

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. 27.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

AN ACT authorizing soldiers absent from the state in the military service, to vote for electors of president and vice president, and for representatives to congress; also regulating the manner of electing registers of deeds, county treasurers and county commissioners, so that such soldiers may be allowed to vote therefor.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. All citizens of this state absent there-
2 from in the military service of the United States or of
3 this state, and not in the regular army of the United
4 States, shall be allowed to vote for electors of presi-
5 dent and vice president of the United States in all
6 elections of those officers hereafter occurring.

SECT. 2. On the day of election a poll shall be
2 opened at every place without this state where a regi-
3 ment, battalion, battery, company, or detachment of
4 not less than twenty soldiers from the State of Maine,
5 may be found or stationed, and every citizen of said
6 state, of the age of twenty-one years, in such military
7 service, shall be entitled to vote as aforesaid ; and he
8 shall be considered as voting in the city, town, planta-
9 tion and county in this state where he resided when
10 he entered the service. The vote shall be taken by
11 regiments, when it can conveniently be done ; when
12 not so convenient, any detachment or part of a regi-
13 ment not less than twenty in number, and any battery
14 or part thereof, numbering twenty or more, shall be
15 entitled to vote wherever they may be. The three
16 ranking officers of such regiment, battalion, battery,
17 company or part of either, as the case may be, acting
18 as such on the day of election, shall be supervisors of
19 elections. If no officers, then three non-commissioned
20 officers according to their seniority, shall be such
21 supervisors. If any officer or non-commissioned officer
22 shall neglect or refuse to act, the next in rank shall
23 take his place. In case there are no officers or non-
24 commissioned officers present, or if they, or either of
25 them, refuse to act, the electors present, not less than

26 twenty, may choose by written ballot enough of their
27 own number, not exceeding three, to fill vacancies,
28 and the persons so chosen shall be supervisors. All
29 supervisors shall be first sworn to support the constitu-
30 tion of the United States and of this state, and faith-
31 fully and impartially to perform the duties of super-
32 visors of elections. Each is authorized to administer
33 the necessary oath to the others; and certificates
34 thereof shall be annexed to the lists of votes by them
35 to be made and returned into the office of the secretary
36 of state of this state as hereinafter provided. The
37 polls shall be opened and closed at such hours as the
38 supervisors, or a majority of them shall direct; *pro-*
39 *vided however*, that due notice and sufficient time shall
40 be given for all voters in the regiment, battalion, bat-
41 tery, detachment, company, or part of either, as the
42 case may be, to vote.

SECT. 3. Regimental and field officers shall be enti-
2 tled to vote with their respective commands. When
3 not in actual command, such officers, and also all gen-
4 eral and staff officers, and all surgeons, assistant sur-
5 geons and chaplains, shall be entitled to vote at any
6 place where polls are opened.

SECT. 4. The supervisors of elections shall prepare a
2 ballot-box or other suitable receptacle for the ballots.

3 Upon one side of every ballot shall be printed or writ-
4 ten the name of the county and also of the city, town
5 or plantation of this state in which is the residence of
6 the person proposing to vote. Upon the other side
7 shall be the names of so many electors for president
8 and vice president of the United States as such person
9 may determine to vote for. And before receiving any
10 vote, the supervisors, or a majority of them, must be
11 satisfied of the age and citizenship of the person claim-
12 ing to vote, and that he has in fact a residence in the
13 city, town or plantation, and county which are printed
14 or written on the vote offered by him.

SECT. 5. If his right to vote is challenged, they
2 may require him to make true answers upon oath to
3 all interrogatories touching his age, citizenship, resi-
4 dence, and right to vote, and shall hear any other
5 evidence offered by him, or by those who challenge his
6 right. They shall keep correct poll-lists of the names
7 of all persons allowed to vote, and of their respective
8 places of residence in this state, and also the number
9 of the regiment and company, or battery, to which
10 they belong ; and the names of voters shall be entered
11 on such lists by counties ; which lists shall be certified
12 by them or by a majority of them to be correct, and

13 that such residence is in accordance with the indorse-
14 ment of the residence of each voter on his vote.

