

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 318

House of Representatives, March 17, 1921.

Reported by Mr. Murchie from Committee on Judiciary and
ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT Authorizing Towns to Elect Certain Municipal
Officers by Secret Ballot.

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

Section 1. Any town in Maine may, at any legal meeting
2 called by a warrant containing an article for the purpose,
3 accept the provisions of this act and when so accepted, all
4 elections for town officers now required by law to be chosen
5 by ballot, shall thereafter be in accordance with the provi-
6 sions herein provided, except the moderator, who shall be
7 chosen as now provided by law.

Sect. 2. When any town so accepts the provisions of
2 this act it shall at the same time or meeting determine what

3 officers, if any, not now required by law to be chosen by
4 ballot, shall be chosen in the manner herein provided. All
5 such matters shall be stated in the warrant calling such
6 meeting. No change shall be thereafter made in the officers
7 to be chosen by ballot or in the number or terms thereof
8 except at a meeting held at least thirty days before any
9 annual town election.

Sect. 3. All warrants for town meetings for the election
2 of officers as herein provided shall specify the time of open-
3 ing the polls and the time when the same may be closed;
4 but the polls shall be kept open at least four hours, and
5 the method of voting shall be as in gubernatorial elections.

Sect. 4. Nominations for candidates may be made at a
2 caucus, or by nomination papers signed in the aggregate
3 for each candidate by qualified voters of said town not less
4 in number than one for every fifty voters, who have reg-
5 istered for the last preceding state election in said town;
6 but the voters so signing shall in no case be less than twenty-
7 five in number. Each voter signing such nomination paper
8 shall add to his signature his place of residence with the
9 street and number thereof, if any; and each voter may sub-
10 scribe to as many nomination papers for each office as there
11 are members to be elected thereto and no more.

Sect. 5. All certificates of caucus nominations shall be
2 signed by the chairman and secretary of the caucus. Such
3 certificates and nomination papers shall, besides containing
4 the names of candidates, specify as to each candidate the
5 office for which he is nominated.

Sect. 6. Certificates of nomination shall be filed with
2 the town clerk of said town at least eight days previous to
3 the day of election, and nomination papers shall be so filed
4 at least six days previous to the day of election. The cer-
5 tificates of nomination and nomination papers being so filed,
6 and being in conformity with the provisions of this act,
7 shall be deemed to be valid unless objection thereto is duly
8 made in writing. Such objections or questions arising in
9 the case of nominations shall be considered by the select-
10 men of said town, and the decision of a majority of the
11 selectmen shall be final. In case such objection is made,
12 notice shall forthwith be delivered to the candidates af-
13 fected thereby. All certificates of nomination and nomina-
14 tion papers when filed shall be open under proper regulations
15 to public inspection, and the town clerk shall preserve the
16 same in his office for not less than one year.

Sect. 7. All ballots for use in such elections shall be pre-
2 pared by the town clerk. Every general ballot, or ballot
3 intended for the use of all voters, which shall be printed
4 in accordance with the provisions of this act, shall contain
5 the names of all candidates whose nominations for any of-
6 fices specified in the ballot have been duly made, and shall
7 contain no other names. The names of candidates for each
8 office shall be arranged under the designation of the office
9 in alphabetical order according to surnames, but candidates
10 for selectmen, assessors and overseers of the poor respective-
11 ly, shall be named, and designated in the ballot, in as many
12 groups as the town shall by vote have determined there

