

# MAINE STATE LEGISLATURE

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March 13, 1918

To Dr. J. A. Richan, Chairman, Republican City Committee, Rockland  
Re: Early Closing of Polls

Mr. Sturgis has referred to me for answer your inquiry as to the legality of the closing of the polls in the City of Rockland at the last municipal election at 4 o'clock instead of 5.

Undoubtedly, Chapter 7, Sec. 31, R.S., prescribes that the polls shall be kept open until 5 o'clock, but the question arises whether the fact that they were closed at 4 o'clock is sufficient to invalidate the election. It is our opinion that the statute is directory and not mandatory. The cases all seem to hold that, in the absence of fraud or direct proof that such a number of voters were refused an opportunity to vote by closing the polls an hour early that if they had been allowed to vote they would have changed the result, the courts will not interfere with the result.

I enclose copies of decisions in several cases. To the same effect are the following cases:

29 Ill. 54  
111 Ill. 124  
46 Minn. 274  
4 Wash. St. 61.

Franklin Fisher  
Assistant Attorney General