

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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1864.

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
2 deeming it necessary, that the following be proposed
3 as amendments to the constitution of this state, which,
4 when approved and adopted in the manner provided
5 by the constitution, shall become a part thereof, viz:

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

Section four of article two shall be amended by adding
2 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

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

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. Regimental 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 swers, 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-

103 cember in the year one thousand eight hundred and
104 sixty-four, and on or before the fifteenth day of No-
105 vember annually thereafter forever.

106 The legislature of this state may pass any law addi-
107 tional to the foregoing provisions, if any shall, in
108 practice, be found necessary, in order more fully to
109 carry into effect the purpose thereof."

Section five, of article four, part first, shall be
2 amended, by inserting after the word "meetings" in
3 the first line, the words, "within this state." The
4 same section shall also be amended, by striking out all
5 after the words "town meeting" in the tenth line, (as
6 printed in the revised statutes of 1857,) to and includ-
7 ing the word "election," in the thirteenth line. The
8 same section shall also be amended, by striking out all
9 after the word "constitition" in the twenty-first line,
10 and inserting in the place thereof the following pro-
11 visions: "And fair copies of the lists of votes shall
12 be attested by the selectmen and town clerks of towns,
13 and the assessors of plantations, and sealed up in open
14 town and plantation meetings; and the town and plan-
15 tation clerks respectively shall cause the same to be
16 delivered into the secretary's office thirty days at least
17 before the first Wednesday of January annually. And
18 the governor and council shall examine the returned

19 copies of such lists, and also all lists of votes of citi-
20 zens in the military service, returned to the secretary's
21 office, as provided in the amendment to article second,
22 section four, of this constitution ; and twenty days be-
23 fore the said first Wednesday of January annually,
24 shall issue a summons to such persons as shall appear
25 to be elected by a plurality of all the votes returned,
26 to attend and take their seats. But all such lists
27 shall be laid before the house of representatives on the
28 first Wednesday of January annually, and they shall
29 finally determine who are elected."

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

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

Section three, of article five, part first, shall be
2 amended, by adding after the words "senate and
3 house of representatives," the words, "and also the

4 lists of votes of citizens in the military service, return-
5 ed into the secretary's office."

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

Article ninth of said amendments, shall be amended,
2 by adding at the end thereof the following provisions:
3 "SECT. 11. But citizens of this state, absent there-
4 from in the military service of the United States or of
5 this state, and not in the regular army of the United
6 States, being otherwise qualified electors, shall be
7 allowed to vote for judges and registers of probate,
8 sheriffs, and all other county officers, on the Tuesday
9 next after the first Monday in November, in the year
10 one thousand eight hundred and sixty-four, and their
11 votes shall be counted and allowed in the same man-
12 ner and with the same effect as if given on the second
13 Monday of September in that year. And they shall
14 be allowed to vote for all such officers on the second
15 Monday in September annually thereafter forever.
16 And the votes shall be given at the same time and in
17 the same manner, and the names of the several candi-
18 dates shall be printed or written on the same ballots

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

Resolved, That the aldermen of cities and selectmen
2 of the several towns and the assessors of plantations in
3 this state, be and they are hereby directed to notify
4 the inhabitants of their respective cities, towns and
5 plantations in the manner prescribed by law to give in
6 their votes at the annual meeting in September next
7 upon the amendments proposed in the foregoing resolve;
8 and the question shall be, shall the constitution be
9 amended as proposed by a resolve of the legislature
10 providing that citizens of the state absent therefrom in
11 the military service of the United States or of this
12 state, shall not be deemed to have lost their residence
13 in this state by reason of such absence, but shall be
14 allowed to vote wherever they may be, unless in the
15 regular army of the United States, for governor, sena-
16 tors and county officers, on the Tuesday next after the
17 first Monday of November, in the year one thousand
18 eight hundred and sixty-four, and their votes shall be
19 counted and allowed in the same manner and with the
20 same effect as if given on the second Monday of Sep-
21 tember in that year; and shall be allowed to vote for
22 governor, senators, representatives and county officers

23 on the second Monday of September annually thereaf-
24 ter forever, in the manner and under the regulations
25 in said resolve provided. And the inhabitants of said
26 cities, towns and plantations shall vote by ballot on said
27 question, those in favor of said amendments expressing
28 it by the word "Yes" upon their ballots, and those
29 opposed to the amendments expressing it by the word
30 "No" upon their ballots, and the ballots shall be re-
31 ceived, sorted, counted, declared and recorded in open
32 ward, town and plantation meetings, and fair copies of
33 the lists shall be made by the aldermen, selectmen and
34 assessors and clerks of the several cities, towns and
35 plantations in the same manner as votes for senators,
36 and shall be returned to the office of the secretary of
37 state within twenty days after said election. The
38 governor and council shall examine and count the same
39 forthwith after the expiration of said twenty days, and
40 if it shall appear that a majority of the inhabitants
41 voting on the question are in favor of such amend-
42 ment, it shall become a part of the constitution. And
43 the governor shall thereupon issue his proclamation
44 making known the fact, and shall cause the same to be
45 published six weeks successively in the state paper at
46 Augusta, in each of the daily papers published at
47 Bangor and Portland, and in the Lewiston Daily Jour-
48 nal 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.*