

MAINE STATE LEGISLATURE

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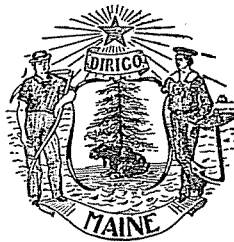
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

until the election of town officers required by law to be elected by ballot, has been completed.

SEC. 45. The town clerk shall have the list of voters provided for by the two preceding sections, at every town meeting held for the choice of town officers required by law to be chosen by ballot, and it shall be kept and used as a check list at the polls by said clerk or moderator at such meeting, in the manner prescribed for selectmen or assessors by section forty-one of chapter six; if demanded by one-third of the voters present.

Check list to be kept for choice of town officers.
R. S., c. 4, § 13.
See c. 6, § 42.
96 Me., 431.

SEC. 46. If the town clerk or moderator presiding at such meeting wilfully neglects or refuses to comply with the preceding section, he forfeits not less than fifty, nor more than one hundred dollars, to be recovered in an action of debt in the name and for the use of the town, to be prosecuted by the treasurer at the request of any voter therein.

Penalty if clerk or moderator neglects or refuses.
R. S., c. 4, § 14.
See c. 6, §§ 80, 91.

CHAPTER 6.

ELECTIONS.

REGULATION AND CONDUCT OF ELECTIONS.

SEC. 1. All ballots cast in elections for national, state, district and county officers in cities, towns and plantations, and all ballots cast in municipal elections in cities, 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 instructions, 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 chapter 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.

Ballots used in elections shall be furnished at public expense.
1891, c. 102, § 1.
86 Me., 42.

—printing and distribution of, how paid for.

—terms explained.

SEC. 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.

Who may nominate candidates for public office.
1891, c. 102, § 2.

SEC. 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 chapter; shall be signed by the presiding officer or by the secretary of the convention or caucus; and shall

Certificates of nomination shall be duly filed and sworn to.
1891, c. 102, § 3.

CHAP. 6.

How nomination papers shall be signed.
1891, c. 102, § 4.

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

—certificate shall be sworn to.

What certificate shall contain.
1891, c. 102, § 5.

Certificates of nomination of state and county officers shall be filed with secretary of state on or before August 10.
1891, c. 102, § 6.
1893, c. 267.
1901, c. 138.

—of presidential electors.
1903, c. 169.

—for municipal officers with city clerk.

—special elections.

Certificates, if in apparent conformity to law shall be deemed valid.
1891, c. 102, § 7.

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.

SEC. 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 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.

SEC. 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.

SEC. 6. Certificates of nomination and nomination papers for the nomination of candidates for state and county officers and representatives to the legislature, shall be filed with the secretary of state on or before the tenth day of August of each year in which such election is held, and for candidates for electors of president and vice-president on or before the tenth day of October in each year when such election is held. 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 seven days, exclusive of Sundays, previous to the day of such election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of representatives to congress or members of the legislature shall be filed with the secretary of state at least seven days, exclusive of Sundays, previous to the day of election. With nomination papers and certificates shall also be filed the consent in writing of the person nominated.

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

CHAP. 6.

SEC. 8. In case a candidate who has been duly nominated under the provisions hereof 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 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 chapter 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, or, slips containing the new nomination shall be printed under the direction of the secretary of state, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

SEC. 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.

PREPARATION AND DISTRIBUTION OF BALLOTS.

SEC. 10. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this chapter, shall contain the names and residences, ward residences in city elections, 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 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 designation. The names of candidates nominated by any party shall be grouped together upon the ballot. Above each group shall be placed the name of the political 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 under a square. If only one person be nominated by any party, or 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, 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 question shall be printed upon the ballot after the list of candidates. The

Vacancies,
how supplied.
1891, c. 102, § 8.

—what facts,
certificates for
supplying va-
cancies shall
contain.

—name sup-
plied shall be
placed on bal-
lots if not
already print-
ed.

—new ballots
shall be fur-
nished, when-
ever practica-
ble.
1893, c. 267.

Nomination
papers shall be
open to pub-
lic inspection.
1891, c. 102, § 9.

What the bal-
lots shall con-
tain and how
printed.
1891, c. 102, § 10.
1893, c. 267.
§6 Me., 50.
§9 Me., 297.

CHAP. 6.

—size of ballot, how folded and marked.

See § 43.

Ballots shall be folded in blocks and record kept of number furnished each polling place.
1891, c. 102, § 11.
1893, c. 267.

Number of ballots to be provided.
1891, c. 102, § 12.
1893, c. 267.

Instructions for guidance of voters.
1891, c. 102, § 13.

—specimen ballots shall be furnished.

Printed lists of nominations shall be transmitted to clerks of cities, towns and plantations, seven days before any election.
1891, c. 102, § 14.

—lists of nominations shall be published in each county.

ballots shall be so printed as to leave a blank space, above such amendment or question so as to give each voter a clear opportunity to designate by a cross mark (X) therein, 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 facsimile 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 upon clean white paper without any distinguishing mark or figures thereon.

SEC. 11. All ballots when printed shall be folded as hereinbefore provided, and fastened together in convenient numbers in packages, 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.

SEC. 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 sixty for every fifty and fraction of fifty votes cast in said voting place at the next preceding election, city, state or national, corresponding to the election for which said ballots are to be provided.

SEC. 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 chapter 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 facsimile indorsements, 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.

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

SEC. 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.

SEC. 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 instructions, 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.

SEC. 17. The two sets of ballots together with the specimen ballots and cards of instructions 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.

SEC. 18. The several city, town and plantation clerks, or municipal officers, shall send to the presiding election officer or officers of such 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 or officers 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 or officers, and the packages, books or blocks of ballots shall be delivered to the ballot clerks hereinafter provided for. The cards of instructions shall be immediately posted at or in each voting shelf or compartment provided in accordance with this chapter for the marking of 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 city, town and plantation clerks until they are called for or needed

—communications to be duplicated.

Printed lists shall be posted up in each ward of any city in the state, four days before any election. 1891, c. 102, § 15.

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

Two sets of ballots shall be sent by secretary of state at different times, to city, town and plantation clerks. 1891, c. 102, § 16.

—record of same shall be kept.

Two sets of ballots, etc., to be provided by city clerks. 1891, c. 102, § 17.

One set of ballots shall be sent to presiding election officers, on day of election. 1891, c. 102, § 18. 1893, c. 267.

—cards of instructions and specimen ballots shall be posted at each compartment.

—second set of ballots, shall be retained by clerk until needed.

CHAP. 6.

for the purposes of voting, and upon the requisition in writing of the presiding election officer or officers 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.

In case of the loss of ballots other ballots shall be prepared and furnished.
1891, c. 102, § 19.

SEC. 19. In case the ballots to be furnished to any city, town or plantation, or voting place therein, in accordance with the provisions hereof, 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 other such 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.

DUTIES OF MUNICIPAL AND ELECTION OFFICERS.

Towns of more than four thousand inhabitants shall be divided into convenient polling districts.
1891, c. 102, § 20.

SEC. 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, (a) which shall contain not less than three hundred voters in each, defining the limits thereof by a writing under their hands 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 wardens 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 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.
1891, c. 102, § 21.
1893, c. 267.

SEC. 21. The municipal officers of cities, towns and plantations voting in accordance with the provisions of this chapter, shall biennially in the month of May appoint clerks for each polling place; and such municipal officers shall appoint as such clerks such persons as shall be recommended for such appointment by the several political party committees of the several cities, towns or plantations, representing the two political parties which, at the gubernatorial election next preceding such appointment, cast the greatest number of votes. 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 (b) and for every town

—who shall appoint clerks.

—number.

(a) By P. L., 1889, c. 240, the town of Fairfield was divided into two voting precincts.
(b) By P. L., 1887, c. 36, as amended by P. L., 1889, c. 169 and P. L., 1893, c. 190, certain islands in the town of Cumberland were created a voting district.

CHAP. 6.

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 clerks 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 vacates the office. Vacancies occurring in the office of election or ballot clerks shall be forthwith filled by the municipal officers in manner hereinbefore provided. Such election clerks 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, city or ward officers, and for the determination of any question submitted to the qualified voters of any city by lawful authority, shall be present at and witness the counting by the presiding election officer or officers of all votes cast in such meetings, 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 clerk in any ward, town or plantation where he is candidate to be voted for. 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. Provisions in the charter of any city for the election of two persons to assist the warden in receiving, sorting and counting the ballots, are not affected by the provisions hereof; but persons so elected shall be deemed election clerks for that purpose; they shall equally represent the two political parties which, at the state election next preceding, cast the greatest number of votes.

