

MAINE STATE LEGISLATURE

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CHAPTER 25
VOTING MACHINES

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§ 1031. Obtaining and using

A municipality may obtain and use voting machines according to the following provisions:

1. Purchased or rented. The municipality may either purchase or rent voting machines.

2. Use authorized. The voting machines shall be used at each type of election authorized by the legislative body of the municipality. Once authorization has been given for use of the machines at any type of election, that authorization continues until specifically revoked by the legislative body.

3. Use in one or more districts. A municipality which has more than one voting district may use voting machines in one or more of the districts as determined by its legislative body.

1961, c. 360, § 1.

§ 1032. Requirements for machines

A voting machine purchased by a municipality must meet the following requirements:

1. **Secrecy.** It must be constructed so as to insure to each voter an opportunity to vote in secrecy.

2. **Voting limited.** It must permit a voter to vote once and only once for each candidate and each question for whom or on which he is entitled to vote.

3. **Write-in vote.** It must permit a voter to vote for a write-in candidate.

4. **Form of ballot label.** The titles of offices may be arranged horizontally with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically with the names of candidates for an office arranged horizontally opposite the title of the office, or the titles of offices and the names of candidates for an office may be arranged in any horizontal and vertical combination as may be deemed advisable by the Secretary of State.

1963, c. 78, § 11.

5. **Voting limited to vacancies.** It must prevent a voter from voting for more persons for an office than there are offices to be filled.

6. **Voting restricted at primary.** It must prevent a voter from voting for the nomination of candidates of more than one party at a primary election.

7. **Unauthorized voting prohibited.** It must prevent a voter from voting for any office or upon any question for whom or on which he is not entitled to vote.

8. **Change of vote permitted.** It must permit a voter to change or retract a vote he has attempted to cast for any person, or on any question, before his vote has been completed and registered.

9. **Device for printing or photographing candidate or question counters.** It may be provided with a device or devices for printing and photographing candidate and question counters which will provide a record before the polls open and after the polls close.

1963, c. 78, § 12.

10. Official approval required. It must be of an identical type approved by the Secretary of State, the Attorney General and one member of the Governor's Council to be designated by the Governor.

1961, c. 360, § 1; 1963, c. 78, §§ 11, 12.

§ 1033. Bond required

A municipality shall not make a payment on the purchase price of any voting machine until the vendor has filed with the Secretary of State a bond issued by a surety company in form and amount approved by the Insurance Commissioner, in which the voting machine is specified by number, conditioned to keep the machine in good working order at the expense of the vendor for 5 years from the date of the delivery of the machine.

1961, c. 360, § 1.

§ 1034. Regulations of Secretary of State

The Secretary of State may make reasonable regulations governing the use of voting machines. Before the regulations become effective, they must be approved by the Governor and Council.

1961, c. 360, § 1.

§ 1035. Custody

The clerk has custody of a voting machine used by the municipality.

1. Storage and maintenance. He is responsible for the proper storage and maintenance of each machine.

A. He shall have each machine locked, sealed and stored in a safe, dry building.

B. He shall have each machine kept in proper operating condition.

1961, c. 360, § 1.

§ 1036. Expense of storage and maintenance

The municipality shall pay reasonable expenses for the storage and maintenance of the machines as authorized by the clerk.

1961, c. 360, § 1.

§ 1037. Operating instructions

The clerk shall hold a meeting before an election when it is necessary to instruct election officials in the operation of voting machines.

1. Permission to use machines refused. The clerk shall not permit a voting machine to be used at any voting place, unless he is satisfied that the election officials at that voting place know how to operate the machine properly and how to instruct a voter in operating it.

1961, c. 360, § 1.

§ 1038. Ballot labels

The Secretary of State shall furnish the ballot labels for all except municipal elections.

1. Content of label. The ballot label must contain the names of the candidates or nominees of each political party arranged as nearly as practicable in accordance with the requirements for paper ballots, and subject to section 1032, subsection 4.

1963, c. 78, § 13.

2. Referendum question. A referendum question must be arranged so that the voter may vote for or against it.

1961, c. 360, § 1; 1963, c. 78, § 13.

§ 1039. Arrangement of voting place

The municipal officers shall arrange each voting place according to section 602 except that voting booths need not be furnished.

1961, c. 360, § 1.

§ 1040. Secrecy preserved

The warden at each voting place shall not remain or allow any other person to remain where he can see how anyone votes, except a proper official whose assistance has been requested by a voter.

1961, c. 360, § 1.

§ 1041. Clerk to post specimen ballot labels

The clerk shall post 2 sets of specimen ballot labels conspicuously at the voting place at the opening of the polls on election day.

1961, c. 360, § 1.

§ 1042. Delivery

The clerk shall perform the following duties concerning the delivery of voting machines:

1. Delivery. He shall have the voting machines delivered to each voting place at least 12 hours before the opening of the polls on election day. At the time of delivery, the ballot labels must be in place on each machine.

2. Arrangements of machines. The clerk shall arrange each voting machine so that each ballot label, when not in use, and the exterior of the machine are completely visible to the election officials.

3. Machines locked. After the voting machines have been placed in the proper position at the voting place, the clerk shall make certain that each machine is ready for use when the polls open, and he shall then lock each machine.

4. Keys to voting machines. At least ½ hour before the opening of the polls on election day, the clerk shall deliver the keys to each machine in a sealed envelope, to the warden at the voting place.

1961, c. 360, § 1.

