

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTY-SIXTH LEGISLATURE.

SENATE.

No. 32.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

[S. 2.] AN ACT to amend section five of chapter seventy-eight of the revised statutes as amended by chapter sixty-two of the public laws of eighteen hundred seventy-six, relating to election returns.

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

Section five of chapter seventy-eight of the revised
2 statutes as amended by chapter sixty-two of the public
3 laws of eighteen hundred seventy-six, is amended by
4 adding thereto the following words: " and the provis-
5 ions of said section five, so far as they relate to cor-
6 rection of returns and to ascertaining for whom votes
7 were intentionally cast, shall be applied in determining
8 the election of representatives to congress, senators and
9 representatives to the state legislature, and electors of
10 president and vice president of the United States. In

11 all cases when a return is defective by reason of any
12 informality, a duly attested copy of the record may be
13 substituted therefor, and a messenger may be sent by
14 the secretary of state to procure said copy at the ex-
15 pense of the town whose officers have failed to make
16 proper returns," so that said section as amended will
17 read as follows :

18 *Sect. 5.* The governor and council on or before the
19 first day of December in each year, shall open and
20 compare the votes so returned, and may receive testi-
21 mony on oath to prove that the return from any town
22 does not agree with the record of the vote of such town
23 in the number of votes, or the names of the persons
24 voted for, and to prove which of them is correct ; and
25 the return, when found to be erroneous, may be cor-
26 rected by the record. No such correction can be made
27 without application within twenty days after the re-
28 turns are opened, stating the error alleged, and reason-
29 able notice thereof given to the person to be affected
30 by such correction. The persons having the highest
31 number of votes, not exceeding the number to be
32 chosen, shall be declared elected ; and shall be notified
33 thereof by the secretary of state, be sworn, and enter
34 upon the discharge of his official duties on the first of
35 January thereafter. If a number of persons exceed-
36 ing the number to be chosen receive an equal number

37 of votes, no one is elected. But, in order to ascertain
38 what persons have received the highest number of
39 votes, the governor and council shall count and declare
40 for any person all votes intentionally cast for such per-
41 son, although his name upon the ballot is misspelled or
42 written with only the initial or initials of his christian
43 name or names ; and they may hear testimony, upon
44 oath, in relation to such votes, in order to get at the
45 intention of the electors, and decide accordingly. The
46 provisions of this section shall be applied in determin-
47 ing the election of all county officers, and the provis-
48 ions of said section five so far as they relate to the cor-
49 rection of returns and to ascertaining for whom votes
50 were intentionally cast, shall be applied in determining
51 the election of representatives to congress, senators and
52 representatives to the state legislature, and electors of
53 president and vice president of the United States. In
54 all cases when a return is defective by reason of any
55 informality, a duly attested copy of the record may be
56 substituted therefor, and a messenger may be sent by
57 the secretary of state to procure said copy, at the ex-
58 pense of the town whose officers have failed to make
59 proper returns.

STATE OF MAINE.

IN SENATE, January 31, 1877.

Reported by Mr. KYES of Franklin, from the Committee on the Judiciary, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*