SECT. 6. They shall check the name of every person
2 before he is allowed to vote, and the check-mark shall
3 be plainly made against his name on the poll lists.
4 They shall sort, count and publicly declare the votes
5 at the head of their respective commands on the day
6 of the election, unless prevented by the public enemy;
7 and in that case, as soon thereafter as may be; and on
8 the same day of said declaration, they shall form a list
9 of the persons voted for, with the number of votes for
10 each person against his name, and shall sign and seal
11 up such list and cause the same, together with the
12 poll-lists aforesaid, to be delivered into the office of
13 the secretary of state aforesaid on or before the first
14 day of December in the present year, and on or before
15 the Thursday next before the first Wednesday of De-
16 cember in each year when a presidential election shall
17 occur thereafter.

SECT. 7. Section eighty of chapter four of the re-
2 vised statutes is hereby amended by striking out all
3 after the word "meeting" in the seventh line and
4 inserting in place thereof the following provisions, viz:
5 "and on the third Thursday after such meeting the
6 governor and council shall be in session and open and

7 examine the returns of votes so made, and the secre-
8 tary of state shall forthwith send a messenger to every
9 city and town from which a return has not been re-
10 ceived at his office; and the governor and council shall
11 again meet on the Thursday next before the first
12 Wednesday in December and shall then examine and
13 count all the votes received from the several cities,
14 towns and plantations, and also the votes of citizens in
15 the military service returned into the secretary's office
16 under the provisions of the law in that behalf; and
17 they shall forthwith send a certificate of his election
18 to each elector who has received the greatest number
19 of all the votes returned to said office, not exceeding
20 the number to be chosen.

SECT. 8. Section eighty-one of the same chapter is
2 hereby amended by striking out the word "such" in
3 the first line, and by inserting after the word "mes-
4 senger" in the same line, the words "sent as required
5 in the preceding section."

SECT. 9. All citizens of this state absent therefrom
2 in the military service of the United States or of this
3 state, and not in the regular army of the United
4 States, being otherwise qualified electors, shall be al-
5 lowed to vote for representatives to congress on the
6 Tuesday next after the first Monday of November in

7 the present year, and on the second Monday of Sep-
8 tember biennially thereafter. Each shall be considered
9 as voting in the city, town, plantation and representa-
10 tive district where he resided when he entered said
11 service. And all votes for such representatives which
12 shall be given on the Tuesday next after the first Mon-
13 day of November in the present year under the au-
14 thority conferred by this act, shall be counted and
15 allowed in the same manner and with the same effect
16 as if given on the second Monday of September in said
17 year.

SECT. 10. The elections for this purpose shall be
2 held at the same times and places, and shall be con-
3 ducted in the same manner and under the same regu-
4 lations as those provided by this act for allowing citi-
5 zens absent from the state in the military service to
6 vote for electors of president and vice-president of the
7 United States, and returns thereof shall be made in
8 the same manner to the office of the secretary of state ;
9 *provided, however,* that in case the constitution of this
10 state shall be so amended at the annual election to be
11 held on the second Monday of September next, as to
12 allow such citizens to vote for governor, senators and
13 other officers at the times and in the manner provided
14 in the resolves passed by the present legislature, pro-

15 posing an amendment to the constitution for that pur-
16 pose, then all such citizens desiring to vote for gover-
17 nor, senators and other officers, and also for represent-
18 atives to congress, shall present but one ballot, upon
19 which shall be printed or written the names of all can-
20 didates voted for, and the offices which they are in-
21 tended to fill, and one poll-list and one return of votes
22 only shall be necessary. This provision, however,
23 shall not be understood or construed to include the
24 ballots for electors of president and vice-president.
25 But all such ballots shall be separate, and shall con-
26 tain only the names of such electors; and separate
27 poll-lists shall be kept, and separate lists of votes shall
28 be made, and both shall be returned to the office of the
29 secretary of this state as hereinbefore provided. But
30 the same supervisors shall act in all elections.