§ 1043. Preparation for voting

When it is time for the polls to open, the warden shall open the envelope containing the keys to the voting machines in the presence of an election clerk who is a member of another political party.

1. Counters exposed. If the number on the seal agrees with the number on the envelope, the warden shall open the doors concealing the counters, inspect the machine and sign a certificate provided by the Secretary of State showing that all the counters are set at 0, that the number of the protective counter agrees with the number on the envelope, and that all parts of the machine and the ballot labels are in proper condition for voting. If the machine is provided with a device or devices for

printing or photographing candidate and question counters, it shall not be necessary to open the door concealing the counters. The warden or his designated election clerk shall proceed to operate the mechanism provided to produce one "before election inspection record" showing whether the candidate and question counters register "000" and sign the certificate as prescribed by the Secretary of State.

1963, c. 78, § 14.

2. Machine satisfactory. If the machine is in satisfactory condition for voting, the warden shall permit its use forthwith, after closing the doors concealing the counters.

1961, c. 360, § 1; 1963, c. 78, § 14.

§ 1044. Directions for voting

A voter shall follow the same procedure prior to voting as if paper ballots were being used. He is entitled to the same assistance in voting by machine as by paper ballot.

1. Exception. In a voting place which uses voting machines, there is no outgoing election clerk or outgoing voting list.

1961, c. 360, § 1.

§ 1045. Challenge of right to vote

A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting his vote but must use an official absentee voting ballot.

1963, c. 78, § 15.

§ 1046. Activation of machines

The voting machines shall be activated by the warden or an election clerk designated by him.

1. Primary election. In a primary election, the warden or, in his absence, a designated election clerk must activate each voting machine so that a voter can vote only for the candidates of the political party in which he is enrolled.

1961, c. 360, § 1.

§ 1047. Procedure for tabulating votes

The following regulations outline the procedure for tabulating votes at an election in which voting machines are used:

1. Counters exposed. As soon as the polls are closed, the warden shall unlock each machine to prevent further voting. He shall then open the counters on each voting machine so that anyone present can see the totals. If the machine is provided with a device for printing or photographing candidate and question counters, it shall not be necessary to open the door concealing the counters. The warden or his designated election clerk shall proceed to operate the mechanism provided to produce a record of the votes cast on the candidate and question counters. Such record may be deemed an official statement or certificate of returns for that machine and may be endorsed, delivered and filed as required by the Secretary of State.

1963, c. 78, § 16.

2. Totals announced. The warden shall announce the total for each candidate in the order shown on the ballot label, for each referendum question, and for each write-in candidate. As each total is read, it shall be recorded by an election clerk from a political party other than that of the warden.

3. Totals checked. When all the totals for a voting machine have been read and recorded, the election clerk shall check the totals recorded by him with those appearing on the machine. If the totals do not agree, the election clerk shall correct the record and call it to the attention of the warden. If the totals agree, the election clerk shall record the number of the machine at the top of the column of totals recorded from it.

4. Machine locked. After allowing any person to compare the record with the totals shown on the machine, the warden shall close and lock it with the totals remaining on it and proceed to tabulate the next machine in the same manner.

5. Absentee ballots counted. After the totals for all voting machines have been recorded and checked, the absentee ballots shall be counted.

6. Total announced. As soon as the absentee ballots have been counted, the total vote for each candidate and on each referendum question shall be tabulated and the result announced by the warden.

1961, c. 360, § 1; 1963, c. 78, § 16.

§ 1048. Procedure after election

The following procedure shall be observed after an election at which voting machines are used.

1. Keys sealed in envelope. In the presence of an election clerk who is a member of another political party, the warden shall enclose the keys to each voting machine in a separate envelope furnished by the clerk. The warden shall write the number of each machine, the location of the voting place in which it was used, the number on the seal and the numbers registered on the protective counter on the outside of the envelope.

2. Envelopes endorsed. After sealing each envelope securely, the warden and the election clerk shall endorse their signatures on it, and the warden shall see that it is returned forthwith to the clerk.

3. Counter totals preserved. The totals shown on the counters of a voting machine must be retained for 3 months after the election at which it is used.

A. Exception. If the occurrence of another election makes it imperative to remove the counter totals within 3 months after an election, the clerk shall have them photographed in his presence, and in the presence of the warden and an election clerk of a different party. The warden shall make a statement showing the number and counter totals of each machine as it is photographed. He shall sign the statement, have it attested and deliver it to the clerk who shall record it. As soon as the photographs are printed legibly, the clerk shall remove the totals, and retain the photographs for the balance of the 3-month period. If the machines were equipped with a device or devices which had produced a printed or photographed record of the vote shown on the candidate and question counters, the clerk shall remove the totals and retain the printed or photographed record for the balance of the 3-month period. (1963, c. 78, § 17.)

1961, c. 360, § 1; 1963, c. 78, § 17.

§ 1049. Security for keys

The clerk shall keep the keys to each voting machine in a vault or safe which is kept securely locked when the keys are not being removed from or replaced in it. He shall not allow any unauthorized person to have possession of the keys to any voting machine.

1. Keys returned. A person who is authorized to have possession of the keys to a voting machine shall return them to the clerk when he no longer needs them for the authorized purpose.

1961, c. 360, § 1.

§ 1050. Application of provisions to voting by machine

The provisions of this Title which are not inconsistent with this chapter apply to all elections where voting machines are used.

1961, c. 360, § 1.