SEC. 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 shall 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 the view of persons just outside the 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, election clerks and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the presiding election officer or 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.

—shall equally represent each political party.

—terms.

—duties and compensation.

—candidates for office not eligible.

—two shall be detailed as ballot clerks.

—duties.

—provisions of any city charter for assistance to warden in receiving votes not affected. 1893, c. 267, § 2.

Voting shelves shall be provided where voters may be screened from observation while marking ballots. 1891, c. 102, § 22. 1893, c. 267.

—number of voting shelves.

—who shall be admitted within guard rail.

CHAP. 6.

MANNER OF VOTING.

Voter shall give his name to ballot clerk and if on check list he may enter within guard rail.
1891, c. 102, § 23.
1893, c. 267.

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

How voter shall prepare ballot.
1891, c. 102, § 24.
1893, c. 267.
88 Me., 50.
89 Me., 298.

—voter may place sticker on and over name of any candidate.
1903, c. 6.

—manner of voting.

—ballot shall be marked and deposited without delay.

—time voter may occupy compartment.

—no voter shall re-enter enclosed space.

SEC. 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 name is found upon the check list by the ballot clerk 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 and election clerks, 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.

SEC. 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 within the square above the name of the party group or ticket, in which case he shall be deemed to have voted for all the persons named in the group under such party or designation. And if the voter shall desire to vote for any person or persons, whose name or names are not printed as candidates on the party group or ticket, he may erase any name or names which are printed on the group or party ticket, and under the name or names so erased he may fill in the name or names of the candidates of his choice. Or if the voter places and sticks on and over the name or names of any candidate or candidates for any office or offices, a small strip or strips of paper, commonly known as a sticker or stickers, bearing thereon a name or names other than the name or names of the candidate or candidates so erased or covered up, the name or names of such candidate or candidates so covered shall be considered to be erased from the ballot, and the person or persons whose name or names shall so appear on such strip or strips of paper so placed and stuck on the ballot, shall be deemed to be voted for by the voter as candidate or candidates for such office or offices. Or if the voter does not desire to vote for a person or persons whose name or names are printed upon the party group or ticket, he may erase such name or names with the effect that the ballot shall not be counted for the candidate or candidates whose names are so erased. In case of a question submitted to the vote of the people he shall place such mark in the appropriate margin above 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 provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official indorsement 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, or to remain within said enclosed space more than ten minutes, or 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 or an election clerk, whose name has been checked on the list of the ballot clerks, shall be allowed to re-enter said enclosed space during said election. The

presiding election officer or officers, for the time being, shall secure the observance of the provisions of this section.

SEC. 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, and by them be preserved for six months, as a public record. The ballots shall be sorted and counted in open town or ward meeting in such manner as to afford the electors ample opportunity to observe the sorting and counting; and when the ballots have been sorted and counted and the result declared and recorded, all the ballots shall, in open meeting, be sealed in a package which said package together with the check lists sealed in the same manner as the ballots, shall forthwith be returned to the city, town or plantation clerk, to be preserved by him as a public record, for six months, and any warden, ballot clerk, city or town clerk or other person who shall abstract from or in any manner tamper with said packages, or who shall in any manner abstract from or tamper with the unused ballots, shall be punished by a fine not less than two hundred, nor more than one thousand dollars, or by imprisonment for not less than ninety days nor more than two years.

SEC. 26. Any voter who shall declare to the presiding election officer or officers that he cannot mark his ballot by reason of physical disability, or from inability to read the same, shall receive the assistance in the marking of his ballot, of two of the election clerks: such clerks shall not both represent one and the same political party, and they shall certify on the outside of such ballot that the same was marked by them, or by the voter with their assistance, and thereafter shall give no information concerning the same. The presiding election officer or officers may require every voter, who applies for such assistance, to make oath to his inability to mark his ballot, before such clerks shall be directed to assist as aforesaid, and such officer or officers are hereby qualified to administer such oath, and no clerk shall assist or offer to assist any voter in marking his ballot until directed so to do by the presiding election officer or officers.

SEC. 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 indorsement 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 chapter shall be counted. Ballots not counted shall be marked defective on the back thereof, and shall be preserved, as required by section twenty-five.

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

SEC. 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

If voter spoils ballot he may obtain others, not exceeding three.
1891, c. 102, § 25.
1893, c. 267.
92 Me., 158.

—canceled and unused ballots shall be preserved.

—used ballots shall be preserved for six months.

—penalty for abstracting or tampering with same.

Voter unable from any cause to mark ballot, may receive assistance of election clerks.
1891, c. 102, § 26.
1893, c. 267.

When ballot shall not be counted.
1891, c. 102, § 27.
86 Me., 50.

When meetings may be opened, and when polls shall be closed.
1891, c. 102, § 28.
1901, c. 136.
See § 35.

Penalty, if voter allows his ballot to be seen, or makes false

CHAP. 6.

statements as to inability to mark ballot, or for interfering with voter when marking ballot.
1891, c. 102, § 29.

Penalty for destroying nomination lists, cards of instructions, specimen ballots posted for instruction.
1891, c. 102, § 30.

Penalty for destroying any nomination paper or letter of withdrawal; or falsely filing same, etc.
1891, c. 102, § 31.

Penalty, if public officer neglects any duty imposed by §§ 1-28.
1891, c. 102, § 32.

If election clerk shall offer to assist voter before being directed to do so, he shall be punished.
1893, c. 267.

Call of meeting for election of state officers.
R. S., c. 4, § 17.

Meeting, when to be opened.
R. S., c. 4, § 18.
See § 28.

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, 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.

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

SEC. 31. Any person who shall falsely make or wilfully 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 indorsement on any ballot; or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, or shall take or remove any ballot outside of the enclosure 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.

SEC. 32. Any public officer upon whom a duty is imposed by sections one to twenty-eight, both inclusive, of this chapter, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder any object of said sections, shall be punished by a fine of not less than five, nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

SEC. 33. Any election or ballot clerk who shall assist, or offer to assist any voter, before such clerk shall have been directed by the presiding officer or officers to so assist such voter, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars or by imprisonment not exceeding sixty days for each offense, and thereafter shall be disqualified from holding the office of election or ballot clerk.

NOTIFYING MEETINGS, PROCEEDINGS AND RETURNS.

SEC. 34. The selectmen of every town, by their warrant shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned seven days at least before the second Monday of September biennially, to meet at some suitable place designated in said warrant to give in their votes for governor, senators and representatives, as the constitution requires; and such meeting shall be warned like other town meetings.

SEC. 35. No such meeting shall be opened before ten o'clock in the forenoon on the day of election, unless the number of voters in such town exceeds five hundred; if it does, an earlier and suitable time in the day

CHAP. 6.

may be appointed by the selectmen. At all elections for choice of state officers and of electors of president and vice-president of the United States, in towns and plantations having more than five hundred and less than five thousand inhabitants, if the time is not otherwise fixed by law, the polls shall be kept open until five o'clock in the afternoon and then be closed.

SEC. 36. The selectmen or other officers, required by the constitution and laws to preside at any such meeting, shall have all the powers of moderators of town meetings, as provided in chapter four; and they shall refuse the vote of any person not qualified to vote.

SEC. 37. If a majority of the selectmen are absent from any such meeting duly warned, or being present, neglect or refuse to act as such and to do all their duties, the voters may choose so many selectmen pro tempore, as are necessary to constitute or to complete the number competent to act.

SEC. 38. During the choice of selectmen pro tempore any selectman present may act as moderator; if no selectmen are present, or if those present neglect or refuse to act as such, the town clerk shall preside; and the person so presiding shall have all the powers and discharge the duties of moderator.

SEC. 39. Selectmen pro tempore accepting the trust, shall be sworn faithfully to discharge the duties of said office, so far as relates to such meeting and election; and in making a record and return of the votes, as the constitution or laws require, and in all matters incidental to the trust, they shall have the powers of permanent selectmen, and be subject to the same duties and liabilities.

SEC. 40. Whenever any territory is set off from one town and annexed to another, the inhabitants of the territory set off, otherwise qualified, may vote for representative to congress, senators or representatives to the legislature, in the town to which they are annexed, if said town is within the congressional, senatorial or representative district, as the case may be, to which they previously belonged; otherwise, such inhabitants may vote for said officers in the town from which they were set off, until the next congressional, senatorial or representative apportionment has been made.

