

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

N I N E T I E T H                      L E G I S L A T U R E

---

---

**Legislative Document**

**No. 1076**

---

---

H. P. 1861

House of Representatives, March 31, 1941.

Reported by Mr. McGlauffin from Committee on Judiciary and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

---

---

**STATE OF MAINE**

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

---

**AN ACT Relating to the Counting of Ballots.**

---

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

**R. S., c. 8, § 18, amended.** Section 18 of chapter 8 of the revised statutes, as amended, is hereby further amended to read as follows :

**‘Sec. 18. Ballots, how counted.** The ballots shall be sorted and counted in open town or ward meeting by election officials, duly sworn by town or city clerks who shall be considered public officials. Any person in the employ of any political party or its agents or in the employ of any candidate for election or his agent or in the employ of any corporation interested in any referendum within 6 months next prior to the election or referendum shall not serve as such election officer. The ballots counted by the election officers shall be made up into a secure packages and each such package shall have plainly written or stamped thereon the name of the officials counting the ballots in such package and all such election officers shall sign and file a sworn statement of their count **of such package that they counted with such package.** The counting of ballots shall be done in such manner as to afford the electors present opportunity to observe the sorting and counting, and the result shall be declared and recorded in open town or ward meeting. ~~When the ballots have been so sorted and counted and the result so declared and recorded, all the ballots and sworn state-~~

ments of said officials shall in open meeting be sealed in a package, which said package with the check lists sealed in the same manner as the ballots shall forthwith be returned to the city, town or plantation clerk. When the ballots have been so sorted and counted and the result so declared and recorded, each lot of ballots together with the sworn statement of the count of that lot thereof shall in open meeting be sealed in a package by the election official or officials who counted the same. The package so sealed shall be placed in the container in which ballots had been delivered at the polling place together with all unused ballots and said container sealed before removal from the polling place to the office of the city, town or plantation clerk. The check lists which have been used at such polling place shall likewise be sealed and forthwith returned to the city, town or plantation clerk. In case 2 or more kinds of official ballots are used in any election each kind shall be sealed in a separate package. All ballots and check-lists and sworn statements of said officials, shall be so sealed that the packages and check-lists cannot be opened or examined without first breaking the seal; and the sealed packages of ballots cast at any state election or at any election of the electors of president and vice-president of the United States shall have an indorsement of substantially the following tenor indorsed thereon or securely affixed thereon: "This package contains the ballots cast at an election for \_\_\_\_\_ held in the \_\_\_\_\_ of \_\_\_\_\_ (or in ward \_\_\_\_\_ of the city of \_\_\_\_\_) on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_; said ballots were sorted, counted, result declared and recorded, and this package sealed in open meeting in accordance with section 18 of chapter 8 of the revised statutes." Such indorsement shall be signed by the town, plantation, or ward clerk and by a majority of the selectmen of towns and the assessors of plantations, or by the wardens in cities or voting precincts. The ballots and check-lists and sworn statements of said officials returned to the city clerk after any city election and all other ballots returned to him, which he is not required to forward to the secretary of state according to the provisions of section 47, shall be preserved by him as a public record for 6 months. **This section is hereby made applicable to primary elections, and all elections and referendum questions.'**