

# MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

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SENATE

NO. 1

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In Senate, Jan. 11, 1921.

Referred to Committee on Judiciary and sent down for concurrence. Five hundred copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Senator Garcelon of Androscoggin.

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STATE OF MAINE

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

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RESOLVE, Proposing an Amendment to Section Five, Article  
Four, Part First, of the Constitution, as Amended by the  
Twenty-third Amendment, Relative to Absent Voting.

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Resolved: Two-thirds of the legislature concurring, that  
2 the following amendment to the constitution of the state  
3 of Maine be proposed:

Section five, article four, part first, of the constitution of  
2 Maine as amended by the twenty-third amendment, is hereby  
3 further amended by striking out the word "present" in the  
4 fifth and thirty-fourth lines thereof, so that said section as  
5 amended shall read as follows:

'Sect. 5. The meetings within this state for the choice

2 of representatives shall be warned in due course of law  
3 by the selectmen of the several towns seven days at least  
4 before the election, and the selectmen thereof shall preside  
5 impartially at such meetings, receive the votes of all the  
6 qualified electors, sort, count and declare them in open town  
7 meeting, and in the presence of the town clerk, who shall  
8 form a list of the persons voted for, with the number of  
9 votes for each person against his name, shall make a fair  
10 record thereof in the presence of the selectmen and in open  
11 town meeting. And the towns and plantations organized  
12 by law, belonging to any class herein provided, shall hold  
13 their meetings at the same time in the respective towns and  
14 plantations; and the town and plantation meetings in such  
15 towns and plantations shall be notified, held and regulated,  
16 the votes received, sorted, counted and declared in the same  
17 manner. And the assessors and clerks of plantations shall  
18 have all the powers, and be subject to all the duties, which  
19 selectmen and town clerks have, and are subject to by this  
20 constitution. And fair copies of the lists of votes shall  
21 be attested by the selectmen and town clerks of towns, and  
22 the assessors of plantations, and sealed up in open town and  
23 plantation meetings; and the town and plantation clerks  
24 respectively shall cause the same to be delivered into the  
25 secretary's office thirty days at least before the first Wednes-  
26 day of January biennially. And the governor and council  
27 shall examine the returned copies of such lists, and also all  
28 lists of votes of citizens in the military service, returned to

29 the secretary's office, as provided in article second, section  
30 four, of this constitution; and twenty days before the said  
31 first Wednesday of January, biennially, shall issue a sum-  
32 mons to such persons as shall appear to be elected by a  
33 plurality of all the votes returned, to attend and take their  
34 seats. But all such lists shall be laid before the house of  
35 representatives on the first Wednesday of January bien-  
36 nially, and they shall finally determine who are elected. The  
37 electors resident in any city may, at any meeting duly noti-  
38 fied for the choice of representatives, vote for such repre-  
39 sentatives in their respective ward meetings, and the wardens  
40 in said wards shall preside impartially at such meetings,  
41 receive the votes of all qualified electors, sort, count and  
42 declare them in open ward meetings, and in the presence  
43 of the ward clerk, who shall form a list of the persons  
44 voted for, with the number of votes for each person against  
45 his name, shall make a fair record thereof in the presence  
46 of the warden, and in open ward meetings; and a fair copy  
47 of this list shall be attested by the warden and ward clerk,  
48 sealed up in open ward meeting, and delivered to the city  
49 clerk within twenty-four hours after the close of the polls.  
50 And the electors resident in any city may at any meetings  
51 duly notified and holden for the choice of any other civil  
52 officers for whom they have been required heretofore to  
53 vote in town meeting, vote for such officers in their re-  
54 spective wards, and the same proceedings shall be had by  
55 the warden and ward clerk in each ward, as in the case of

56 votes for representatives. And the aldermen of any city  
57 shall be in session within twenty-four hours after the close  
58 of the polls in such meetings, and in the presence of the  
59 city clerk shall open, examine and compare the copies from  
60 the lists of votes given in the several wards, of which the  
61 city clerk shall make a record, and return thereof shall be  
62 made into the secretary of state's office in the same manner  
63 as selectmen of towns are required to do.'

Resolved, That the aldermen of cities, the selectmen of  
2 towns, and the assessors of the several plantations in this  
3 state are hereby empowered and directed to notify the in-  
4 habitants of their respective cities, towns and plantations  
5 in the manner prescribed by law, at the next biennial meet-  
6 ings in the month of September, to give in their votes upon  
7 the amendment proposed in the foregoing resolution, and  
8 the question shall be: "Shall the constitution be amended  
9 as proposed by a resolution of the legislature allowing voters  
10 absent from voting districts on the day of election, to vote?"

And the inhabitants of said cities, towns and plantations  
2 shall vote by ballot on said question, those in favor of the  
3 amendment expressing it by the word "Yes" upon their  
4 ballots and those opposed to the amendment by the word  
5 "No" upon their ballots, and the ballots shall be received,  
6 sorted, counted, and declared in open ward, town and plan-  
7 tation meetings, and returns made to the office of the secre-  
8 tary of state in the same manner as votes for governor and  
9 members of the legislature, and the governor and council

10 shall count the same, and if it shall appear that a majority  
11 of the inhabitants voting on the question are in favor of  
12 the amendment, it shall thereupon become a part of the  
13 constitution, and the governor shall forthwith make known  
14 the fact by his proclamation.

Resolved, That the secretary of state shall prepare and  
2 furnish to the several cities, towns and plantations ballots  
3 and blank returns in conformity with the foregoing resolves  
4 accompanied by a copy thereof.