

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 11

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*In Senate, Jan. 18, 1917.*

*Referred to committee on Legal Affairs and one thousand copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Higgins of Penobscot.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to authorize voters absent from the city, town and plantation in which they are qualified to vote, to vote therein by having their ballot delivered by mail to the city, town or plantation clerk on election day and to regulate such manner of voting.

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

Section 1. The secretary of state, in addition to the  
2 ballots now required to be sent to the several city, town and  
3 plantation clerks, shall prepare and transmit to such clerk  
4 so that it shall be received by him not less than six days  
5 prior to any general state or federal election a package of

6 not less than ten per cent. of the total number of ballots  
7 now provided by law to be sent to such city, town or planta-  
8 tion clerk. The ballots so sent shall be sealed and have  
9 stamped, printed or written on the outside of the cover  
10 thereof the words "Ballots for Absent Voters." Said pack-  
11 age shall also have thereon the certificate of the Secretary  
12 of State setting forth the exact number of ballots said  
13 package contains and the Secretary of State shall keep a  
14 record thereof.

Sect. 2. The seal on said package shall not be broken by the  
2 city, town or plantation clerk to whom the same is sent,  
3 except for the purpose of sending or actually delivering a  
4 ballot to some person properly applying therefor. Said city,  
5 town or plantation clerk, upon breaking the seal and opening  
6 the package of ballots so received, shall count the same and  
7 enter the number so received upon a book which he shall  
8 keep as a public record for that purpose. In said book shall  
9 also be kept a record of the names and addresses of all  
10 persons applying for such ballots and the time when such  
11 ballots are mailed or delivered to the applicant. In such  
12 book shall also be kept a record of the time including the  
13 hour and minute of the receipt of any envelope supposed to  
14 inclose an absent voter's ballot.

Sect. 3. Any person entitled and duly qualified to vote  
2 in any city, town or plantation in this state at any general  
3 state or presidential election who is absent from such city,  
4 town or plantation on the day such general election is held

5 may vote therein by delivering his ballot in person prior to  
 6 election day or by having his ballot delivered by mail to the  
 6 city, town or plantation clerk as the case may be, and by  
 7 said clerk deposited in the ballot box of the proper voting  
 8 place, ward or precinct thereof before the polls are closed  
 9 as required by law, by complying with the provisions of this  
 10 act.

Sect. 4. A person entitled and duly qualified to vote in  
 2 any city, town or plantation at any such general election  
 3 may, not more than thirty nor less than three days before  
 4 the day of the holding of such election make application in  
 5 writing subscribed by him to said city, town or plantation  
 6 clerk for a ballot or ballots to be delivered to him for the  
 7 purpose of absent voting which application shall be on a  
 8 blank furnished him by such city, town or plantation clerk  
 9 and in form as follows:

#### APPLICATION FOR BALLOTS.

(TOWNS.)

The undersigned, a person entitled and duly qualified to  
 2 vote in the town of ..... in the county of  
 3 ..... and State of Maine, residing at  
 4 ..... and who will be absent from said town  
 5 on the day of election, hereby makes application for the  
 6 ballot or ballots to be voted upon in said election in said  
 7 town at the next general election. Please deliver to me in

8 person or mail said ballots and accompanying envelopes to  
9 me at .....

10 .....

11 (Here insert postoffice address to which ballots are to be  
12 sent.)

13 .....

14 (Signature of applicant.)

If the applicant for ballots is a resident of any city or town  
2 in this state divided into wards, precincts or polling places  
3 said application shall be in form as follows:

APPLICATION FOR BALLOTS.

(CITIES.)

The undersigned, a person entitled and duly qualified to  
2 vote in ward, precinct or polling place .....

3 in the city of ..... in the county of.....

4 ..... State of Maine, residing at .....

5 .....

6 (Here insert street and number to which ballots are to be  
7 mailed.)

8 and who will be absent from said town on the day of elec-  
9 tion, hereby make application for the ballot or ballots to be  
10 voted upon in said election ward, precinct or polling place at  
11 the next general election. Please deliver to me in person or

12 mail to me at .....

13 .....

14 (Here insert postoffice address to which ballots are to be

15 sent.)

16 Dated ....., 19.....

17 .....

