

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1891.

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of record, use due diligence in the prosecution of his insolvency proceedings. Said executions shall be under the seal of the court issuing the same, bear the teste of the judge, be signed by the register, issued in the name of the assignee, and shall be for the full amount of all unpaid fees, costs, and expenses, in the proceedings, due the officers, assignee, judge and register, and shall run against the body.'

SECT. 2. This act shall apply to all cases now pending.

Approved March 25, 1891.

Chapter 102.

An Act to provide for the Printing and Distributing Ballots at the Public Expense and to Regulate Voting for State and City Elections.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Ballots used in elections shall be furnished at public expense.

—printing and distribution of, how paid for.

—terms explained.

SECT. 1. All ballots cast in elections for national, state, district and county officers in cities, towns and plantations, after the first day of September in the year eighteen hundred and ninety-two, and all ballots cast in municipal elections in cities after that date, shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and cards of instructions to voters, shall in municipal elections in cities be paid for by the several cities respectively, and in all other elections the printing of the ballots and cards of instruction, and the delivery of them to the several cities and towns, shall be paid for by the state. The distribution of the ballots to the voters shall be paid for by the cities, towns and plantations respectively. The term state election, as used in this act, shall apply to any election held for the choice of a national, state, district or county officer, whether for a full term or for the filling of a vacancy, and the term state officer shall apply to any person to be chosen by the qualified voters at such an election. The term city election shall apply to any municipal election so held in a city, and the term city officer shall apply to any person to be chosen by the qualified voters at such an election.

Who may nominate candidates for public office.

SECT. 2. Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter

specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as herein provided.

SECT. 3. Any convention of delegates representing a political party which, at the gubernatorial election next preceding, polled at least one per cent of the entire vote cast in the state for governor, or in the electoral district or division thereof for which the nomination is made, and any caucus held by such a political party in any such electoral district or division, may for the state, or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section five of this act; shall be signed by the presiding officer or by the secretary of the convention or caucus; and shall be sworn by the party signing, to be true, and a certificate of the oath shall be annexed to or made on the certificate of nomination.

Certificates of nomination shall be duly filed and sworn to.

SECT. 4. Nominations of candidates for any offices to be filled by the voters of the state at large, may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state, or for municipal or ward officers, may be made by nomination papers signed in the aggregate for each candidate, by qualified voters of such district or division not less in number than one for every one hundred persons who voted at the next preceding gubernatorial election in such district or division, but in no case less than twenty-five. In the case of a first election to be held in a plantation, town or ward newly established, the number of twenty-five shall be sufficient for the nomination of a candidate who is to be voted for only in such plantation, town or ward; and in the case of a first election in a district or division newly established, other than a plantation, town or ward, the number of twenty-five shall be sufficient. Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. The nomination papers

How nomination papers shall be signed.

—each voter shall sign in person and be certified to, by city and town clerks.

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shall before being filed, be respectively submitted to the clerks of the cities, towns or plantations in which the signers purport to be qualified voters, and each clerk to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city, town or plantation for which he is a clerk and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers.

—certificate shall be sworn to.

What certificate shall contain.

SECT. 5. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, first, the office for which he is nominated; second, the party or political principle which he represents, expressed in not more than three words; third, his place of residence. In the case of electors of president and vice president of the United States, the names of the candidates for president and vice president may be added to the party or political appellation.

Certificates of nomination for state and county offices shall be filed with secretary of state.

SECT. 6. Certificates of nomination and nomination papers for the nomination of candidates for state or county offices, representatives to the legislature shall be filed with the secretary of state at least twenty days, exclusive of Sundays, previous to the day of the election for which the candidates are nominated. Such certificates and papers for the nomination of candidates for the offices of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least seven days, exclusive of Sundays, previous to the day of such election. With nomination papers shall also be filed the consent in writing of the person nominated.

—for municipal offices, in cities, with city clerk.

