

# MAINE STATE LEGISLATURE

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July 30, 1940

Mr. Burkett, Attorney General

Governor Barrows

On July 26th, you sent me the attached copy of a petition signed by J. Merrill Hatch, who was a candidate for nomination as County Commissioner of Androscoggin County. I have checked the facts alleged in the petition with Mr. Goss and find that they have correctly stated the facts.

However, it is my opinion and that of Mr. Goss, that there is no statutory authority for the bringing of such a petition or its consideration by the Governor and Council, and that after the 14 days mentioned in the statute (Chapter 78, Public Laws 1931) has elapsed, that the Governor and Council and the Secretary of State are without authority to make any corrections; the following quotation being found in the Chapter mentioned, which amends Section 16 of Chapter 7 of the Revised Statutes:

"No such correction can be made without application within 14 days after the returns are opened and tabulated, stating the error alleged."

I have conveyed this conclusion to Seth May, Esquire, who is attorney for the petitioner, and told him that in my opinion the only way this regrettable error can be corrected is through court procedure. It may be that there should be a change in the statutes permitting the Governor and Council, after hearing, to correct such an obvious mistake, but in the absence of such statute, it is my opinion that nothing can be done.

F. U. B.

FUB:OH