SECT. 11. Section two of chapter eighty-one of the
2 public laws of eighteen hundred and sixty-one entitled
3 “An act to apportion the state for representatives to
4 congress,” is hereby amended by adding to said sec-
5 tion the following provision: “But citizens of the
6 state absent therefrom in the military service of the
7 United States or of this state, and not in the regular
8 army of the United States, being otherwise qualified
9 electors, shall be allowed to vote on the Tuesday next

10 after the first Monday of November in the present
11 year for representatives to congress, and their votes
12 shall be counted and allowed in the same manner and
13 with the samè effect as if given on the second Monday
14 of September in that year ; and they shall be allowed
15 to vote on the second Monday of September biennially
16 thereafter, for such representatives.”

SECT. 12. Chapter seven of the revised statutes,
2 relating to registers of deeds, is hereby amended in
3 section three by striking out all after the word “meet-
4 ing” in the sixth line and inserting in place thereof
5 the following provisions, viz : “and the town clerks
6 shall cause them to be delivered into the office of the
7 secretary of state within thirty days next succeeding
8 any meeting for their election. And the governor and
9 council shall, during the first week in December fol-
10 lowing, open and examine the same, and also the lists
11 of votes of citizens in the military service returned to
12 said office under the provisions of the law in that be-
13 half. They shall have the same power to correct
14 errors as is conferred by section five of chapter seven-
15 ty-eight ; and during said first week in December
16 they shall issue certificates of election to such persons
17 as have a plurality of all the votes for each county or
18 registry district ; and the person thus elected, and

19 having given the bond required in section four, duly
20 approved by the county commissioners, shall hold his
21 office for the term of five years from the first day of
22 January thereafter and until another shall be chosen
23 and qualified.”

SECT. 13. Sections six, thirteen and fourteen of the
2 same chapter are hereby repealed, and said chapter is
3 amended by adding thereto the following provisions,
4 viz: “Vacancies occurring in said office by death,
5 resignation or otherwise, shall be filled by election in
6 manner aforesaid, at the September election next after
7 their occurrence; and in the meantime the governor,
8 with the advice and consent of the council, may fill
9 said vacancies by appointment, and the person so ap-
10 pointed shall hold his office until the first day of Jan-
11 uary thereafter.”

SECT. 14. Chapter eight of said revised statutes,
2 relating to county treasurers, is hereby amended in
3 section three by adding to said section the words “and
4 by the act amending the same, passed in March, A. D.
5 eighteen hundred and sixty-four. And the governor
6 and council shall forthwith notify the county commis-
7 sioners of the county where such person resides, of the
8 fact of his election.”

SECT. 15. The same chapter is hereby further

2 amended in the fifth section by striking out the words
3 "said commissioners," and inserting in place thereof
4 the words "the governor with the advice and consent
5 of the council."

SECT. 16. In addition to the power conferred upon
2 the governor and council by the present act, and by
3 the provisions of law previously existing, they are also
4 hereby authorized and empowered to correct errors and
5 frauds, if any, in all returns of votes from soldiers in the
6 army for county officers. But no informality, merely,
7 shall authorize the rejection of such return, if it ap-
8 pears on its face, or otherwise, that the provisions of
9 the constitution, and of this act, were in fact substan-
10 tially complied with.

SECT. 17. The secretary of state shall seasonably
2 prepare and cause to be delivered to each regiment
3 and battery without this state, a sufficient number of
4 blank poll-lists, and forms for returns of votes in con-
5 formity with the provisions of this act and with the
6 amendments to the constitution already referred to, in
7 case the same shall be adopted; and this act, and said
8 amendments if adopted, shall be printed in each poll-
9 list so delivered.

SECT. 18. All acts and parts of acts inconsistent
2 with this act, or with any of its provisions, are hereby
3 repealed.

SECT. 19. This act shall take effect when approved
2 by the governor.

STATE OF MAINE.

IN SENATE, March 21, 1864.

Reported by Mr. STEWART, from the Committee on the Judiciary, and on motion of Mr. CRAM, laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

EZRA C. BRETT, *Secretary*.