

# MAINE STATE LEGISLATURE

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# NINETY-SEVENTH LEGISLATURE

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**Legislative Document**

**No. 151**

H. P. 151

House of Representatives, January 25, 1955.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McGlauffin of Portland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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### AN ACT to Clarify Certain Election Laws.

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

**Sec. 1. R. S., c. 3, § 42, amended.** Section 42 of chapter 3 of the revised statutes is hereby amended to read as follows:

'**Sec. 42. Registration in towns having 1,000 to 2,000 voters.** In all towns, cities not included, having not less than ~~500~~ 1,000 nor more than 2,000 registered voters, the municipal officers shall receive applications of persons claiming a right to vote, on the day, Sundays and court holidays excepted, next preceding the day of election, and on such additional days prior thereto as they may determine, and no application shall be received after the hour of 9 in the afternoon; and no names shall be added to the list of voters on the day of election, by certificate or otherwise, except such as were upon the list used at the last preceding election, and have been inadvertently omitted by the selectmen; and on that day no change shall be made in names except to correct clerical errors therein.'

**Sec. 2. R. S., c. 3, § 43, amended.** Section 43 of chapter 3 of the revised statutes is hereby amended to read as follows:

'**Sec. 43. Registration in towns having under 1,000 voters.** In every town having less than ~~500~~ 1,000 voters, the municipal officers shall be in session on the day of election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls as they think necessary, and shall hear and determine any such application at any time before the polls are closed.'

**Sec. 3. R. S., c. 4, § 34, amended.** Section 34 of chapter 4 of the revised statutes is hereby amended to read as follows:

‘Every candidate so nominated and notified shall, within 7 days after the receipt of notification, send or deliver to the Secretary of State the following acceptance:

“To the Secretary of State:

I, \_\_\_\_\_, of \_\_\_\_\_, hereby accept the (**political party**) nomination to the office of \_\_\_\_\_, made at the primary election June \_\_\_\_\_, 19 \_\_\_\_\_;

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election, and failure to file such acceptance within said 7 days shall be deemed to be a refusal of the nomination.’

**Sec. 4. R. S., c. 4, § 46, amended.** The next to the last sentence of section 46 of chapter 4 of the revised statutes is hereby amended to read as follows:

‘When such a vacancy occurs, the Governor shall, by proclamation, declare such fact and fix a date **and place** for the meeting of the appropriate committees.’

**Sec. 5. R. S., c. c. 4, § 54, amended.** The 2nd and 3rd sentences of section 54 of chapter 4 of the revised statutes are hereby amended to read as follows:

‘Such certificates and papers for the nomination of candidates for the office of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least ~~7~~ **5** days, exclusive of Sundays, previous to the day of election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of United States Senators, Representatives to Congress or members of the Legislature shall be filed with the Secretary of State at least ~~7~~ **5** days, exclusive of Sundays, previous to the day of election.’

**Sec. 6. R. S., c. 5, § 78, amended.** The 1st paragraph of section 78 of chapter 5 of the revised statutes is hereby amended to read as follows:

‘The votes shall be sorted, counted, declared and recorded; and the returns of the number of ballots and of the votes given for each candidate shall be made, according to the Constitution and laws, to the Secretary of State, on or before the 2nd Tuesday after such meeting; on said 2nd Tuesday, the Governor and Council shall be in session, and shall open, examine and count the returns of votes so made, and the Secretary of State shall forthwith send a messenger to every city and town from which a return has not been received at his office for the purpose of procuring the wanting return and the Governor and Council shall again meet ~~on the 3rd Tuesday~~ **not later than the 1st day of December** following such election, and examine and count all the votes received from the several cities, towns and plantations and the votes of citizens in the military service lawfully returned into the office of the Secretary of State; and they shall forthwith send a certificate of election to each person who has received the greatest number of all the votes returned, not exceeding the number to be chosen.’

**Sec. 7. R. S., c. 5, § 81, amended.** Section 81 of chapter 5 of the revised statutes is hereby amended to read as follows:

**'Sec. 81. Duties of Governor; meetings of electors; vacancies.** As soon as practicable after the electors are chosen, the Governor shall communicate by registered mail under the seal of the State to the ~~secretary of state of the United States~~ **Administrator of General Services of the United States** a certificate of the ascertainment of the electors, setting forth the names of the electors, and the number of votes given for each person voted for; and the Governor shall deliver to the electors, on or before the 1st Monday after the 2nd Wednesday of December next after their election, 6 original duplicates of the same certificate under the seal of the State. If there shall have been any contest concerning the choice of any electors, or in case of a choice under the provisions of the preceding section, the Governor, after such determination, shall communicate under the seal of the State to the ~~secretary of state of the United States~~ **Administrator of General Services of the United States** a certificate of such determination in form and manner as the same shall have been made. The electors shall convene in the senate chamber at Augusta on the 1st Monday after the 2nd Wednesday of December next after their election, at 2 o'clock in the afternoon; and if any elector so chosen is not present, the electors then present, by a majority of votes, shall forthwith elect a qualified person to supply such deficiency.'

**Sec. 8. R. S., c. 5, § 82, sub-§ III, amended.** Subsection III of section 82 of chapter 5 of the revised statutes is hereby amended to read as follows:

**'III.** On the day thereafter they shall forward by registered mail two of such certificates and lists to the ~~secretary of state of the United States~~ **Administrator of General Services of the United States** at the seat of government.'

**Sec. 9. R. S., c. 6, § 6, amended.** The 1st sentence of section 6 of chapter 6 of the revised statutes is hereby amended to read as follows:

'When a written request for an absent voting ballot or physical incapacity voting ballot is received by the clerk of a city, he shall forthwith mail or deliver the application and ballot to the applicant; provided, however, that if the request is made on the form prescribed by ~~subsection~~ **subsections II and III** of section 2, then he shall mail or deliver only the ballot.'