SEC. 41. The officers presiding at any election, except for the choice of town officers, shall use the check list herein required at the polls during the election of governor, senators, representatives, and other public officers requiring like qualifications in the electors, and use but one ballot box, to be furnished at the expense of the town; and no votes shall be received unless delivered by the voter in person after he has audibly announced his name to the presiding officers, unless physically unable to do so, and they have had opportunity to be satisfied of his identity and find his name on the list and mark it, and ascertain that his vote is single.

SEC. 42. Clerks of towns shall preserve the check lists used at the September elections, for one year without alteration, and shall furnish to any person a certified copy thereof within twenty days after demand and payment or tender of the legal charges therefor, under the penalty provided in section seventy-eight. (a)

SEC. 43. No ballot shall be received at any election of state or town officers, unless in writing or printing upon clean white paper without any distinguishing mark or figures thereon, besides the official indorsement, the names of the persons to be voted for and the offices to be filled; but no vote shall be rejected on this account after it has been received into the ballot box.

—polls in certain towns to be kept open until 5 P. M.

Officers presiding have powers of moderator.
R. S., c. 4, § 19.
See c. 4, § 31.

Selectmen absent, others may be chosen pro tempore.
R. S., c. 4, § 20.
70 Me., 565.

At such choice, who shall preside.
R. S., c. 4, § 21.

Duties and powers of selectmen pro tempore.
R. S., c. 4, § 22.

In case of division of a town, electors may vote where annexed, if within their original district.
R. S., c. 4, § 24.

—if not, then in the town whence set off.

Check list required.
R. S., c. 4, § 25.
1885, c. 300, § 1.
See c. 5, § 45.
82 Me., 531.
96 Me., 434.

—rules prescribed.

—votes, how received.

Town clerks to preserve check lists and to furnish certified copies.
R. S., c. 4, § 26.

Votes to be on white paper without marks or figures.
R. S., c. 4, § 29.
See §§ 83, 91.
54 Me., 604.
70 Me., 566.

(a) See c. 5, § 45; 92 Me., 158.

CHAP. 6.

Ballot boxes,
how con-
structed and
used.
R. S., c. 4, § 27.
1885, c. 300, § 2.

—penalty.

Commission
to examine
and approve
voting and
counting ma-
chines.
1901, c. 169, § 1.

—machines
which do not
secure se-
crecy shall
not be ap-
proved.

Cities and
town au-
thorized to
purchase and
use machines.
1901, c. 169, § 2.

Bond shall be
given to keep
machines in
good order.
1901, c. 169, § 3.

Regulations
and instruc-
tions for use
of voters
shall be fur-
nished.
1901, c. 169, § 4.

In case of no
choice of rep-
resentatives
in an unclass-
ed town,
meeting to be
adjourned one
week, and
from week to
week.
R. S., c. 4, § 30.

Meetings for
choice of cer-
tain officers,
and to deter-
mine certain
questions.
R. S., c. 4, § 31.

SEC. 44. Ballot boxes used at elections shall be covered at the top with a slide only, which shall be kept shut, except when opened to receive a ballot; but such boxes may contain mechanical devices which tend to prevent fraud in elections and do not materially abridge the rights of voters; and if the presiding officers do not comply with the requirements of this chapter, or attempt to evade the same, they shall be subject to the penalties provided in section seventy-eight.

SEC. 45. The secretary of state, the attorney general and one member of the governor's council to be designated by the governor, shall, at such times, under such conditions, and after such public notice as they see fit to give, examine voting and counting machines and apparatus; and they shall certify their approval of such machines as, in their judgment, furnish convenient, simple and satisfactory means of voting and of ascertaining the true result thereof with facility and accuracy, special regard being had to preventing and detecting double voting; but no machine shall be approved which does not secure to the voter a degree of secrecy in voting equal to that afforded by the use of the official ballot as provided by law. No machine except such as is approved by said officers and used in accordance with this and the three following sections shall be used in this state.

SEC. 46. A city or town may, at a legal meeting held not less than ten days before any regular election, determine upon and purchase or accept for trial, and order the use of one or more voting and counting machines for the then ensuing election in said city or town and thereafter in case said machine or machines are purchased, at all elections in cities and at state and presidential elections in towns, until otherwise voted at a legal meeting, said machines shall be used for the purpose of voting for the officers to be elected at such elections and for taking the vote upon constitutional amendments and all other questions submitted to vote at such elections.

SEC. 47. When voting and counting machines are approved and purchased, the persons of whom such machines are purchased shall give to the secretary of state a suitable bond with sufficient sureties, conditioned to keep each machine in good working order for five years at their own expense.

SEC. 48. The secretary of state shall make regulations for the use of machines approved, and before each state and presidential election shall furnish appropriate instructions for the voters in cities and towns where such machines are used, and like appropriate instructions shall be furnished by clerks of cities before each city election.

SEC. 49. When at a town meeting held for election of representatives to the legislature, in a town not classed with other towns as a representative district, by reason of persons having an equal number of votes, a full choice of representatives is not affected, the meeting shall be adjourned to the same day of the week following, and to the same hour and place at which the first meeting was called; and at such adjourned meeting, the voters shall give in their votes for so many representatives as are necessary to make up the number to which said town is entitled; and like adjournments shall be had until the full number is elected.

SEC. 50. All town meetings required for election of county treasurer, of register of deeds, of representatives to congress, or of electors of president and vice-president of the United States, or for the determination of questions submitted to the people by the legislature, shall, as to calling, notifying and conducting them, be subject to the regulations made in this chapter for election of governor, senators and representatives, unless otherwise provided by law.

CHAP. 6.

SEC. 51. To determine the result of any election by ballot, the number of persons who voted shall first be ascertained by counting the whole number of separate ballots given in, which shall be distinctly stated, recorded and returned. No person ineligible to the office shall be declared elected; but such votes shall be counted, to determine whether any person has received the necessary number of all votes cast. In case of representatives to congress and members of the legislature, registers of deeds, and county and state officers, except where a different rule is prescribed in the constitution, the person or persons, not exceeding the number to be voted for at any one time for any such office, having the highest number of votes given at such election shall be declared elected, and the governor shall issue a certificate thereof. If, by reason of two or more persons receiving an equal number of votes, the election of the requisite number of officers cannot be declared without declaring more than the requisite number elected, no one of those having an equal number of votes shall be declared elected. In all other cases no person shall be declared elected, who has not received a majority of the whole number of votes counted as aforesaid; and if a number greater than is required to be chosen receive a majority of said whole number, the number so required, of those who have the greatest excess in votes over such majority, shall be declared elected. If the number to be elected cannot be so completed by reason of any two or more of such persons having received an equal number of votes, the persons having such equal numbers shall be declared not elected. In all cases not otherwise provided for, if no person eligible to the office receives the requisite number of votes to elect him, then the governor shall order a new election; *provided, however*, that nothing in this section shall give the governor and council authority to determine questions of eligibility in cases of senators and representatives to the legislature.

SEC. 52. Whenever a vacancy occurs in the representation of the state in the national house of representatives, the governor, in any manner having knowledge thereof, shall issue his proclamation for an election to fill the same. If congress is in session when such vacancy occurs, the proclamation shall issue forthwith; otherwise, in season to secure representation at the next called or regular session of congress.

SEC. 53. The clerk of each town, within twenty-four hours after the close of the polls, shall deposit in some post office the returns of the votes cast at such special election, post paid, directed to the secretary of state, to be transmitted by mail. The governor and council shall meet seven days after such election, and open and canvass such returns, and declare the result. They shall receive certified copies of the record of any town if the return from such town is lost, or is not received by the secretary of state. The governor shall immediately issue a certificate of election to the person thus declared to have received a plurality of votes.

SEC. 54. The clerk of each town shall cause to be delivered at the office of the secretary of state, the returns of votes given in his town, for governor, senators, representatives to the legislature, representatives to congress, electors of president and vice-president of the United States, and for county officers, within thirty days next succeeding any meeting for their election, or shall deposit them, post paid, in some post office, directed to the secretary of state, within fourteen days after such meeting, to be transmitted by mail; and shall also forward to such office, as soon as practicable, a statement attested by him of the number of votes

Result of any election by ballot, how determined.
R. S., c. 4, § 32.

—no ineligible person shall be declared elected, but his votes are to be counted to determine result.

—officers elected by plurality vote. See Constitution. Art. iv, part 1, § 5; part 2, § 3; Art. vi, § 7; Art. ix, § 10; Am'd't xxiv. 71 Me., 373.