Certificates, if in apparent conformity to act, shall be deemed valid.

SECT. 7. The certificates of nomination and nomination papers being filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.

Vacancies, how supplied.

SECT. 8. In case a candidate who has been duly nominated under the provisions of this act, shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner herein provided for such nomination; or, if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a

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convention or caucus, in such manner as the convention or caucus has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee, representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying such vacancy shall state, in addition to the other facts required by this act, the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished.

—what facts certificates for vacancies, shall contain.

—new ballots shall be furnished whenever practicable.

SECT. 9. All certificates of nomination and nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection, and the secretary of state and the several city clerks shall preserve the same in their respective offices not less than one year.

Nomination papers shall be open to public inspection.

SECT. 10. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this act, shall contain the names and residences of all candidates whose nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, and the office for which they have been severally nominated and shall contain no other names except that in the case of electors of president and vice president of the United States and the names of the candidates for president and vice president may be added to the party or political designation. The names of candidates nominated by any party shall be grouped together upon the ballot, and each group shall be headed by the name of the party by which the candidates comprising such group were placed in nomination, or by the political designation as described in the certificate of nomination, or nomination papers. If only one person be nominated by any party or

What the ballots shall contain and how they shall be printed.

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under any political designation, his name with the office for which he is a candidate shall be printed by itself under the name of such party or political designation. A blank space shall be left after the names of the candidates for each different office in which the voter may insert the name of any person, not printed on the ballot, for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. The ballots shall be so printed as to leave a blank space at the right of the name of the party or political designation, and also at the right of the name of each candidate, so as to give to each voter a clear opportunity to designate by a cross mark X therein, his choice of candidates, and his answers to the questions submitted and on the ballot may be printed such words as will aid the voter to do this as "yes," "no," and the like. The ballot shall be not less than four inches in width and not less than six inches in length. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be uniform. On the back and outside, when folded shall be printed "Official Ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a fac-simile of the signature of the secretary of state or city clerk who has caused the ballot to be printed. Except as otherwise herein provided, ballots shall be printed in accordance with the existing provisions of law.

—size of ballots,
how folded and
marked.

Ballots shall be
folded in books
and record kept
of number fur-
nished each
polling place.

SECT. 11. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place, shall be kept and preserved by the secretary of state and the several city clerks for the term of one year.

Number of
ballots to be
provided.

SECT. 12. There shall be provided for each voting place, at which an election is to be held, two sets of such general ballots, each of not less than seventy-five for every fifty and fraction of fifty voters therein, and it shall be the duty of the clerks in each city, town or plantation in which an election for state or county officers is to be held, to certify to the secretary of state fourteen days previous to any such elec-

tion, the number of qualified voters in each city, town or plantation.

SECT. 13. The secretary of state in case of a state election, and the several city clerks, in case of city elections, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections twenty-nine, thirty, thirty-one and thirty-two of this act to be printed in large, clear type, on separate cards, to be called cards of instructions; and they shall respectively furnish the same and the ballots for use in each such election. They shall also cause to be printed on tinted paper, and without the fac-simile endorsements, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called specimen ballots and shall be furnished with the other ballots provided for each such voting place.

Instructions for guidance of voters.

—specimen ballots shall be furnished.

SECT. 14. The secretary of state shall, seven days at least, previous to the day of any election of state or county officers, transmit to the clerks in each city, town and plantation in which such election is to be held, printed lists containing the names, residences, and party or political appellations of all candidates nominated as herein provided for such election and to be voted for at each polling place in each such city, town and plantation respectively, substantially in the form of the general ballot to be so used therein; and the clerks shall immediately cause the lists for each plantation, town or ward, as the case may be, to be conspicuously posted in one more public places in such plantation, town or ward. The secretary of state shall likewise cause to be published prior to the day of any such election, in at least two newspapers, if there be so many, printed in each county, representing so far as practicable, the political parties which, at the preceding election, cast the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for in such county, so far as may be, in the form in which they shall appear upon the general ballots. New nominations made or authorized shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as

Printed lists of nominations shall be transmitted to clerks of cities, towns and plantations, seven days before any election.