18 Signature of applicant.)

Sect. 5. Upon receipt of such application or as soon  
 2 thereafter as may be, the city, town or plantation clerk shall  
 3 ascertain if such applicant is or probably will be a duly  
 4 qualified voter and entitled to vote at such general election  
 5 in said city, town or plantation, and if so found, said clerk  
 6 as soon thereafter as the ballots to be used at such general  
 7 election are delivered to him, shall deliver to such applicant  
 8 in person or by mail, postage prepaid, as hereinafter pro-  
 9 vided, directed to the address given in the application, one  
 10 each of the ballots to be used at such general election, one  
 11 "Voters Certificate," one "Ballot Envelope" and one  
 12 "Return Envelope" hereinafter described, and shall there-  
 13 upon endorse upon the back of such application in the  
 14 following form:

This is to certify that the ballot or ballots, one Voters  
 2 Certificate, one Ballot Envelope, and one Return Enve-  
 3 lope, all of which are hereinafter described, were mailed  
 4 (or delivered in person) as according to the foregoing ap-  
 5 plication, this.....day of.....191..

6 .....

7 (City Clerk)



3 tion the proper postoffice address shall be printed or writ-  
4 ten on said envelope. Such clerk may vary such form for  
5 addressing the return envelope as the facts may require,  
6 but shall adopt such form of address and place as will best  
7 insure the prompt delivery of such envelope and contents  
8 on or before election day.

Sect. 8. The said city, town or plantation clerk shall also  
2 affix to said return envelope postage stamps sufficient in  
3 amount to pay the postage on said "Return Envelope," after  
4 the Ballot, Ballot Envelope and voter's certificate herein  
5 prescribed have been enclosed therein, from any postoffice  
6 within the territorial limits of the United States, to the  
7 place to which it is addressed. He shall also place thereon  
8 a ten-cent Special Delivery stamp, or if a Special Delivery  
9 stamp be not obtainable, additional postage stamps aggre-  
10 gating in amount to ten cents, in which latter case he shall  
11 also write or stamp on the address side of such envelope  
12 in a conspicuous place the words "Special Delivery."

Whenever said applicant sets out in his application for  
2 ballots a postoffice address in the Dominion of Canada to  
3 which said ballots are to be sent the fee to be paid to the  
4 city, town or plantation clerk shall be the sum of thirty-  
5 eight cents and said clerk shall not place on the return en-  
6 velope a postage stamp or a special delivery stamp as other-  
7 wise required.

Sect. 9. The said city, town or plantation clerk shall also  
2 furnish to the applicant with the ballot a voter's certificate,



3 which shall be substantially in the following form, where  
4 the applicant is a resident of a city divided into wards or  
5 precincts.

VOTERS CERTIFICATE

“The undersigned hereby certifies that he is a qualified and  
2 duly registered voter and entitled to vote in ward, precinct  
3 or voting place.....of the city of.....,  
4 that the ballot or ballots inclosed in the ballot envelope was  
5 exhibited by me to the attesting witness named below before  
6 the same was marked by me and that thereafter I marked  
7 the same in the presence of said witness, but in such a way  
8 that neither he or any other person could see or learn for  
9 what candidate I voted; that thereupon in his presence I  
10 folded said ballot or ballots without showing the same to  
11 any person and enclosed the same in the ‘Ballot Envelope.’

12 Dated at ..... this  
13 ..... day of ..... 19...  
14 .....

15 Voter.

CERTIFICATE OF ATTESTING WITNESS.

“I certify that I have read the foregoing certificate and  
2 know the contents thereof and that the same is true.

3 Dated at ..... this  
4 ..... day of ..... 19...  
5 .....

6 Attesting Witness.

Sect. 10. The "Return Envelope" shall be so made as to  
 2 open on the left hand end and the certificate hereinafter set  
 3 forth shall be printed on the right hand three-fourths of  
 4 the back of said envelope, and shall be in substantially the  
 5 following form, to-wit:

"This is to certify that ..... after marking  
 2 and enveloping the inclosed ballots so set forth in the en-  
 3 closed certificate by me attested, enclosed the said Ballot  
 4 Envelope in this Return Envelope in my presence without  
 5 opening the said ballot envelope or permitting me or any  
 6 other person to know or learn how he had voted as to any  
 7 candidate or proposition and that this Return Envelope was  
 8 sealed in my presence at .....

Dated this ..... day of ..... 19....

10 .....  
 11

Attesting Witness.

Sect. 11. On the front side of the "Return Envelope"  
 2 shall be printed or written, clear and legible, the words  
 3 "Return to ..... at ....."

4 Name of Voter

5 .....