—officers elected by majority vote.
—proceedings in case of tie vote.
—governor to order new election, if no eligible person is chosen.
—executive, not to determine eligibility of legislators.

Governor to issue proclamation for election to fill congressional vacancy.
R. S., c. 4, § 33.
See U. S. Const., Art. i, § 2, ¶ 4.

Clerks of towns to mail returns to secretary of state.
R. S., c. 4, § 34.

—canvass of returns declaration of result and issue of certificate of election.

Clerk to transmit returns of votes to secretary of state.
R. S., c. 4, § 35.
64 Me., 593.
See § 51; c. 2, § 53.

CHAP. 6.

County attorney, to be notified if return is not received.
R. S., c. 4, § 36.

—duty.
See § 78.

Loss of returns to be supplied by copy of record.
R. S., c. 4, § 37.
See §§ 87, 91.

Oaths to be made to copy.
R. S., c. 4, § 38.
See §§ 88, 89, 92.

Certificates how sealed and returned.
R. S., c. 4, § 39.
See §§ 87, 88, 91.

Mode of determining who are elected.
R. S., c. 78, § 5.
See § 124.
26 Me., 498.
54 Me., 603, 605.
64 Me., 590, 598.
70 Me., 561, 571, 587.
71 Me., 370, 384.

—how to be notified of their election.

—when they shall enter upon official duties.

—highest number of votes, how ascertained.

—governor and council may hear testimony.

—to the election of what officers applicable.

—in cases of defective return,

for said several officers, given at such election in his town, which shall be opened and filed by the secretary, and kept for public examination.

SEC. 55. If any such return is not received by the secretary of state within thirty days next after such meeting, he shall forthwith notify the county attorney of the county in which such town is situated, who shall give immediate notice thereof to the clerk of such town, and unless he receives satisfactory evidence that said clerk has complied with the requirements of the preceding section, he shall prosecute for the penalty hereinafter provided.

SEC. 56. When such original return is lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting at which such vote was given, to be made with their certificate upon the same sheet, that it is a true copy of the record, that it truly exhibits the names of all persons voted for, for the offices designated, and the number of votes given for each at such meeting, and that said copy contains all the facts stated in the original return.

SEC. 57. The selectmen and town clerk, who were present at the meeting and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names as in the original return, and make oath that said copy and certificate are true, before some justice of the peace of the county, who shall make certificate of such oath on the same paper.

SEC. 58. Such copy and certificates shall then be sealed up, and directed to the secretary of state, with the nature of the contents written on the outside; and the clerk of such town shall cause the same to be delivered into the office of the secretary of state, as soon as may be.

SEC. 59. The governor and council, by the first day of December in each year in which an election is held, shall open and compare the votes so returned, and have the same tabulated, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct; and the return, when found erroneous, may be corrected by the record. No such correction can be made without application within twenty days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said twenty days any person voted for, may personally, and by or with counsel, examine said returns in presence of the governor and council, or either of them, or any member of the council. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and they shall be notified thereof by the secretary of state, and enter upon the discharge of official duties on the first day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected. To ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the electors, and shall decide accordingly. This section shall be applied in determining the election of all county officers, and, so far as it relates to the examination and correction of returns, it shall be applied in determining the

CHAP. 6.

election of representatives to congress, members of the legislature, and presidential electors. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

SEC. 60. When the selectmen of any town not classed with others as a representative district, have knowledge that the seat of a representative thereof has been vacated, they shall forthwith issue their warrant, giving at least seven days' notice, for a meeting of the electors of said town to fill such vacancy; and at such meeting like proceedings shall be had, as at any meeting held on the second Monday in September for the like purpose.

attested copy
of record
may be
substituted.
70 Me., 561, 587.
Vacancies
how filled in
towns not
classed for
representa-
tives.
R. S., c. 4, § 40.
See §§ 65, 66.
70 Me., 560, 571.

ELECTIONS IN CITIES.

SEC. 61. For all purposes mentioned in sections thirty-four and fifty, the inhabitants of cities shall meet as the constitution requires, in ward meetings, to be notified and warned, as town meetings for similar purposes are. The warden shall preside; the clerk shall make such record as the constitution requires, and the city constables shall preserve order.

SEC. 62. If the warden is absent from any such meeting, or refuses or neglects to preside, a warden pro tempore shall be chosen, and during such choice the ward clerk shall preside; and the warden pro tempore accepting the trust, shall be sworn, and have the power and perform the duties of warden of such meeting, and shall be liable to like penalties.

SEC. 63. The several islands within the city of Portland, so far constitute two separate wards as to entitle the voters of each of said wards to choose a warden, ward clerk and one constable, who shall be residents of said islands and of their respective wards. The first of said wards comprises Long Island, Crotch Island, Hope Island, Jewell's Island and Little Chebeague Island, or such parts of said islands as are within the city of Portland, and the ward meetings of said first ward shall be held on Long Island. The second of said wards comprises the remaining islands within the city of Portland, and the ward meetings of said second ward shall be held on Peak's Island. The electors of each of said wards may meet as provided in section sixty-one, and also for the choice of city officers, at the place designated, and may, on the day of election, vote for all officers named in the warrant calling the meeting.

SEC. 64. The warden shall preside impartially at such meetings, receive the votes of all electors present, sort, count and declare them in open meeting and in presence of the clerk, who shall make a list of the persons voted for with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in Portland within eighteen hours after closing the polls, and the votes thus thrown shall belong to the last mentioned ward.

SEC. 65. When a choice of any representative to the legislature is not effected, the aldermen shall call new meetings of the wards for the purpose, to be held at the same time, within two weeks after any former meeting; and like proceedings shall be had at such meetings, as at the first, until a choice is effected; and when the aldermen of any city have knowledge that the seat of a representative therein has been vacated, they shall call meetings of the wards for the purpose of filling such vacancy; and like proceedings shall be had at such meetings as at other meetings for the election of representatives.

Electors in
cities to meet
in wards.
R. S., c. 4, § 41.

—warden to
preside.

Warden pro
tem. may be
chosen.
R. S., c. 4, § 42.

Portland is-
lands consti-
tute two
wards for
certain pur-
poses.
R. S., c. 4, § 43.
—first ward.

—second ward.

Proceedings at
such meet-
ings.
R. S., c. 4, § 44.

—how the
votes shall be
returned.

If no choice,
new meet-
ings.
R. S., c. 4, § 46.
—vacancies,
how filled.
See §§ 60, 66.
70 Me., 560, 570.

CHAP. 6.

REPRESENTATIVE DISTRICTS.

Vacancies
how filled.
R. S., c. 4, § 49.
See §§ 60, 65.
70 Me., 560, 579.

SEC. 66. When the selectmen of the oldest town in a district are notified or otherwise satisfied, that at the last meeting of the district for the election of a representative no choice was effected, or that the seat of their representative has been vacated, they shall, as soon as may be, leaving a convenient time for calling meetings in the several towns, appoint a day of election to fill such vacancy, and notify the selectmen of the other towns accordingly.

Same subject.
R. S., c. 4, § 50.

SEC. 67. The selectmen of the several towns shall call meetings upon the day appointed, and proceedings shall then be had, as required by the constitution and laws for the election of representatives on the second Monday of September.

CONTESTED ELECTIONS.

Notice by
contestant,
how and
when served.
R. S., c. 4, § 51.

—testimony,
how taken
and presented.

—neglecting
party denied
postponement.

SEC. 68. Notice of intention to contest the right of any person claiming to be elected to the house of representatives, with a statement of the reasons for so doing, may be served on such person by the contestant at any time after the election, and shall be served at least fifteen days prior to the organization of the house; and all testimony on either side shall be by depositions taken in accordance with the statute or by parol evidence, and presented to said body within three days from the commencement of the session. If this law is not strictly complied with, except in extreme cases where injustice would be done if a continuance was not allowed, the party neglecting shall be denied a postponement, and the committee on elections shall proceed to determine the case by the testimony before them..

Petition of
contestant,
when to be
presented to
house of
representa-
tives.
R. S., c. 4, § 52.
—depositions
how taken.

SEC. 69. When any person intends to contest, before the house of representatives, the right of any other person to his seat therein, he shall present his petition to said house within three days after its organization, stating the grounds upon which he proposes to contest such seat. Depositions may be taken in the manner authorized by chapter one hundred and nine, in cases of contested senatorial elections.

Claimant
of county
of municipal
office shall
proceed as in
equity.
R. S., c. 4, § 53.
1893, c. 260.
86 Me., 43.

