

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 47

In Senate, Feb. 6, 1923.

On motion by Mr. Hinckley, laid on table pending reference to Committee on Legal Affairs in concurrence, and five hundred copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Mr. Jones of South Portland.

STATE OF MAINE

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

AN ACT to Amend Chapter Seven of the Revised Statutes of Nineteen Hundred Sixteen, as Amended by the Public Laws of Nineteen Hundred Seventeen, Relating to Elections, Ballot Boxes in Particular, by Revising Sections Thirty-one, Thirty-two, Thirty-three, and Thirty-four.

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

Chapter seven of the revised statutes of nineteen hundred
2 sixteen, as amended by the public laws of nineteen hundred
3 seventeen, relating to elections, ballot boxes in particular,
4 is hereby further amended by striking out sections thirty-
5 one, thirty-two, thirty-three, and thirty-four, and inserting

6 in place thereof the following sections under the same num-
7 bers:

‘Sect. 31. The secretary of state shall provide a state
2 ballot box for use at every polling place in every city, town
3 and plantation. State ballot boxes shall be of uniform de-
4 sign and shall be supplied at the expense of each city, town
5 and plantation, each ballot box shall have sufficient locks
6 and keys, and shall contain mechanical devices for receiving,
7 registering and endorsing every legal ballot deposited there-
8 in but no such ballot box shall record any distinguishing
9 number or mark upon a ballot. Each ballot box shall be
10 large enough to properly receive and hold all ballots which
11 may lawfully be deposited therein at any election.

‘Sect. 32. State ballot boxes shall be used for receiving
2 all official ballots cast at all state, city, town and plantation
3 elections. The election officials at each polling place shall
4 at the opening of the polls and before any ballots are re-
5 ceived publicly open the ballot receptacle and ascertain by
6 personal and public examination that the same is empty,
7 and shall immediately thereafter lock the state ballot box
8 and record the condition of the ballot box register. The
9 key thereof shall be delivered to the town, plantation, ward,
10 district or precinct clerk, to be retained by him until the
11 polls are closed. The ballot box shall not, after it has been
12 shown to be empty and has been locked, be removed from
13 public view nor opened, nor any ballot removed therefrom
14 until the polls are closed. At the close of the polls a record

15 of the register shall be made which shall be returned with
16 the previous record, to the city, town or plantation clerk.
17 If it becomes impossible to use the state ballot box the vot-
18 ing shall proceed in such manner as the presiding officer
19 shall direct, and in such case the clerk shall record the rea-
20 son why such ballot box is not used, and shall enclose an
21 attested copy of such record in the package with the ballots
22 cast.

‘Sect. 33. The presiding officer at every polling place shall
2 have charge of the state ballot box, and shall at the close
3 of each election return the same to the city, town or plan-
4 tation clerk. The clerk of each city, town or plantation
5 shall have the custody of the state ballot boxes and shall
6 at the expense of the city or town provide for their safe
7 keeping and for keeping them in good order and repair,
8 subject to the supervision and control of the secretary of
9 state. The ballot box mechanism shall be prepared for all
10 elections by the city and town clerks and the key to this
11 mechanism shall be retained by them during every election.

‘If a state ballot box is lost or destroyed, the city or town
2 clerk shall seasonably make written application to the sec-
3 retary of state for another state ballot box, and the same
4 shall be supplied at the expense of the city or town.

‘Sect. 34. Ballot boxes used at elections for which official
2 ballots are not provided, shall be covered at the top with
3 a slide only, which shall be kept shut, except when opened
4 to receive a ballot. State ballot boxes used for official bal-

5 lots shall contain mechanism to prevent fraud in elections
6 but shall not materially abridge the rights of the voter. If
7 the presiding officers do not comply with the requirements
8 of this chapter, or attempt to evade the same, they shall
9 be subject to the penalties provided in section ninety-nine
10 of this chapter.'