—lists of nominations shall be published in each county.

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herein directed by the secretary of state to any clerk, shall be duplicated on the succeeding day.

Printed lists shall be posted up in each ward of any city in the state, four days before any election.

SECT. 15. The city clerk of each city shall four days at least prior to the day of any city election therein, cause to be conspicuously posted in one or more public places in each ward of such city, a printed list containing the names, residences, and party or political appellations of all candidates nominated as herein provided, and to be voted for in such ward, substantially in the form of the general ballot to be so used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many, printed in such city, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made, as herein provided, and to be voted for in such city, so far as may be, in the form in which they shall appear upon the general ballots.

—city clerk shall publish the same in two newspapers prior to election.

SECT. 16. The secretary of state shall send, separately and at different times or by different methods, the two sets of general and special ballots, together with the specimen ballots, and cards of instruction printed by him, as herein provided, to the several city, town and plantation clerks, so as to be received by them, one set seventy-two hours at least previous to the day of election, and the other set forty-eight hours at least previous thereto. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed; and the respective city, town and plantation clerks shall on delivery to them of such packages, return receipts therefor to the secretary. The secretary shall keep a record of the time when, and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city, town and plantation clerks

Two sets of ballots shall be sent by secretary of state at different times, to city, town and plantation clerks.

—record of same shall be kept.

SECT. 17. The two sets of ballots together with the specimen ballots and cards of instruction printed by the city clerks, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the polling places for which they are intended, and the number of ballots of each kind enclosed.

Two sets of ballots, etc., to be provided by city clerks.

SECT. 18. The several city, town and plantation clerks or municipal officers shall send to the election officers of each

One set of ballots, etc., shall be sent to

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voting place before the opening of the polls on the day of election one set of ballots so prepared, sealed and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding election officer present, which receipt, with a record of the number of ballots sent, shall be kept in the clerk's office for one year. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer, and the books or blocks of ballots shall be delivered to the ballot officers hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling rooms, outside the guard rails. The second set of ballots shall be retained by the respective clerks until they are called for or needed for the purposes of voting, and, upon the requisition in writing of the presiding election officer of any voting place, the second set of ballots shall be furnished to such voting place in the manner above provided as to the first set.

election officers on the day of election for use of voters.

—cards of instruction and specimen ballots shall be posted in each compartment.

—second set shall be retained by clerk until needed.

SECT. 19. In case the ballots to be furnished to any city, town or plantation, or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed, lost or stolen, it shall be the duty of the clerk or municipal officers of such city, town or plantation to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of such other ballots from him or them, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed, lost or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting as above.

In case of the loss of ballots other ballots shall be prepared and furnished.

SECT. 20. The municipal officers, sixty days before any election, may divide towns of more than four thousand inhabitants and wards of cities into convenient polling districts, which shall contain not less than three hundred voters in each, defining the limits thereof by a writing under their hands

Towns of more than four thousand inhabitants shall be divided into convenient polling places.

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to be filed with and recorded by the city or town clerks; and attested copies thereof shall forthwith be posted by said clerks in not less than six public and conspicuous places in said town or ward, and the same shall be published in one or more of the newspapers, if any, printed in said city or town, thirty days at least before such election. They shall also ten days before any such election, appoint a warden and ward clerk for each polling place other than the one in which the warden duly elected for such ward shall preside, who shall perform the same duties at elections as presiding officers and clerks of towns and wards now perform. Any vacancy occurring after appointment may be filled by the voters of said polling district as similar vacancies are now filled. All such officers shall be sworn. The board of registration of voters for any city in which a ward has been so divided, and the municipal officers of any town which has been so divided, shall in the manner now provided for by law, prepare check lists of the qualified voters for each of said polling districts, in lieu of the check lists now provided by law for the entire town or ward, to be used as hereinafter provided, and all provisions of law applicable to check lists for towns and wards shall apply to check lists for such polling districts.

