FORTY-THIRD LEGISLATURE.

SENATE. No. 22.

STATE OF MAINE.

RESOLVES providing for an amendment of the constitution so as to allow soldiers absent from the state to vote for governor, senators, representatives and county officers.

Resolved, Two thirds of both houses concurring and deeming it necessary, that the following be proposed as amendments to the constitution of this state, which, when approved and adopted in the manner provided by the constitution, shall become a part thereof, viz:

Section one of article two shall be amended by adding thereto the following words:—"No person, however, shall be deemed to have lost his residence by reason of his absence from the state in the military service of the United States, or of this state."

Section four of article two shall be amended by adding thereto the following provisions:—"But citizens
3 of the state absent therefrom in the military service of
4 the United States or of this state, and not in the
5 regular army of the United States, being otherwise
6 qualified electors, shall be allowed to vote on the Tues-
7 day next after the first Monday of November in the
8 year of our Lord one thousand eight hundred and
9 sixty-four, for governor and senators, and their votes
10 shall be counted and allowed in the same manner, and
11 with the same effect, as if given on the second Mon-
12 day of September in that year. And they shall be
13 allowed to vote for governor, senators and representa-
14 tives, on the second Monday of September annually
15 thereafter forever, in the manner herein provided.
16 On the day of election a poll shall be opened at
17 every place without this state where a regiment, bat-
18 talion, battery, company, or detachment of not less
19 than twenty soldiers from the State of Maine, may be
20 found or stationed, and every citizen of said state, of
21 the age of twenty-one years, in such military service,
22 shall be entitled to vote as aforesaid; and he shall be
23 considered as voting in the city, town, plantation, and
24 county in this state where he resided when he entered
25 the service. The vote shall be taken by regiments
26 when it can conveniently be done; when not so con-
27 venient, any detachment or part of a regiment, not
AMENDMENT OF CONSTITUTION.

28 less than twenty in number, and any battery or part
29 thereof numbering twenty or more, shall be entitled to
30 vote wherever they may be. The three ranking offi-
31 cers of such regiment, battalion, battery, company, or
32 part of either, as the case may be, acting as such on
33 the day of election, shall be supervisors of elections.
34 If no officers, then three non-commissioned officers
35 according to their seniority, shall be such supervisors.
36 If any officer or non-commissioned officer shall neglect
37 or refuse to act, the next in rank shall take his place.
38 In case there are no officers or non-commissioned offi-
39 cers present, or if they or either of them refuse to act,
40 the electors present, not less than twenty, may choose
41 by written ballot enough of their own number, not
42 exceeding three, to fill vacancies, and the persons so
43 chosen shall be supervisors of elections. All super-
44 visors shall be first sworn to support the constitution
45 of the United States and of this state, and faithfully
46 and impartially to perform the duties of supervisors of
47 elections. Each is authorized to administer the neces-
48 sary oath to the others; and certificates thereof shall
49 be annexed to the lists of votes by them to be made
50 and returned into the office of the secretary of state of
51 this state as hereinafter provided. The polls shall be
52 opened and closed at such hours as the supervisors, or
SENATE—No. 22.

53 a majority of them, shall direct; provided, however, 54 that due notice and sufficient time shall be given for 55 all voters in the regiment, battalion, battery, detach- 56 ment, company, or part of either, as the case may be, 57 to vote. Reglemental and field officers shall be enti- 58 tled to vote with their respective commands. When 59 not in actual command, such officers, and also all gen- 60 eral and staff officers, and all surgeons, assistant sur- 61 geons and chaplains, shall be entitled to vote at any 62 place where polls are opened.

63 The supervisors of elections shall prepare a ballot- 64 box, or other suitable receptacle for the ballots. 65 Upon one side of every ballot shall be printed or writ- 66 ten the name of the county, and also of the city, town 67 or plantation of this state, in which is the residence of 68 the person proposing to vote. Upon the other side 69 shall be the name or names of the persons to be voted 70 for, and the office or offices which he or they are in- 71 tended to fill. And before receiving any vote, the 72 supervisors, or a majority of them, must be satisfied of 73 the age and citizenship of the person claiming to vote, 74 and that he has in fact a residence in the county, 75 city, town or plantation which is printed or written 76 on the vote offered by him. If his right to vote is 77 challenged, they may require him to make true an-
78 swears, upon oath, to all interrogatories touching his 79 age, citizenship, residence, and right to vote, and shall 80 hear any other evidence offered by him, or by those 81 who challenge his right. They shall keep correct 82 poll-lists of the names of all persons allowed to vote, 83 and of their respective places of residence in this state, 84 and also the number of the regiment and company to 85 which they belong; which lists shall be certified by 86 them, or by a majority of them, to be correct, and that 87 such residence is in accordance with the indorsement 88 of the residence of each voter on his vote. They shall 89 check the name of every person before he is allowed 90 to vote, and the check-mark shall be plainly made 91 against his name on the poll-lists. They shall sort, 92 count and publicly declare the votes at the head of their 93 respective commands, on the day of the election, 94 unless prevented by the public enemy, and, in that 95 case, as soon thereafter as may be; and on the same 96 day of said declaration they shall form a list of the 97 persons voted for, with the number of votes for each 98 person against his name, and the office which he was 99 intended to fill, and shall sign and seal up such list 100 and cause the same, together with the poll-lists afore- 101 said, to be delivered into the office of the secretary 102 of state aforesaid, on or before the first day of De-
ember in the year one thousand eight hundred and sixty-four, and on or before the fifteenth day of November annually thereafter forever.