6 P. O. Address.

Sect. 12. After having complied with all the foregoing  
 2 requirements in the preparation of his ballot and the certi-  
 3 ficate the voter may deliver in person said "Return Enve-  
 4 lope" to the city clerk not later than twelve hours before  
 5 the opening of the polls at such general election, or may at

6 such time as will insure its delivery to the city, town or  
7 plantation clerk in season for the same to be placed in the  
8 ballot box, deposit said return envelope in a post office,  
9 government mail box, or railway mail car in transit.

Sect. 13. Printed on the back of the Voters Certificate  
2 shall be the following directions to voters, to-wit:

#### DIRECTIONS TO VOTERS.

(A) You may mark and mail your ballot at any place  
2 within the United States, or the Dominion of Canada.

(B) The ballot must be marked and sealed in the "Ballot  
2 Envelope" in the presence of an attesting witness, but in  
3 such manner as to prevent such witness or any other per-  
4 son from knowing or learning how you have voted as to  
5 any candidate or proposition.

(C) After marking and enclosing ballot in the Ballot En-  
2 velope you and attesting witness must each sign your re-  
3 spective names to the "Voters Certificate."

(D) Do not put "Voters Certificate" in "Ballot Enve-  
2 lope" but enclose same in "Return Envelope."

(E) Enclose "Ballot Envelope" and "Voters Certificate"  
2 in "Return Envelope," seal the latter, having the attesting  
3 witness sign certificate on back of "Return Envelope" and  
4 then deposit same in the post office or government mail box  
5 or railway mail car.

(F) The ballot may be marked and mailed at any time  
2 after you receive it from the city, town or plantation clerk;  
3 it should however, be marked and mailed so as to arrive at

4 your voting place on or before election day. If not there  
5 by that day before the polls close it will not be counted.

(G) The attesting witness who signs the “Voters Certi-  
2 ficate” must also sign the certificate on the back of the “Re-  
3 turn Envelope.”

(H) Fold each ballot separately before placing in “Bal-  
2 lot Envelope,” fold so that cross marks can not be seen  
3 without unfolding, but so that facsimile signature of Sec-  
4 retary of State, appearing on the back of the ballot, can be  
5 seen without unfolding the ballot.

Sect. 14. The city, town or plantation clerk shall upon  
2 the receipt of such return envelope indorse thereon the hour  
3 and minute of such delivery and shall make a record of  
4 all such envelopes so received and on election day after the  
5 polls are opened and before they are closed, either by him-  
6 self, his deputy or some person by him duly authorized,  
7 convey in person to the polls or places for voting, and shall  
8 appear before the election office of such voting place and  
9 shall show to the election officers the certificate on said  
10 return envelope and shall give the name of the absent voter  
11 whose vote he wishes to cast to one of the ballot clerks,  
12 who shall thereupon announce in a loud and distinct tone  
13 of voice, clear and audible, and thereafterwards the words,  
14 “absent voter” and if such name is found upon the check  
15 list by the ballot clerk having charge thereof he shall like-  
16 wise repeat said name and thereupon said city, town or  
17 plantation clerk or person by him duly authorized shall break

18 the seal upon said return envelope and shall take therefrom  
19 the envelope marked "Ballot Envelope." Thereupon such  
20 city, town or plantation clerk shall break the seal on said  
21 ballot envelope and without unfolding said ballot or exam-  
22 ining it himself or exposing it to the view of any person so  
23 as to show the way said ballot is marked shall deposit the  
24 ballot in the ballot box with the other ballots.

Sect. 15. The city, town or plantation clerk shall cause  
2 to be prepared and printed at the expense of said city, town  
3 or plantation, for use at any general state or federal elec-  
4 tion a sufficient number of ballot envelopes, return enve-  
5 lopes, and voters certificates printed in such form as to  
6 comply with the provisions of this act.

Sect. 16. It shall be unlawful for any person after re-  
2 ceiving an absent voter's ballot, upon application filed as  
3 herein provided, to use said ballot for any other purpose  
4 than specified in this act, or deliver or furnish said ballot  
5 to any other persons.

Whoever violates this section shall, upon conviction there-  
2 of, be punished by fine of \$50 and costs of prosecution and  
3 in addition thereto by imprisonment of thirty days in jail.

Any city, town or plantation clerk who conceals any appli-  
2 cation by him received, fails to promptly deliver the ballots  
3 and envelopes to any applicant entitled to receive the same,  
4 conceals or withholds any ballot by him received in time  
5 for depositing the same, or fails to deposit said ballot in

6 the appropriate voting place according to the provisions of  
7 this act shall, upon conviction thereof, be punished by a  
8 fine of \$100 and in addition thereto by imprisonment of  
9 sixty days in jail.