

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

forth the names of the electors, and the number of votes given for each person voted for; and the governor shall deliver to the electors, on or before the 1st Monday after the 2nd Wednesday of December next after their election, 6 original duplicates of the same certificate under the seal of the state. If there shall have been any contest concerning the choice of any electors, or in case of a choice under the provisions of the preceding section, the governor, after such determination, shall communicate under the seal of the state to the administrator of general services of the United States a certificate of such determination in form and manner as the same shall have been made. The electors shall convene in the senate chamber at Augusta on the 1st Monday after the 2nd Wednesday of December next after their election, at 2 o'clock in the afternoon; and if any elector so chosen is not present, the electors then present, by a majority of votes, shall forthwith elect a qualified person to supply such deficiency. (R. S. c. 5, § 82. 1955, c. 47, § 7.)

Effect of amendment.—The 1955 amendment substituted “administrator of general services” for “secretary of state” in the first and second sentences.

Sec. 82. Proceedings of presidential electors.

III. On the day thereafter they shall forward by registered mail two of such certificates and lists to the administrator of general services of the United States at the seat of government. (1955, c. 47, § 8.)

Effect of amendment.—The 1955 amendment substituted “administrator of general services” for “secretary of state” in subsection III. As the rest of the section was not changed by the amendment, only subsection III is set out.

Contested Elections.

Sec. 84. Claimant of county or municipal office to proceed as in equity.

Applied in *Miller v. Hutchinson*, 150 Me. 279, 110 A. (2d) 577.

Chapter 6.

Absent Voting. Physical Incapacity Voting.

The right to vote in absentia by absentee ballot is statutory and one who exercises such statutory rights must comply substantially with the provisions of the statute. *Miller v. Hutchinson*, 150 Me. 279, 110 A. (2d) 577.

Sec. 2. Secretary of state to prepare ballots, blank forms, instructions, etc., for city and town clerks.

Requirements mandatory.—This section directs the city clerk to prepare an absentee voting ballot, a blank form of application for such ballot and envelopes of sufficient size to contain the ballot. Among other requirements the aforesaid envelopes are to bear on the reverse side the required affidavit prescribed by subsection IV. These statutory requirements are mandatory. *Miller v. Hutchinson*, 150 Me. 279, 110 A. (2d) 577.

The oath required by this section is mandatory and failure of the voter to make or take such an oath, administered

by a qualified official, is fatal and invalidates the vote so cast. *Miller v. Hutchinson*, 150 Me. 279, 110 A. (2d) 577.

Certificate on envelope held insufficient.—A certificate on the envelope of an absentee ballot that “the above statements made by said affiant are true to the best of my knowledge and belief” does not constitute a compliance with this section, which requires a jurat that the voter “personally appeared * * * and made oath to the truth of the statement contained hereon.” *Miller v. Hutchinson*, 150 Me. 279, 110 A. (2d) 577.

Sec. 6. Procedure in cities.—When a written request for an absent voting ballot or physical incapacity voting ballot is received by the clerk of a city, he shall forthwith mail or deliver the application and ballot to the applicant; provided, however, that if the request is made on the form prescribed by subsections

II and III of section 2, then he shall mail or deliver only the ballot. Before the closing of the polls on election day, the clerk shall deliver to the officials charged by law with the registration and enrollment of voters in such city all applications for absent voting and physical incapacity voting ballots which have been received by him. Such officials shall examine each application and, if they believe the signature thereon to be genuine and the statements therein made to be true, they shall execute the certificate thereon and return it to the clerk. If the officials do not believe the signature to be genuine or the statements made by the applicant to be true, and so decline to execute the certificate, they shall forthwith mail to the applicant at his address as stated on his application written notice to that effect, giving their reasons for so declining and informing him that his ballot will not be counted. They shall keep a record in a book provided for that purpose of all voters whose applications for official absent voting ballots or physical incapacity voting ballots are certified to the city clerk together with the date of the execution of the certificate on the application. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time the application shall also be destroyed. The clerk shall keep lists of the names and addresses, arranged by voting precincts, of all voters filing applications for absent voting ballots or physical incapacity voting ballots and shall post copies of such lists for public inspection at each voting place. The clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot or physical incapacity voting ballot is mailed or delivered, the letters in capitals A. V. (R. S. c. 6, § 6. 1949, c. 349, § 3. 1951, c. 303. 1955, c. 47, § 9.)

Effect of amendment.—The 1955 amendment inserted the reference to subsection II of section 2 in the first sentence.

Chapter 9.

Corrupt Practices.

Sec. 2. Definitions; appointment of treasurer or political agent to be filed with secretary of state.

No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of state, except that, in case the duties of such treasurer or political agent shall relate to any city, ward or town election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the clerk of the municipality within which such candidate resides instead of with the secretary of state. The treasurer of a representative-class committee shall file such writing with the town clerk of the town within which he resides. Every such writing shall designate the particular period, election, caucus or primary election during which such treasurership or political agency shall continue. The treasurer or political agent of any organization or candidate may be the treasurer or political agent of any other organization or candidate. (R. S. c. 8, § 2. 1955, c. 345, § 4.)

Effect of amendment.—The 1955 amendment deleted the words “and any candidate for public office may designate himself as his own political agent” at the end

of the last sentence. As only the last paragraph of the section was changed by the amendment, the first, second and third paragraphs are not set out.

Sec. 3. Repeated by Public Laws 1955, c. 345, § 5.

Sec. 6. After election candidates to file statement of contributions and expenses.—Every candidate for public office shall, within 15 days after the election at which he was a candidate, file with the secretary of state, if a candidate for United States senator, representative in congress, or for any state or county