The legislature of this state may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary, in order more fully to carry into effect the purpose thereof:"

Section five, of article four, part first, shall be amended, by inserting after the word "meetings" in the first line, the words, "within this state." The same section shall also be amended, by striking out all after the words "town meeting" in the tenth line, (as printed in the revised statutes of 1857,) to and including the word "election," in the thirteenth line. The same section shall also be amended, by striking out all after the word "constitution" in the twenty-first line, and inserting in the place thereof the following provisions: "And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January annually. And the governor and council shall examine the returned
AMENDMENT OF CONSTITUTION.

19 copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office, as provided in the amendment to article second, section four, of this constitution; and twenty days before the said first Wednesday of January annually, shall issue a summons to such persons as shall appear to be elected by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the first Wednesday of January annually, and they shall finally determine who are elected.

Section three, of article four, part second, shall be amended, by inserting after the word "meetings" in the first line, the words, "within this state."

Section four, of article four, part second, shall be amended, by adding after the word "lists" in the second line, the words, "and also the lists of votes of citizens in the military service, returned into the secretary's office." The same section shall also be amended in the last line, by striking out the word "in," and inserting in place thereof the word "for."

Section three, of article five, part first, shall be amended, by adding after the words "senate and house of representatives," the words, "and also the
lists of votes of citizens in the military service, returned into the secretary's office.''

Article first, of the amendments to the constitution of this state, heretofore adopted, shall be amended, by striking out all after the word "polls" in the thirteenth line, to and including the word "election" in the twenty-first line.

Article ninth of said amendments, shall be amended, by adding at the end thereof the following provisions:

"Sect. 11. But citizens of this state, absent from in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers, on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year. And they shall be allowed to vote for all such officers on the second Monday in September annually thereafter forever. And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots..."
AMENDMENT OF CONSTITUTION.

19 with those for governor, senators and representatives, as provided in the amendment to section four of article second of this constitution."

Resolved, That the aldermen of cities and selectmen of the several towns and the assessors of plantations in this state, be and they are hereby directed to notify the inhabitants of their respective cities, towns and plantations in the manner prescribed by law to give in their votes at the annual meeting in September next upon the amendments proposed in the foregoing resolve; and the question shall be, shall the constitution be amended as proposed by a resolve of the legislature providing that citizens of the state absent therefrom in the military service of the United States or of this state, shall not be deemed to have lost their residence in this state by reason of such absence, but shall be allowed to vote wherever they may be, unless in the regular army of the United States, for governor, senators and county officers, on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year; and shall be allowed to vote for governor, senators, representatives and county officers.
23 on the second Monday of September annually thereafter forever, in the manner and under the regulations in said resolve provided. And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of said amendments expressing it by the word "Yes" upon their ballots, and those opposed to the amendments expressing it by the word "No" upon their ballots, and the ballots shall be received, sorted, counted, declared and recorded in open ward, town and plantation meetings, and fair copies of the lists shall be made by the aldermen, selectmen and assessors and clerks of the several cities, towns and plantations in the same manner as votes for senators, and shall be returned to the office of the secretary of state within twenty days after said election. The governor and council shall examine and count the same forthwith after the expiration of said twenty days, and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of the constitution. And the governor shall thereupon issue his proclamation making known the fact, and shall cause the same to be published six weeks successively in the state paper at Augusta, in each of the daily papers published at Bangor and Portland, and in the Lewiston Daily Journal at Lewiston.
Resolved, That the polls shall be opened on the second Monday of September next, at nine o'clock in the forenoon, in all the cities, towns and plantations in this state, and shall be kept open until six o'clock in the afternoon, and no adjournment or intermission whatever shall take place until the same be closed.

Resolved, That the secretary of state shall prepare and furnish the several cities, towns and plantations blank returns in conformity with the foregoing resolves, accompanied with a copy thereof.
STATE OF MAINE.

In Senate, March 16, 1864.

Reported by Mr. STEWART, from the Committee on the Judiciary, and on motion of Mr. SPRING, laid on the table, and 1,000 copies ordered to be printed for the use of the Legislature.

EZRA C. BRETT, Secretary.