13 are to be individuals on any such board. Previous to bal-
14 loting the voters may determine by majority whether to
15 elect three, five or seven selectmen, assessors or overseers
16 of the poor respectively. Without such determination three
17 shall be elected. The three (or if so determined five or
18 seven) having the largest number of votes shall be declared
19 elected. There shall be left at the end of the list of candi-
20 dates for each different office as many blank spaces as there
21 are persons to be elected to such office, in which the voter
22 may insert the name of any person not printed on the ballot
23 for whom he desires to vote as candidate to such office.
24 Whenever any question is submitted to the vote of the peo-
25 ple of the town, in accordance with a statute providing for
26 such submission, such question shall be printed upon the bal-
27 lot after the list of candidates. The ballots shall be so
28 printed as to give each voter a clear opportunity to desig-
29 nate by a cross mark (X) in a square at the right of the
30 name and designation of each candidate, his choice of can-
31 didates and his answer to the question submitted, and in
32 the ballot may be printed such words as will aid the voter
33 to do this, as "vote for one," "vote for three," "yes," "no,"
34 and the like. Before distribution the ballots shall be so
35 folded in marked creases as to measure when folded not
36 less than four and one-half nor more than five inches in
37 width and not less than six nor more than thirteen and one-
38 half inches in length. On the back and outside, when folded,
39 shall be printed "Official Ballot for the Town of,"

40 and the date of election, and the signature or facsimile of
41 the signature of the town clerk.

Sect. 8. All ballots when printed shall be folded as here-
2 inbefore provided and fastened together in convenient num-
3 bers in packages, books or blocks, in such manner that each
4 ballot may be detached and removed separately. A record
5 of the number of ballots printed and furnished shall be kept
6 and preserved by the town clerk.

Sect. 9. There shall be provided for every such election
2 such general ballots, of not less than seventy-five for each
3 fifty and fraction of fifty registered voters therein.

Sect. 10. The town clerk shall provide full instructions
2 for the guidance of voters at such elections, as to obtain-
3 ing ballots, as to the manner of marking them, and the
4 method of obtaining assistance, and as to obtaining new
5 ballots in place of those accidentally spoiled; and shall cause
6 the same, together with copies of sections twenty, twenty-
7 one, ninety-two and ninety-three of chapter seven of the
8 revised statutes and any amendments thereof, to be printed
9 in clear type, on separate cards, to be called cards of in-
10 struction. He shall also cause to be printed on tinted paper,
11 and without the endorsements, ten or more copies of the
12 form of the ballot provided for such election, which shall
13 be called specimen ballots, and shall be furnished with the
14 other ballots provided therefor.

Sect. 11. At least four days prior to the election, the town
2 clerk shall cause to be conspicuously posted in one or more

3 public places a printed list containing the names and resi-
4 dences of all candidates to be voted for in such town, and
5 any designation as provided in section five, substantially in
6 the form of a general ballot to be so used therein.

Sect. 12. The ballots, together with the specimen ballots
2 and cards of instruction printed by the town clerk as herein
3 provided, shall be packed by him in sealed packages, with
4 marks on the outside designating the number of ballots of
5 each kind enclosed.

Sect. 13. Before the opening of the polls the selectmen
2 shall appoint the necessary number of ballot clerks, and in
3 case of vacancies after the opening of the polls the moderator
4 shall fill the same. The ballot clerks shall be sworn and
5 have charge of the ballots and shall furnish them to the
6 voters in the manner hereinafter provided.

Sect. 14. The town clerk shall, before the opening of the
2 polls on the day of election, deliver the ballots to the ballot
3 clerks, who shall receipt therefor, which receipt shall be
4 kept in the clerk's office. Before the opening of the polls
5 the town clerk shall cause the cards of instructions to be
6 posted at or in each voting shelf or compartment provided
7 for the marking of the ballots, and not less than three such
8 cards and not less than five specimen ballots to be posted
9 in or about the polling room, outside the guard rails. No
10 ballots prepared under this act shall be delivered to voters
11 until the moderator and town clerk shall have been chosen
12 in the manner now provided by law. A duplicate list of the

13 qualified voters shall be prepared for the use of the ballot
14 clerks, and all provisions of law relative to the preparation,
15 furnishing, use and preservation of check lists shall apply
16 to such duplicate lists.

Sect. 15. Except as herein provided, the election shall be
2 conducted as now provided by law. All officers voted for
3 in the manner as herein provided shall be elected by a plural-
4 ity vote. In case of failure to elect any officer or officers
5 so voted for by reason of a tie vote, the meeting shall be
6 adjourned to a day certain, when such officer or officers
7 shall be chosen as herein provided.