SEC. 70. Any person claiming to be elected to any county or municipal office, or to the office of county attorney, may proceed as in equity against the person holding or claiming to hold such office, or holding a certificate of election to such office, or who has been declared elected thereto by any returning board or officer, or who has been notified of such election, by petition returnable before any justice of the supreme judicial court, in term time or vacation, in the county where either party resides, or where the duties of such office are to be performed, and said court shall have jurisdiction thereof.

Petition of
claimant to
be filed in
clerk of
court's office.
R. S., c. 4, § 54.
86 Me., 54.

—notice to be
given to ad-
verse party.

—parties to be
heard as the
justice shall
direct.

SEC. 71. The petition shall state the names and residences of the several parties, and the facts upon which the claimant relies to maintain his suit, and shall be signed by him and verified by his oath. Such petition shall be filed in the office of the clerk of courts in the county where it is returnable, and the time of hearing thereon shall be appointed by said justice, and indorsed upon said petition. Notice of pendency of said suit, and the time and place of hearing upon said petition shall be served on the adverse party, by giving him in hand, or leaving at his last and usual place of abode, a copy of said petition and order of the court thereon, or in such other manner as the court directs, and such notice shall be given at least seven days before such hearing. The parties, or their counsel, shall be heard upon written or oral testimony, according to the practice in like pro-

cedure, and in such manner as the justice directs; and if it appears upon such trial or hearing that the petitioner has been elected, and is entitled by law to the office claimed by him, or if such adverse party fails to appear, such justice shall render judgment in favor of such petitioner, if he is found, upon hearing, to be entitled thereto.

SEC. 72. Either party may, within ten days after rendition of said judgment, enter an appeal therefrom in the office of the clerk in the county where said judgment is rendered, which appeal shall briefly set forth the reasons therefor, and an attested copy of said appeal shall be served upon the appellee or his attorney within ten days after the same has been filed, in such manner as the justice orders. The appellant shall cause copies of the petition, pleadings, findings and testimony upon which such judgment is rendered, approved by the justice before whom the hearing is had, to be printed and transmitted to the chief justice within twenty days after such appeal is taken, with written argument thereon. A copy of such argument shall, within said twenty days, be served upon the adverse party, or his attorney, who may forward within ten days thereafter an argument in reply, and thereupon the justices of said court shall consider said cause immediately, and decide thereon and transmit their decision to the clerk of the county where the suit is pending, and final judgment shall be entered accordingly.

SEC. 73. Where final judgment has been rendered, any justice of said court may issue an order to the party unlawfully claiming or holding said office, commanding him to yield up to the officer who has been adjudged to be lawfully entitled thereto, said office, and all papers, records, moneys and property connected therewith or belonging thereto, and may enforce said order by fine or imprisonment, or both, and thereupon said party in whose favor such judgment is rendered, shall be qualified and enter upon the duties of such office, and hold the same until the expiration of the term for which he has been elected.

SEC. 74. The prevailing party shall recover costs, and double or treble costs may be awarded in the discretion of the justice.

—when judgment shall be rendered.

Appeal may be entered by either party.
R. S., c. 4, § 55.
86 Me., 54.
88 Me., 54.

—proceedings.

Court may issue order where final judgment has been rendered.
R. S., c. 4, § 56.
86 Me., 54.
—enforcement.
—prevailing party shall enter upon duties of office.

Costs.
R. S., c. 4, § 57.
86 Me., 54.

VOTERS IN UNINCORPORATED PLACES AND ON ISLANDS.

SEC. 75. Electors living on islands adjacent to the mainland along the coast of the state and within the jurisdiction thereof, but not incorporated with any town, and all such electors living in other unorganized places may furnish lists of their polls and estates to the assessors of any adjacent town, on or before the first day of each April, and said assessors shall assess state and county taxes upon all such persons, and they shall be collected in the same manner and by the same officers as if such electors were inhabitants of such town. And such electors so presenting their polls and estates may vote in such town in all elections for governor, senators, representatives and county officers.

Electors on unincorporated islands and places, may vote in adjacent towns.

—conditions.
R. S., c. 4, § 58.
See Constitution, Art. 4, part 1, § 5;
part 2, § 3.

—tax to be assessed.
90 Me., 374.

REGULATIONS AFFECTING PURITY OF ELECTIONS. PENALTIES.

SEC. 76. Whoever shall offer, or promise, or agree to receive any money or other valuable consideration for giving in his vote at any election held under the provisions of the constitution or of this chapter, and shall in accordance with such offer, promise or agreement, give in his vote at such election, shall be fined not more than one hundred dollars, or imprisoned not more than one year, and shall be excluded from the right of suffrage for a term of ten years.

Penalty, if any person shall sell his vote.
1889, c. 299, § 1.

CHAP. 6.

Copies of § 76 shall be furnished, and posted in voting precincts. 1889, c. 299, § 2.

Penalty for neglect, misfeasance of selectmen or other officers. R. S., c. 4, § 59. 10 Me., 111.

Penalty for neglect to issue warrants for state or national elections. R. S., c. 4, § 60. See § 91.

Penalties, how recovered. R. S., c. 4, § 28.

Penalty for neglect of constable to summon voters. R. S., c. 4, § 61. See § 91.

—for wilful neglect to be recovered by indictment.

Penalty for neglect of selectmen to deposit and post lists. R. S., c. 4, § 62.

Penalty for their neglect to keep check lists or to reject illegal votes. R. S., c. 4, § 63. See § 91.

Penalties, of two preceding sections, how recoverable. R. S., c. 4, § 64.

Penalty for municipal officers striking names from list without notice. R. S., c. 4, § 65.

SEC. 77. The secretary of state shall furnish the mayors of cities, the selectmen of towns and assessors of plantations with copies of the preceding section in a printed form suitable to be posted in conspicuous places in the voting precincts of every city, town or plantation, and said officers shall cause such copies to be so posted.

SEC. 78. If any town officer, or such officer chosen pro tempore, wilfully neglects or refuses to perform any duty required of him, or wilfully does, authorizes, or permits to be done, anything prohibited by the constitution or by this chapter, he shall for each offense, forfeit not less than fifty, nor more than five hundred dollars, and be imprisoned not more than nine, nor less than three months, except where otherwise expressly provided in this chapter.

SEC. 79. If aldermen of cities, selectmen of towns, or assessors of plantations neglect to issue their warrant as required by law for a meeting for choice of state or county officers, representatives to the legislature, or to congress, or of electors of president and vice-president of the United States, they each forfeit fifty dollars to their city, town or plantation, to be recovered in action of debt by the treasurer, or by any citizen thereof when said treasurer is a member of the delinquent board.

SEC. 80. Any penalty provided in this chapter, which may be recovered by the treasurer, may, if the treasurer refuses or neglects for ten days after written request of any voter to commence suit therefor, be recovered by said voter in a suit in his own name, to the same uses as if recovered by said treasurer.

SEC. 81. If any person required to summon the voters of a city, town or plantation to assemble at any meeting for choice of any officers mentioned in section seventy-nine, neglects to do so, or to make due return of the warrant therefor, he forfeits twenty-five dollars to his city, town or plantation for each offense, to be recovered as provided in said section; but if he wilfully neglects or refuses, he forfeits not less than fifty, nor more than two hundred dollars, half to the state and half to the prosecutor, to be recovered by indictment.

SEC. 82. If selectmen of a town or assessors of a plantation wilfully neglect to deposit a list of voters with the town or plantation clerk, and to post such lists, as are hereinbefore required, they each forfeit not less than fifty, nor more than one hundred dollars; and for each day's neglect after the twentieth day of August, and until the state election next ensuing, they each forfeit thirty dollars.

SEC. 83. If such selectmen or assessors wilfully neglect or refuse to keep and use a check list, as provided in section forty-one, or wilfully receive any vote prohibited by section forty-three, or fraudulently receive the vote of any person not qualified to be an elector, as provided by the constitution, they each forfeit not less than fifty, nor more than one hundred dollars.

SEC. 84. The penalties in the two preceding sections may be recovered in an action of debt, in the name and to the use of the town or plantation, where the offense is committed, to be prosecuted to final judgment at the request of any voter therein, by the treasurer, unless he is one of the delinquent officers, and in that case, by one of the constables.

SEC. 85. Any municipal officer who strikes from the list of voters, after it has been prepared and posted, the name of any person residing in the town, without the notice and opportunity for hearing provided in section thirty-eight of chapter five, forfeits not less than twenty, nor more than one hundred dollars, to be recovered in an action on the case by the person whose name was struck out.