—warden and ward clerk shall be appointed for each polling place.

—check lists shall be prepared by the proper officers.

Clerks shall be appointed for each polling place.

—number.

—shall equally represent each political party.

—terms.

—duties and compensation.

SECT. 21. The municipal officers of cities, towns and plantations voting in accordance with the provisions of this act, shall biennially in the month of May appoint clerks for each polling place. For each polling place in cities and towns of more than one thousand inhabitants, four clerks, and for each polling place in plantations, and for each island ward of the city of Portland and for the island district of the town of Cumberland and for every town of less than one thousand inhabitants two clerks shall be appointed. Said clerks shall equally represent each of the political parties which cast the largest number of votes in the state election next preceding their appointment. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for two years from the date of his appointment, and until a successor is appointed and qualified, or he is removed. Such election officers shall attend at the times and places designated for meetings in their respective wards, towns or plantations for the election of any national, state, county or ward officers, and for the determination of any question submitted to the qualified voters of any city by

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lawful authority, and shall receive such reasonable compensation for each day's actual service as the municipal officers of their respective cities, towns and plantations may determine. No person shall be eligible to the position of election officer in any ward, town or plantation where he is a candidate to be voted for.

—candidates not eligible as election officers.

Two of the clerks in each polling place, one from each political party, shall be detailed by the municipal officers to act as ballot clerks. The two ballot clerks thus detailed and appointed in each polling place shall have the charge of the ballots therein, and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each ward, town or plantation shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation, furnishing and preservation of check lists shall apply to such duplicate lists.

—two shall be detailed as ballot clerks.

—duties.

SECT. 22. The municipal officers in each city, town or plantation, as aforesaid, shall cause the polling places therein to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes, and of such voting shelves or compartments. The arrangement shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from view of those just outside the said guard rail. The number of such voting shelves or compartments shall not be less than one for every one hundred voters qualified to vote at such polling place, and not less than three in any town, and not less than five in any ward of a city. No persons other than the election officers and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

Voting shelves shall be provided, where voters may be screened from observation while marking ballots.

—number of voting shelves.

—who may be admitted within guard rail.

SECT. 23. Any person desiring to vote shall give his name, and, if requested so to do, his residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such

Voter shall give his name to ballot clerk, and if on check list, he may enter within guard rail.

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name is found upon the check list by the ballot officer having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, as above provided. The ballot clerk shall give him one, and only one ballot, and his name shall be immediately checked on said list. Besides the election officers, not more than two voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time.

—he shall receive one ballot, and his name shall be checked.

How voter shall prepare his ballot.

SECT. 24. On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided and shall prepare his ballot by marking in the appropriate margin or place, a cross X as follows; he may place such mark opposite the name of a party or political designation, in which case he shall be deemed to have voted for all of the persons named in the group under such party or designation; or he may place such mark opposite the names of the individual candidates of his choice for each office to be filled, or he may fill in the name of the candidate of his choice in the blank space provided therefor and place the mark opposite as aforesaid, in which cases he shall be deemed to have voted only for the individual candidates opposite whose names he has placed such mark. In case of a question submitted to the vote of the people he shall place such mark in the appropriate margin against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ballot, without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes in case all of such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer whose name has been checked on the list of the ballot officers,

—manner of voting.

—ballot shall be marked and deposited without undue delay.

—time, voter may occupy compartment.

—no voter shall re-enter enclosed space.

shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the presiding election officer for the time being to secure the observance of the provisions of this section.

SECT. 25. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately canceled, and together with those not distributed to the voters, shall be preserved and with the check lists used, which shall be certified by the ballot clerks, to be such, shall be secured, sealed, and sent to the several city, town and plantation clerks.

