

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

SENATE.

No. 3.

STATE OF MAINE.

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

[S. 23.] AN ACT to amend section thirty-two, chapter four, of the revised statutes, as amended by chapter two hundred thirteen of the public laws of eighteen hundred seventy-seven, 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
2 statutes, as amended by chapter two hundred thirteen
3 of the public laws of eighteen hundred seventy-seven,
4 is amended by adding at the end of said section the
5 following words: “ provided, however, that nothing
6 contained in this section shall be construed to give the
7 governor and council any authority to determine ques-
8 tions of eligibility in cases of senators and representa-

9 tives in the legislature," so that said section, as
10 amended, shall read as follows :

11 *Sect. 32.* In order to determine the result of any
12 election by ballot, the number of persons who voted
13 at such election shall first be ascertained by counting
14 the whole number of separate ballots given in, which
15 shall be distinctly stated, recorded and returned. No
16 person ineligible to the office shall be declared elected ;
17 but votes cast for such person shall be counted, to
18 determine whether any person has received the neces-
19 sary number of all the votes cast. In cases of repre-
20 sentatives to congress and to the state legislature,
21 registers of deeds, county and state officers, except
22 where a different rule is prescribed in the constitution,
23 the person or persons, not exceeding the number to be
24 voted for at any one time for any such office, having
25 the largest number of votes given at such election
26 shall be declared to be elected, and the governor shall
27 issue a certificate thereof. If by reason of two or
28 more of the persons having the highest number of
29 votes receiving an equal number, the election of the
30 requisite number of officers cannot be declared without
31 declaring more than the requisite number elected, no
32 one of those having an equal number of votes shall be
33 declared to be elected. In all other cases no person

34 shall be deemed or declared to be elected who has not
35 received a majority of the whole number of votes
36 counted as aforesaid ; and if a number greater than is
37 required to be chosen receive a majority of the whole
38 number of votes so given, the number so required of
39 those who have the greatest excess in votes over such
40 majority shall be declared to be elected. If the num-
41 ber to be elected cannot be so completed by reason of
42 any two or more of such persons having received an
43 equal number of votes, the persons having such equal
44 numbers shall be declared not elected. In all cases
45 not otherwise provided for, if no person eligible to the
46 office receives the requisite number of votes to elect
47 him, then the governor shall order a new election ;
48 *provided, however,* that nothing contained in this sec-
49 tion shall be construed to give the governor and coun-
50 cil any authority to determine questions of eligibility
51 in cases of senators and representatives to the
52 legislature.

STATE OF MAINE.

IN SENATE,, January 18, 1878.

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

SAMUEL W. LANE, *Secretary.*