SEC. 86. Whoever wrongfully alters, erases or mutilates any name on a list of voters, or fraudulently votes in the name of another, or under an assumed name, shall for each offense be punished by fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

Altering, erasing, etc., names, or voting in another's name.
R. S., c. 4, § 66.
See c. 5, § 32.

SEC. 87. If any town officer, or any such officer chosen pro tempore, wilfully neglects or refuses to perform the duties required by sections fifty-six, fifty-seven and fifty-eight, on notice of the loss and destruction of any return therein described, he forfeits not less than one hundred, nor more than five hundred dollars.

Neglect to supply lost return.
R. S., c. 4, § 67.

SEC. 88. Any such officer, permanent or pro tempore, who in such case makes a false certificate and makes oath to its truth, shall be punished for perjury, and be disqualified from holding any office under the constitution and laws of the state for ten years.

Making false certificate.
R. S., c. 4, § 68.

SEC. 89. If a person, to whom returns of votes of any city, town or plantation, for governor, senators or representatives in congress, are entrusted by the clerk thereof to be forwarded to the office of the secretary of state, wilfully neglects to use all proper means for their delivery, within the time required, he shall forfeit not less than one hundred, nor more than five hundred dollars, or be imprisoned not less than two, nor more than six months.

Neglect of persons to whom returns are entrusted to deliver them.
R. S., c. 4, § 69.

SEC. 90. Every county attorney, who receives from the secretary of state a certificate that the return of votes of any town, in his county, for governor, senators or representatives in congress, has not been duly received at the secretary's office, shall immediately ascertain, so far as he can, by the default of what officer or person such neglect happened, and demand of him, if he finds such default wilful or caused by culpable negligence, the sum thereby forfeited; and if it is not immediately paid he shall prosecute such delinquent.

County attorneys to prosecute for wilful negligence in not delivering returns.
R. S., c. 4, § 70.

SEC. 91. In no case, except as in sections seventy-nine and eighty-one, shall an officer of a town, incur any punishment, or be liable in damages by reason of his official acts or neglects, unless they are unreasonable, corrupt or wilfully oppressive; but the neglect to prepare the lists of voters; to deposit it in the town clerk's office; to post it, as required herein; to call town meetings for elections; to cause returns of votes, or copies thereof to be delivered into the office of the secretary of state, as required by the constitution and laws; or to make the records by law required, shall be deemed wilful and unreasonable, unless the contrary is shown.

Liability of town officers limited.

—neglect deemed wilful, unless contrary is shown.
R. S., c. 4, § 71.
See c. 5, §§ 37, 38, 43, 46.
See §§ 34, 41, 43, 53, 54, 56, 58, 79, 81, 83.
76 Me., 162, 217.

SEC. 92. At any meeting for the election of any officer, where a list of voters is necessary, whoever wilfully votes before the presiding officer has had opportunity to find his name on said list, or knowing that it is not on it, or wilfully gives any false answer or statement to the municipal officers of towns, cities or plantations when they shall be previously preparing such list, or presiding at such meeting, in order that his name or the name of any other person may be entered on such list, or his vote or that of another be received; or casts more than one vote at one balloting; or is disorderly at such meeting, forfeits for each offense, not exceeding one hundred, nor less than ten dollars.

Punishment for misconduct of electors at elections.
R. S., c. 4, § 72.
1887, c. 91.
56 Me., 513.
96 Me., 433.

SEC. 93. Any officer of the militia who, except in time of war or public danger, parades his men, or exercises any military command on a day of election, as described in section ninety-three of chapter two hundred and sixty-six of the public laws of eighteen hundred and ninety-three, and not thereby excepted, forfeits for each offense not less than ten, nor more than three hundred dollars.

Liability of militia officers for military parades on election days.
R. S., c. 4, § 73.
See c. 14.

CHAP. 6.

Penalties in §§ 92, 93, how recovered.
R. S., c. 4, § 74.
Punishment for bribery and corruption at elections.
R. S., c. 4, § 75.
73 Me., 94.

—punishment for accepting bribe.

Punishment for knowingly voting where not entitled.
R. S., c. 4, § 76.
57 Me., 149.

Betting on elections punished.
—wager forfeited to town.
—how recovered.
R. S., c. 4, § 77.
69 Me., 121.

Mayor or treasurer to sue.
R. S., c. 4, § 78.
70 Me., 496.

Money paid on bet may be recovered.
R. S., c. 4, § 79.
68 Me., 531.

Conveyances for such purposes void; forfeit to town.
R. S., c. 4, § 80.

Enrollment required.
1903, c. 214, § 1.

Enrollment, how made.
1903, c. 214, § 2.

—new enrollment.

Clerk shall record enrollment.
1903, c. 214, § 3.

—town clerks shall provide stationery.

SEC. 94. The penalties, provided in the two preceding sections, may be recovered by indictment, half to the state, and half to the prosecutor.

SEC. 95. Whoever by bribery, menace, wilful falsehood or other corrupt means, directly or indirectly attempts to influence any voter in giving his vote or ballot, or to induce him to withhold it, or disturbs or hinders him in the free exercise of his right of suffrage at any election held under the provisions of the constitution or of this chapter, and whoever receives or offers to receive a bribe for his vote as aforesaid, shall be fined not more than five hundred dollars, or imprisoned not more than one year, and be ineligible to any office for ten years.

SEC. 96. Whoever, at an election of state and county or municipal officers, or of electors of president and vice-president, knowingly votes in any city, town or plantation, where he has no legal right to vote, shall be imprisoned in the county jail not less than three months, nor more than one year.

SEC. 97. No person shall make a bet or wager upon the result of any election in the state, in money or in any kind of property, real or personal, under penalty of forfeiting the money or property so bet or wagered, to the town in which he resides, or if he does not reside in the state, then to the town in which the bet or wager is made, to be recovered in an action on the case.

SEC. 98. The mayor of the city, or the treasurer of the town or plantation entitled to such forfeiture shall forthwith proceed to sue for it, as soon as he has proper evidence of such betting or wagering.

SEC. 99. Any party to such bet or wager, who has paid or conveyed to the winning party the money or property so bet or wagered, may recover it, or its value, in an action on the case.

SEC. 100. All conveyances, by deed or otherwise, of any interest in real estate, made by reason of any such bet or wager, are void; the person making them, forfeits the full value of the interest so conveyed, to the town entitled to the forfeiture for such betting or wagering, to be recovered as aforesaid.

POLITICAL CAUCUSES.

SEC. 101. No person shall take part or vote in any caucus of any political party unless qualified therefor by enrollment as hereinafter provided.

SEC. 102. Any person who is a legal voter may enroll himself as a member of any political party by filing with the clerk of the town of which he is a legal voter a declaration in writing, signed by him, substantially as follows: "I, _____, being a legal voter of _____, hereby elect to be enrolled as a member of the _____ party. The following statement of name, residence, place of last enrollment if any, and party of last enrollment if any, is true." A new enrollment may be made at any time, but the person making such new enrollment shall not vote in any political caucus within six months thereafter if he designates a different political party from that named by him in the preceding enrollment.

SEC. 103. The clerk of the town where the enrollment is made, as above provided, shall receive and file the same, indorsing thereon the date of filing, and shall record the name, residence, place of last enrollment and date of filing, in a separate book for the enrollment of members of each political party, entering the names alphabetically. Suitable blanks for such enrollment shall be provided by the town clerks and in addition thereto they shall provide books with proper headings, embodying the enrollment statements above provided, which the person desiring to enroll may fill out and sign, thereby enrolling himself with the same effect

CHAP. 6.

as by filing such enrollment paper. Such books shall be public records and shall at all times be open to public inspection. Any voter not previously enrolled may enroll as aforesaid up to the day of holding any caucus and may enroll himself during said caucus by subscribing and making oath to the following statement before the chairman of the caucus. "I, _____, do solemnly swear that I am a qualified voter in this town, or ward, and have the legal right to vote in the caucus of the _____ party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at the caucus of any other political party in the six months last past."

—records shall be open to public.

—enrollment, how made during caucus.

The secretary of the caucus shall indorse thereon whether the person subscribing and swearing to the same voted in said caucus, and within one week thereafter the secretary shall return said statement with the indorsement thereon to the clerk of the town wherein such caucus is held, and said clerk shall thereupon enroll said voter in the enrollment list of the party designated by him. Said statement shall be preserved as public records and shall be prima facie evidence in any court that said person took said oath and voted in said caucus.

—duty of secretary of caucus, when enrollment is made in caucus.