If voter spoils a ballot, he may obtain others, not exceeding three.

SECT. 26. Any voter who declares to the presiding election officer that he cannot read his ballot, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof, such officer to be selected by the voter, and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same. The presiding officer may, in his discretion, require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the same.

Voter, unable from any cause to mark ballot, may receive assistance of election officer.

SECT. 27. If a voter marks more names for any one office than there are persons to be elected to such office, or if for any reason it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked defective on the back thereof, and shall be preserved, as required by section twenty-five.

If it is impossible to determine voter's choice, ballot shall not be counted.

SECT. 28. Meetings for the election of national, state, county and municipal officers may be opened as early as eight o'clock in the forenoon, and in no case shall the polls be kept open later than five o'clock in the afternoon, and notice of the time of opening and closing shall be given in the warrant calling the meeting.

When meetings may be opened, and when polls shall be closed.

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Penalty, if voter allows his ballot to be seen, or makes false statement as to inability to mark ballot, or for interfering with voter when marking ballot.

SECT. 29. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability, to mark his ballot, or any person who shall interfere, or attempt to interfere with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine of not less than five dollars, nor more than one hundred dollars; and election officers shall report any person so doing to a police officer or constable, whose duty it shall be to see that the offender is duly brought before the proper court.

Penalty for destroying nomination lists, cards of instruction, or specimen ballots posted for instruction.

SECT. 30. Any person who shall, prior to an election, willfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall willfully deface, tear down, remove or destroy any card of instruction or specimen ballot printed or posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall willfully hinder the voting of others, shall be punished by fine of not less than five dollars nor more than one hundred dollars.

Penalty for destroying any nomination paper or letter of withdrawal; or falsely filing same, etc.

SECT. 31. Any person who shall falsely make or willfully deface or destroy any certificate of nomination or nomination paper, or any part thereof or any letter of withdrawal; or file any certificate of nomination or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination or nomination paper, or any part thereof which has been duly filed; or forge or falsely make the official endorsement on any ballot; or willfully destroy or deface any ballot, or willfully delay the delivery of any ballots, or shall take or remove any ballot outside of the inclosure provided for voting before the close of the polls, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

Penalty, if public officer neglect any duty imposed by this act.

SECT. 32. Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not less than five, nor more than one thousand dollars, or by imprison-

ment in jail for not more than one year, or by both such fine and imprisonment.

Approved March 25, 1891.

Chapter 103.

An Act to create a Board of State Assessors.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. A board of state assessors shall be chosen biennially by the legislature by joint ballot of the senators and representatives in convention, consisting of three members, not more than two of whom shall be taken from the same political party, who shall take and subscribe the oath provided by the constitution of this state, and hold their offices as provided in the following section.

State Board of Assessors shall be chosen.

SECT. 2. The term of office of said assessors under said first section shall be, one for two years, one for four years, and the other for six years, and until their several successors are elected and qualified; and the member having the shortest time to serve shall be chairman of the board. Said state assessors shall be elected after the approval of this act by the legislature now in session, and shall hold their first meeting at the state capitol within thirty days thereafter. The assessors thereafter elected shall hold office for the term of six years each, excepting elections made to fill unexpired terms.

Tenure.

—chairman.

—first meeting.

SECT. 3. Said board of state assessors shall have power to summon before them and examine on oath any town assessor or other officer or person whose testimony they shall deem necessary in the proper discharge of their duties, and may require such witnesses to bring with them, for examination, any records or other public documents in their custody or control which said state assessors may deem necessary for their information in the performance of their duties. Each of said assessors shall have power to administer all oaths required by this act.

Powers.

SECT. 4. Any two of said board shall have authority to transact all business appertaining to their office, but all three must be duly notified of each and every meeting for the transaction of business. In case of the death, resignation,

Any two may transact business, but all must be notified of meetings.