

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 260

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*House of Representatives, Feb. 18, 1913.*

*Tabled pending reference to a committee, by Mr. Smith of  
Auburn, and ordered printed.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTEEN.

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AN ACT to repeal "An Act to provide for the use of uniform  
ballot boxes and for the preservation of ballots cast at elec-  
tions," and to provide for returns from said elections.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Chapter one of the Public Laws passed at the  
2 special session of the Legislature in 1912, entitled "An Act  
3 to provide for the use of uniform ballot boxes and for the  
4 preservation of ballots cast at elections," is hereby repealed.

Sect. 2. Chapter six of the Revised Statutes of the State  
2 of Maine is hereby amended by adding the following section:

'Sect. 25. No person shall take or remove any ballot from  
4 the polling place before the close of the polls. If any voter

5 spoils a ballot he may successively obtain others, one at a  
6 time, not exceeding three in all, upon returning each spoiled  
7 one. The ballots thus returned shall be immediately can-  
8 celed, and together with those not distributed to the voters,  
9 shall be preserved, and with the check lists used, which shall  
10 be certified by the ballot clerks, to be such, shall be secured,  
11 sealed, and sent to the several city, town and plantation  
12 clerks, and by them be preserved for six months, as a public  
13 record. The ballots shall be sorted and counted in open  
14 town or ward meeting in such manner as to afford the elect-  
15 ors ample opportunity to observe the sorting and counting;  
16 and when the ballots have been sorted and counted and the  
17 result declared and recorded, all the ballots shall, in open  
18 meeting, be sealed in a package which said package together  
19 with the checks lists sealed in the same manner as the bal-  
20 lots, shall forthwith be returned to the city, town or plan-  
21 tation clerk, to be preserved by him as a public record, for  
22 six months, and any warden, ballot clerk, city or town clerk  
23 or other person who shall abstract from or in any manner  
24 tamper with said packages, or who shall in any manner ab-  
25 stract from or tamper with the unused ballots, shall be pun-  
26 ished by a fine not less than two hundred, nor more than  
27 one thousand dollars, or by imprisonment for not less than  
28 ninety days nor more than two years.'

Sect. 3. Chapter six of the Revised Statutes of the State  
2 of Maine is hereby amended by adding the following section :

'Sect. 42. Clerks of towns shall preserve the checks lists

4 used at the September elections, for one year without alter-  
5 ation, and shall furnish to any person a certified copy there-  
6 of within twenty days after demand and payment or tender  
7 of the legal charges therefor, under the penalty provided in  
8 section seventy-eight.'

Sect. 4. Chapter six of the Revised Statutes of the State  
2 of Maine is hereby amended by adding the following section :

'Sect. 54. The clerk of each town shall cause to be de-  
4 livered at the office of the secretary of state, the returns of  
5 votes given in his town, for governor, senators, representa-  
6 tives to the legislature, representatives to congress, electors  
7 of president and vice-president of the United States, and  
8 for county officers, within thirty days next succeeding any  
9 meeting for their election, or shall deposit them, postpaid,  
10 in some post-office, directed to the secretary of state, within  
11 fourteen days after such meeting, to be transmitted by mail ;  
12 and shall also forward to such office, as soon as practicable,  
13 a statement attested by him of the number of votes for said  
14 several officers, given at such election in his town, which  
15 shall be opened and filed by the secretary, and kept for pub-  
16 lic examination.'

Sect. 5. Chapter six of the Revised Statutes of the State  
2 of Maine is hereby amended by adding the following section :

'Sect. 59. The governor and council, by the first day of  
4 December in each year in which an election is held, shall  
5 open and compare the votes so returned, and have the same  
6 tabulated, and may receive testimony on oath to prove that

7 the return from any town does not agree with the record of  
8 the vote of such town in the number of votes, or the names  
9 of the persons voted for, and to prove which of them is  
10 correct; and the return, when found erroneous, may be cor-  
11 rected by the record. No such correction can be made with-  
12 out application within twenty days after the returns are  
13 opened and tabulated, stating the error alleged, nor without  
14 reasonable notice thereof given to the person affected by  
15 such correction, and during said twenty days any person  
16 voted for, may personally, and by or with counsel, examine  
17 said returns in presence of the governor and council, or  
18 either of them, or any member of the council. The persons  
19 having the highest number of votes, not exceeding the num-  
20 ber to be chosen, shall be declared elected; and they shall  
21 be notified thereof by the secretary of state, and enter upon  
22 the discharge of official duties on the first day of January  
23 thereafter. If a number of persons, exceeding the number  
24 to be chosen, receive an equal number of votes, no one is  
25 elected. To ascertain what persons have received the high-  
26 est number of votes, the governor and council shall count  
27 and declare for any person all votes appearing by said re-  
28 turns to have been intentionally cast for him, although his  
29 name upon the return is misspelled or written with only the  
30 initial or initials of his Christian name or names; and they  
31 may hear testimony upon oath, in relation to such returns,  
32 in order to get at the intention of the electors, and shall de-  
33 cide accordingly. This section shall be applied in deter-

34 mining the election of all county officers, and, so far as it  
35 relates to the examination and correction of returns, it shall  
36 be applied in determining the election of representatives to  
37 congress, members of the legislature, and presidential elect-  
38 ors. When a return is defective by reason of any infor-  
39 mality, an attested copy of the record may be substituted  
40 therefor.'

Sect. 6. The use of the ballot boxes now owned by the  
2 state, is hereby given to the respective cities, towns and plan-  
3 tations now having the said boxes, on condition that said  
4 cities, towns and plantations keep them in proper repair.