SEC. 104. Caucuses and meetings of political parties held for the purpose of nominating candidates or choosing delegates to assemble in convention to nominate any person to any public office whose name shall be placed on the final ballot, unless held under the provisions of sections one hundred and one to one hundred and twelve inclusive are hereby declared to be unlawful, and no political party shall have its political ticket placed on the final ballot unless the nominations of its candidates are made in accordance with the provisions of said sections, *provided* that this shall not be construed as preventing citizens' caucuses.

Caucuses must be held under §§ 101-112. 1903, c. 214, § 6.

SEC. 105. All votes for the election of delegates to any political convention for the nomination of a candidate for any public office shall be by ballot, written or printed, on plain paper.

—exceptions.

Votes shall be by ballot. 1903, c. 214, § 7.

SEC. 106. No person shall vote or offer to vote more than once for any candidate or delegate or set of delegates in any one caucus, nor shall he vote or offer to vote in any one caucus held in any caucus district in which he shall not at the same time be a legal voter. No person shall vote or offer to vote in any caucus where candidates or delegates are to be chosen, if he has already voted at the caucus of any other political party in the past six months.

Restrictions on voting. 1903, c. 214, § 8.

SEC. 107. No person whose right to vote is challenged shall be allowed to vote until he shall have taken the following oath, which shall be administered by the chairman of the caucus: "You do solemnly swear that you are a qualified voter in this town or ward, and have the legal right to vote in this caucus; that you are a member of the political party holding the same and intend to vote for its candidates at the election next ensuing, and that you have not taken part or voted at the caucus of any other political party in the six months last past." The secretary of the caucus shall make a record of the administration of such oath, as provided in section one hundred and three and with the same effect.

Oath to be taken by challenged voters. 1903, c. 214, § 9.

SEC. 108. Notices of caucuses, signed by the chairman and secretary, shall be issued by each town committee not less than seven days prior to the day on which the caucuses are to be held. They shall be conspicuously posted in at least five places on the highways of each voting precinct, and shall state the place, day and hour of holding such caucuses. In case voting is by check list a sufficient time shall be allowed for all to vote,

Notices of caucuses shall be issued seven days prior to caucuses. 1903, c. 214, § 10.

CHAP. 6.

Bribery
forbidden.
1903, c. 214, § 11.

Check lists,
provisions
as to use of.
1903, c. 214, § 12.

Penalty for
violations of
§§ 101-110.
1903, c. 214, § 13.

Exceptions.
1903, c. 214, § 14,
15.

Penalty for
disturbing pri-
mary politi-
cal meetings.
1887, c. 53, § 1.

Penalty for
unlawfully
voting in such
meetings.
1887, c. 53, § 2.

Penalty for
preventing le-
gal voting,
permitting il-

and the call for the caucus shall state the hours fixed by the committee for the opening and closing of the polls.

SEC. 109. No person shall pay or offer to pay to any voter any pecuniary compensation for the vote of such voter, or to influence his action at any caucus held under the provisions of the eight preceding sections.

SEC. 110. Voting lists as used in the election next preceding any caucus, shall be used as check lists, at such caucuses, if the town committee shall so determine and provide in the call, and such committee shall be required to provide for the use of such list upon written request, filed with the chairman or clerk of the committee, at any time before the call is posted, of voters of the party, to the number of not less than twenty in towns of two thousand and not exceeding five thousand inhabitants; and of not less than fifty in towns of five thousand or more inhabitants, according to the last official census of the United States. The officials having charge of such voting lists shall furnish certified copies thereof for use in caucuses, upon application of such party committee, the expense thereof to be paid as other expenses of registration are now paid. No person shall be deprived of his right to vote in such caucus by reason of the fact that his name does not appear on such lists if he shall have become a legally qualified voter of such precinct subsequent to the last election, and shall be otherwise qualified to vote as provided in the nine preceding sections.

SEC. 111. Whoever violates any provision of the ten preceding sections, or refuses to perform any duty required thereunder, or wilfully makes a false statement of fact in his declaration of enrollment, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months.

SEC. 112. The provisions of the eleven preceding sections shall not apply to towns of less than two thousand inhabitants, nor to cities of more than thirty-five thousand inhabitants, nor to cities wherein the calling and holding of caucuses, is regulated by special law until such special law is repealed.

PROTECTION OF POLITICAL CONVENTIONS.

SEC. 113. Whoever, by rude or indecent behavior, or in any way wilfully or unlawfully disturbs or interrupts any public primary political meeting or caucus or public convention, lawfully assembled in any hall or other place of meeting, for the purpose of nominating, or proposing candidates for any public office, or for the choice of delegates to conventions or other meetings called for such purpose, or creates a disturbance in any hall, walk or corridor adjacent or leading to the room where such caucus or convention is held, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five, nor more than ten dollars.

SEC. 114. Whoever, not being a voter in the ward, to voters of which such meeting or caucus by the call therefor is limited, or whoever, being a voter in such ward, but not included in the description of those persons invited to such meeting or caucus by the call therefor, shall vote, or attempt to vote, or otherwise wilfully or unlawfully participate in such meeting or caucus, or whoever shall wilfully and knowingly give in, or attempt to give in, more than one vote or ballot upon any question submitted to said meeting or caucus, or in any balloting that may be taken therein, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five, nor more than ten dollars.

SEC. 115. Any officer of any such caucus or of any public convention so assembled for the purpose aforesaid, or any person selected thereby or under the authority thereof, or any person assuming to act therein for the

CHAP. 6.

purpose of ascertaining or declaring the result of any vote or balloting that may there be had, who shall wilfully and knowingly prevent any person from voting therein, having a right under the law and the terms of the call for such meeting so to do, or who shall wilfully authorize or permit any person to vote therein, not entitled by law or the terms of the call to participate in such meeting, or who shall knowingly and wilfully receive from any person more than one vote upon any question or in any single balloting therein, or who shall participate in, or wilfully and knowingly permit any false counting or declaring of any vote or balloting in said meeting, shall for such offense be punished by imprisonment for not more than thirty days or by fine of not less than ten, nor more than twenty dollars.

legal voting,
or allowing a
false count.
1887, c. 58, § 3.

SEC. 116. Whenever the right of any person to vote in any such primary meeting or caucus or convention, is challenged for reasonable cause by three or more persons present in such meeting, of whose right to participate therein the presiding officer has no doubt, such challenged person shall not vote unless the presiding officer shall, notwithstanding such challenge, be satisfied of his right and shall authorize him so to do, until all present, whose right to vote in such meeting is unchallenged, have had an opportunity to vote; after which, and prior to the declaration of such vote, the question of the right of any person or persons so challenged to vote, shall be submitted by the presiding officer to such meeting, and the challenged vote or votes shall then be received, if such meeting shall so determine, and not otherwise. And if any person whose right to vote in such meeting has been thus challenged, shall, after such challenge and prior to such determination of his right so to do, vote upon the question of receiving his own vote or upon any other question in said meeting or caucus, he shall be punished as prescribed in the preceding section.

When the
right of any
person to
vote, is chal-
lenged, how
determined.
1887, c. 58, § 4.

SEC. 117. The provisions of the four preceding sections shall be applicable only to cities of more than twenty-five thousand inhabitants.

Where four
preceding sec-
tions shall be
applicable.
1887, c. 58, § 5.

PLANTATIONS.

SEC. 118. The assessors of each plantation shall on or before the eleventh day of August in each year in which an election for governor, senators and representatives is held, prepare a list of such inhabitants within its limits, as they judge to be constitutionally qualified to vote in the election of such state officers; deposit it in the office of the plantation clerk; and post and correct it in the manner required in case of towns.

List of voters
prepared,
posted and
corrected.
R. S., c. 4, § 81.

SEC. 119. They shall call a meeting of such voters, to be held on the second Monday of September in every such year, at some convenient and central place in the plantation, for the election of governor, senators and representatives to the legislature, by a warrant in due form by them signed, in which the time, place and purposes of the meeting shall be set forth; and notice shall be given by posting a copy thereof in one or more public places in the plantation at least seven days before the day of meeting. Similar notice shall be given of all meetings for choice of representatives to the legislature, or to congress, of state and county officers, and of electors of president and vice-president.

State officers,
meetings to be
called for
their choice.
R. S., c. 4, § 82.

SEC. 120. Such assessors shall preside impartially at all such meetings, receive the votes of all voters present, sort, count and declare them in open plantation meeting and in presence of the clerk, who shall form a list of the persons voted for, with the number of votes for each person written out in words against his name, and make a full record thereof in

Votes, how re-
ceived.
R. S., c. 4, § 83.

