

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
WILLIAM J. CONDON,.....PRINTER.

1835.

FIFTEENTH LEGISLATURE.

NO. 21.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-FIVE.

AN ADDITIONAL ACT regulating Elections.

[NEW DRAFT.]

SECTION 1. *Be it enacted by the Senate and*
2 House of Representatives, in Legislature as-
3 ssembled, That if any person, claiming a right
4 to have his name placed upon the list of voters,
5 at any session of the Aldermen, Selectmen, or
6 Assessors, for the purpose of preparing such list
7 of voters, to be used at any election of Gover-
8 nor, Senators, and Representatives, in the
9 Legislature of this State, Electors of President,
10 and Vice President of the United States, Rep-

11 representative in Congress, County Treasurer,
 12 Register of Deeds, Town, City, or Plantation
 13 Officers, shall be challenged as unqualified, by
 14 any person entitled to vote at said election, the
 15 officers whose duty it shall be to prepare said
 16 list of voters, shall state to the person so chal-
 17 lenged, the qualifications of an elector, and shall
 18 then proceed to receive the evidence of his
 19 qualifications as aforesaid, which, if satisfactory
 20 to all parties interested, shall entitle him to be
 21 placed on said list of voters, but if otherwise,
 22 and he shall still declare himself duly qualified,
 23 and shall furnish evidence of three months resi-
 24 dence in the City, Town or Plantation, where
 25 he claims the right to vote, the officers aforesaid,
 26 shall tender to him the following oath or affir-
 27 mation :—

You, A. B. do solemnly swear, (or affirm,) that you are a citizen of the United States, of the age of twenty one years and upwards, that you are not a pauper, nor under guardianship, that you have had your residence established in this town, (city or plantation,) for the term of three months next preceding this election, that such residence has not been gained by being stationed in any garrison, barrack, or military place, nor by being a student at any seminary of learning, in this town, (city or plantation.) SO HELP YOU GOD.

28 And if he shall furnish evidence of his residence
 29 for the term of three months, in the town, (city
 30 or plantation,) next preceding the election, as

31 aforesaid, and shall take said oath or affirmation,
 32 he shall be deemed duly qualified, and his name
 33 shall be placed upon said list of voters, but not
 34 otherwise: *Provided, however,* That if the
 35 person to whom the oath or affirmation shall be
 36 tendered as aforesaid, be an Indian, he shall be
 37 required, in addition, to give oath, that he has
 38 been taxed; and *provided also,* that if any per-
 39 son living in any unorganized plantation and
 40 claiming a right to vote for any of the officers
 41 aforesaid, in the town or organized plantation
 42 where he has been, or is liable to be taxed, shall
 43 be required to furnish satisfactory evidence that
 44 he has had his residence, for the term of three
 45 months next preceding the election, in such un-
 46 organized plantation, and the aforesaid oath or
 47 affirmation, when administered to him, shall be
 48 varied accordingly, but the officers aforesaid,
 49 shall proceed to determine his qualifications,
 50 as an elector in all other respects, as in other
 51 cases.

SECT. 2. *Be it further enacted,* That it shall
 2 be the duty of the officer or officers, presiding
 3 at the election of any of the officers aforesaid, to
 4 receive the evidence, and determine the qualifi-

5 cations of electors, at any time during the elec-
6 tion, in the same manner as is prescribed in the
7 first section of this additional act, and to place
8 the names of such persons upon said list, and to
9 receive their votes, who shall comply with the
10 requirements of the aforesaid first section of this
11 Additional Act, and be found to be duly quali-
12 fied, agreeably thereto, but not otherwise.

SECT. 3. *Be it further enacted*, That the
2 presiding officer or officers, at the election of
3 any of the officers aforesaid, are hereby author-
4 ized to call on any person to state what he
5 knows of the qualifications, as an elector, of any
6 person claiming the right to vote at said election,
7 and if such person so called upon, shall refuse
8 to disclose what he knows of the qualifications,
9 as an elector, of any such person claiming the
10 right to vote, or shall wilfully or knowingly,
11 make any false statement, or answer, relative
12 thereto, shall forfeit and pay for each and every
13 such offence, upon conviction thereof, before any
14 court of competent jurisdiction, a sum not less
15 than twenty, nor more than fifty dollars.

SECT. 4. *Be it further enacted*, That if any
2 elector, challenged as unqualified, shall be guilty
3 of wilful and corrupt false swearing or affirming,

4 in taking the oath or affirmation, prescribed in
5 this act, such person shall be adjudged guilty
6 of wilful and corrupt perjury.

SECT. 5. *Be it further enacted*, That every
2 person who shall wilfully and corruptly, procure
3 or advise any person to swear or affirm falsely as
4 aforesaid, shall be adjudged guilty of subornation
5 of perjury, and shall upon the conviction thereof,
6 suffer the punishment directed by law, in cases of
7 wilful and corrupt perjury.

SECT. 6. *Be it further enacted*, That if any
2 officer on whom any duty is enjoined in this act,
3 shall be guilty of any wilful neglect of such duty,
4 or of any corrupt conduct in the execution
5 of the same, and be thereof convicted, he
6 shall be deemed guilty of a misdemeanor, pun-
7 ishable by fine or imprisonment, according to the
8 aggravation of the offence; but the fine in no
9 case to be less than fifty, nor more than five
10 hundred dollars, nor the imprisonment more
11 than one year: *Provided, however*, that a re-
12 fusal to administer the oath or affirmation, shall
13 not subject the officer or officers presiding at said
14 election, to the penalties herein prescribed, un-
15 less the person offering to take the oath or affir-

16 mation, and whose vote shall be rejected, shall
17 be a legally qualified elector.

SECT. 7. *Be it further enacted,* That if any
2 person, shall, by bribery, menace, or other cor-
3 rupt means whatsoever, either directly or indi-
4 rectly, attempt to influence any elector of this
5 State in giving his vote or ballot, or to deter
6 him from giving the same, or disturb or hinder
7 him in the free exercise of the right of suffrage,
8 at any election within this State, held pursuant
9 to the law regulating elections, and shall thereof
10 be convicted, such person, so offending and con-
11 victed, shall be adjudged guilty of a misdemean-
12 or, and be fined or imprisoned, according to the
13 discretion of the Court, before which such con-
14 viction shall be had; such fine, in no case to be
15 less than fifty, nor more than five hundred dol-
16 lars, nor such imprisonment to exceed one year.

SECT. 8. *Be it further enacted,* That all
2 Acts and parts of Acts, inconsistent with the
3 provisions of this Act, be, and the same are
4 hereby repealed.



STATE OF MAINE.

IN SENATE, February 17th, 1835.

ORDERED, That the foregoing Bill lie on the table, and that three hundred copies, be printed for the use of the Legislature.

[Extract from Journal.]

Attest, WILLIAM TRAFTON, Secretary.