

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

SENATE

No. 34.

STATE OF MAINE.

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

[S. 53.] AN ACT to amend section thirty-two, chapter four of the revised statutes, relating to elections.

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

Section thirty-two of chapter four of the revised statutes, is amended, by striking out the following words :

2
3 “ Blank pieces of paper and votes for persons not
4 eligible to the office shall not be counted as votes, but
5 the number of such blanks and the number and names
6 on ballots for persons not eligible shall be recorded
7 and return made thereof,” and inserting in place
8 thereof the following words : “ No person ineligible
9 to the office shall be declared elected, but votes cast
10 for such person shall be counted to determine whether
11 any person has received the necessary number of all
12 the votes cast.” Also in the thirteen line, by insert-

13 ing after the word "elected" the following words
14 "and the governor shall issue a certificate thereof,"
15 so that said section, as amended, shall read as follows:
16 *Sect. 33.* In order to determine the result of any
17 election by ballot, the number of persons who voted at
18 such election shall first be ascertained by counting the
19 whole number of separate ballots given in, which shall
20 be distinctly stated, recorded and returned. No per-
21 son ineligible to the office shall be declared elected,
22 but votes cast for such person shall be counted to de-
23 termine whether any person has received the necessary
24 number of all the votes cast. In case of representa-
25 tives to congress and to the state legislature, registers
26 of deeds, county and state officers, except where a
27 different rule is prescribed in the constitution, the
28 person or persons, not exceeding the number to be
29 voted for at any one time for any such office, having
30 the highest number of votes given at such election,
31 shall be declared to be elected, and the governor shall
32 issue a certificate thereof. If by reason of two or
33 more of the persons having the highest number of
34 votes, receiving an equal number, the election of the
34 requisite number of officers cannot be declared, with-
35 out declaring more than the requisite number elected,
36 no one of those having an equal number of votes shall
37 be declared to be elected. In all other cases no per-

38 son shall be deemed or declared to be elected who has
39 not received a majority of the whole number of votes
40 counted as aforesaid ; and if a number greater than is
41 required to be chosen receive a majority of the whole
42 number of votes so given, the number so required of
43 those who have the greatest excess in votes over such
44 majority, shall be declared to be elected. If the num-
45 ber to be elected cannot be so completed by reason of
46 any two or more of such persons having received an
47 equal number of votes, the persons having such equal
48 numbers shall be declared not elected.

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.*