CHAP. 6.

—list of votes and voters to be returned by the clerk to the secretary of state.

Votes to be allowed in elections, as in towns.
R. S., c. 4, § 84.

Votes to be rejected on failure of plantation to comply with legal provisions.
R. S., c. 4, § 85.

—secretary of state to furnish blanks.

presence of the assessors and in open plantation meeting. The clerk shall make fair copies of the list of voters so posted as corrected, and of the names of all voters on said list who were present and voted at said election, which shall be attested by the assessors and the clerk in open plantation meeting, and he shall cause the record of said votes to be delivered, within the time required by the constitution and the laws, to the person appointed to receive them, and shall cause the copy of the list of voters and of the names of the persons present and voting to be transmitted to the secretary of state with the record of votes aforesaid.

SEC. 121. Votes so thrown shall be received and allowed for electors of president and vice-president of the United States, for governor, senators, and representatives to the legislature, and to congress, and for county officers, the same as votes thrown in a town in said county.

SEC. 122. If it does not appear by the return of the lists of voters so posted, and of the names of the voters on said list who were present and voted at such election, and by the return of its organization duly signed and made to the office of the secretary of state within the time required by law, that the plantation has been duly organized and that section one hundred and twenty has been fully complied with, such votes shall be rejected. The secretary of state shall furnish to the clerks of such plantations suitable blanks for the returns herein required.

CHOICE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

Electors of president and vice-president to be chosen.
R. S., c. 4, § 86.
See U. S. Constitution, Art. II, § 1, ¶ 2.

—meetings, when and how called.

Votes how received and returned.
R. S., c. 4, § 87.

—governor and council to count votes.
See § 59.

—secretary to send for delinquent returns.

—governor and council to examine and count votes.

—notice to persons elected.

Expense of sending for such returns to be paid by state, and added to state tax of delinquent towns.
R. S., c. 4, § 88.

SEC. 123. Whenever the election of president and vice-president of the United States is to take place, there shall be chosen from the inhabitants of the state, as many electors of president and vice-president as the state is entitled to; and on the Tuesday next after the first Monday in November of such year, the people qualified to vote for senators, shall assemble in town, plantation, city or ward meetings, to be notified, held and regulated as prescribed by the constitution and laws for the election of such senators.

SEC. 124. The votes shall be sorted, counted, declared and recorded; and the returns of the number of ballots, and of the votes given for each elector, shall be made according to the constitution and laws, to the secretary of state, on or before the second Thursday after such meeting; on the third Thursday after such meeting, 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; and the governor and council shall again meet on the Thursday next before the first Wednesday in December, 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 secretary's office; and they shall forthwith send a certificate of election to each person who has received the greatest number of all the votes returned to said office, not exceeding the number to be chosen.

SEC. 125. The expense of each messenger sent as required in the preceding section shall be audited and allowed by the governor and council, and paid out of the state treasury; and unless they think that the officers of any delinquent town have fully performed their duties in making the required returns, the amount so paid shall be added to the next state tax assessed on such town; but if the same messenger is sent to two or more towns on the same route, the amount to be paid by each of them, shall be

apportioned by the governor and council according to their relative distances and the expense of traveling.

SEC. 126. If, on such examination it appears that there has not been a choice of a majority of the whole number of electors, the governor, by proclamation, shall convene the legislature forthwith; and the legislature by joint ballot of the senators and representatives assembled in one room shall choose as many electors, as are necessary to complete the number to which the state is entitled.

SEC. 127. The electors shall convene in the senate chamber at Augusta on the Saturday preceding the second Monday of January next after their election, at two 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 the requisite number of persons qualified to supply such deficiency.

SEC. 128. Said electors, on said second Monday of January, shall vote by ballot for one person for president and one person for vice-president of the United States; one of whom, at least, shall not be an inhabitant of this state; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; they shall make and subscribe three certificates of all the votes by them given, each of which shall contain two distinct lists, one of the votes given for president, and the other of the votes given for vice-president; they shall seal them up and certify on each certificate, that a list of votes of the State of Maine for president and vice-president of the United States is contained therein. They or a majority of them shall, under their hands, appoint a person to take charge of one of said certificates, and deliver it at the seat of government of the United States, to the president of the senate of the United States, before the fourth Monday of the month of January in which their meeting shall have been held; they shall forthwith forward by the post office, another of said certificates, directed to the president of the same senate, at the same seat of government; and they shall forthwith cause the other certificate to be delivered to the judge of the district court of the United States for the district of Maine.

SEC. 129. Electors shall receive as compensation ten dollars a day and such travel as members of the legislature receive. They may appoint a secretary and such other officers as they deem proper who shall receive such reasonable compensation for their services as the electors shall allow them.

SEC. 130. The secretary of state shall procure blank returns of the proper form for such cities, towns and plantations, and furnish them to the several clerks thereof at least thirty days before the day of election of electors as aforesaid.

SEC. 131. All laws in relation to the duties of city, town and plantation officers, and of voters in the election of governor, senators and representatives to the legislature, and to the penalties incurred for their violation, apply, so far as applicable, to meetings held for the election of such electors, and to returns thereof.

SOLDIERS AUTHORIZED TO VOTE.

SEC. 132. All persons who now are, or may hereafter become inmates of the National Home for disabled volunteer soldiers at Togus, in the county of Kennebec, or subject to the rules and regulations thereof, or shall receive rations therefrom, shall be deemed citizens of the respective towns in which they had a legal residence when their connection with

In case of no choice of majority of electors, governor to assemble legislature.
R. S., c. 4, § 89.

Meeting of electors.
R. S., c. 4, § 90.
1889, c. 150, § 1.

—vacancies, how filled.

Proceedings of presidential electors.

See U. S. Constitution, amendment xii and acts of Congress of Feb. 3, 1887, and Oct. 19, 1888.
R. S., c. 4, § 91.
1889, c. 150, § 2.

Compensation.
R. S., c. 4, § 92.
1889, c. 150, § 3.

Sec'y to furnish town clerks with blanks.
R. S., c. 4, § 93.
See c. 2, § 53.

Town officers to proceed as in other meetings.
R. S., c. 4, § 94.

Inmates of National Home, residence of, and right to vote, established.
1885, c. 314.
1891, c. 31.

CHAP. 6.

said National Home commenced, so long as such connection shall continue therewith, but any person connected with the National Home as aforesaid, but having a domicile in a town, in this state, outside of said Home and a voting residence therein, shall not be disqualified from voting in the town in which he has such residence, on account of his connection with said Home.

Citizens absent in military service (if not in regular army) may vote for president.
R. S., c. 4, § 95.

SEC. 133. All citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, may vote for electors of president and vice-president of the United States on the day designated by law for the election of those officers, in the manner authorized by, and in conformity with section four of article two of the constitution as amended. The names of the voters shall be entered on the poll-lists by counties, and the returns of said elections, with the poll-lists, shall be delivered into the office of the secretary of state on or before the Thursday next before the first Wednesday of December in each year when a presidential election occurs.

Citizens absent in military service (if not in regular army) allowed to vote for congressmen, and for state and county officers.
R. S., c. 4, § 101.

SEC. 134. All citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, may vote for electors of president and vice-president governor, senators and representatives to the legislature, county officers and representatives to congress on the day designated by law for the election of such officers. Such elections shall be held and conducted in the same manner and under the same regulations as those provided for allowing citizens absent from the state in the military service to vote for electors of president and vice-president, and returns thereof shall be made in the same manner to the office of the secretary of state. Such citizens shall present but one ballot, upon which shall be printed the names of all candidates voted for, and the offices which they are intended to fill, and one poll-list and one return of votes only is necessary.

—elections, how held.
R. S., c. 4, § 102.

Secretary of state to prepare poll-lists, etc.
R. S., c. 4, § 103.

SEC. 135. The secretary of state shall seasonably prepare and cause to be delivered to each regiment and battery without the state, a sufficient number of blank poll-lists, and forms for returns of votes in conformity with the provisions hereof, and with article two, section four of the constitution; and said section of the constitution and sections one hundred and thirty-three to one hundred and thirty-six inclusive, of this chapter, shall be printed in each poll-list so delivered.

Governor and council may correct errors and frauds in returns of soldiers' votes.
R. S., c. 4, § 104.

SEC. 136. The governor and council may correct errors and frauds, if any, in all returns of votes given by soldiers in the army for county officers. But no informality, merely, shall authorize the rejection of such return, if it appears on its face, or otherwise, that the provisions of the constitution, and of this chapter, were substantially complied with.