the boards charged as above with considering objections
123 to such nomination, shall determine which of the candi-
124 dates, if any, are entitled to such designation.’

Amend section ten by striking out the word “after” in the
126 twenty-first line and inserting in place thereof the word
127 ‘under;’ also by striking out the word “insert” in the
128 twenty-second line and inserting in place thereof the words
129 ‘write or mark,’ so that said section as amended shall read
130 as follows:

‘Section 10. Every general ballot, or ballot intended for
132 the use of all voters, which shall be printed in accordance

133 with the provisions of this act, shall contain the names
134 and residences, ward residences in city election, of all can-
135 didates whose nominations for any office specified in the
136 ballot have been duly made and not withdrawn in accord-
137 ance herewith, and the office for which they have been
138 severally nominated and shall contain no other names
139 except that in case of electors of president and vice presi-
140 dent of the United States, the names of the candidates for
141 president and vice president may be added to the party
142 or political designation. The names of candidates nom-
143 inated by any party shall be grouped together upon the
144 ballot. Above each group shall be placed the name of
145 the political party by which the candidates comprising
146 such group were placed in nomination, or by the politi-
147 cal designation as described in the certificate of nomina-
148 tion, or nomination papers under a square. If only one
149 person be nominated by any party, or under any political
150 designation, his name with the office for which he is a
151 candidate shall be printed by itself under the name of such
152 party or political designation. A blank space shall be
153 left under the names of the candidates for each different
154 office in which the voter may write the name of any per-
155 son, for whom he desires to vote as candidate for such
156 office. Whenever the approval of a constitutional amend-
157 ment or other question is submitted to the vote of the
158 people, such question shall be printed upon the ballot after
159 the list of candidates. The ballots shall be so printed as
160 to leave a blank space, above such amendment or ques-
161 tion so as to give to each voter a clear opportunity to
162 designate by a cross mark (X) therein, his answers to the
163 questions submitted and on the ballot may be printed such

164 words as will aid the voter to do this as 'yes,' 'no,' and the
165 like.

The ballot shall be not less than four inches in width and
167 not less than six inches in length. Before distribution
168 the ballots shall be so folded in marked creases that their
169 width and length when folded shall be uniform. On the
170 back and outside, when folded, shall be printed "Official
171 Ballot for," followed by the designation of the polling
172 place for which the ballot is prepared, the date of the
173 election and a fac-simile of the signature of the secretary
174 of State or city clerk who has caused the ballot to be
175 printed. Except as otherwise herein provided, ballots
176 shall be printed in accordance with the existing provisions
177 of law.'

Amend section twenty-four by striking out the word "fill"
179 in the eleventh line and inserting in place thereof the
180 word 'write,' so that said section, as amended, shall read
181 as follows:

'Section 24. On receipt of his ballot the voter shall forth-
183 with, and without leaving the enclosed space, retire alone
184 to one of the voting shelves or compartments so provided
185 and shall prepare his ballot by marking in the appropriate
186 margin or place, a cross (X) as follows: He may place
187 such mark within the square above the name of the party
188 group or ticket, in which case he shall be deemed to have
189 voted for all the persons named in the group under such
190 party or designation. And if the voter shall desire to
191 vote for any person or persons, whose name or names are
192 not printed as candidates on the party group or ticket, he
193 may erase any name or names which are printed on the
194 group or party ticket, and under the name or names so

195 erased he may write in the name or names of the candi-
196 dates of his choice. Or if the voter does not desire to
197 vote for a person or persons whose name or names are
198 printed upon the party group or ticket, he may erase such
199 name or names with the effect that the ballot shall not be
200 counted for the candidate or candidates whose names are
201 so erased. In case of a question submitted to the vote
202 of the people he shall place such mark in the appropriate
203 margin above the answer which he desires to give.
204 Before leaving the voting shelf or compartment, the voter
205 shall fold his ballot without displaying the marks thereon,
206 in the same way it was folded when received by him, and
207 he shall keep the same so folded until he has voted. He
208 shall vote in the manner now provided by law before
209 leaving the enclosed space, and shall deposit his ballot in
210 the box with the official endorsement uppermost. He
211 shall mark and deposit his ballot without undue delay and
212 shall quit said enclosed space as soon as he has voted. No
213 such voter shall be allowed to occupy a voting shelf or
214 compartment already occupied by another, nor to remain
215 within said enclosed space more than ten minutes, nor to
216 occupy a voting shelf or compartment for more than five
217 minutes in case all of such shelves or compartments are
218 in use, and other voters are waiting to occupy the same.
219 No voter not an election officer nor an election clerk,
220 whose name has been checked on the list of the ballot
221 clerks, shall be allowed to re-enter said enclosed space
222 during said election. It shall be the duty of the presiding
223 election officer or officers, for the time being, to secure the
224 observance of the provisions of this section.'

Add the following sections after section thirty-three of the
226 bill as amended:

‘Section 34. The Ballot Law Commission shall consist of
228 the secretary of State, who shall be chairman, the attorney
229 general, and three other persons who shall be appointed
230 from different political parties by the governor with the
231 consent of the council, biennially in the month of June,
232 commencing June, 1897, and shall hold office for terms of
233 two years, beginning August first, 1897. Any vacancy
234 occurring in the number of the three members so appointed
235 shall be filled in like manner for the remainder of the unex-
236 pired term.’

‘Section 35. The Ballot Law Commission may summon
238 witnesses, and may administer to them oaths, and may
239 require the production of books and papers at a hearing
240 before them upon any matter within their jurisdiction.

‘Witnesses shall be summoned in the same manner, be
242 paid the same fees, and be subject to the same penalties
243 for default, as witnesses summoned before the supreme
244 judicial court. A summons may be signed and an oath
245 may be administered by any member of the said board.’

Section 36. The decision of a majority of the members of
247 the board, upon any matter within its jurisdiction shall be
248 final and conclusive.’

‘Section 37. The appointed members of the Ballot Law
250 Commission shall be paid such compensation for their
251 services, not exceeding two hundred dollars each, as the
252 governor and council may determine, and the total expend-
253 itures on account of said commission shall not exceed the
254 sum of six hundred dollars in any one year.’

STATE OF MAINE.

IN SENATE, March 15, 1897.

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

KENDALL M. DUNBAR, *Secretary*.