

# MAINE STATE LEGISLATURE

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# FIFTY-NINTH LEGISLATURE.

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HOUSE.

No. 27.

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## STATE OF MAINE.

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

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AN ACT additional to chapter four of the revised statutes on elections.

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

SECTION 1. If any city, town or plantation officer, or any officer or person required by the constitution, or by chapter four of the revised statutes, to perform any duty in respect to elections or the returns thereof, neglects or refuses to perform any such duty, he shall for each offence forfeit not less than five dollars nor more than five hundred dollars.

SECT. 2. The penalty prescribed in the preceding section may be recovered in an action of debt, in the name and to the use of the town or plantation where the offence is committed, to be commenced

5 and prosecuted to final judgment by the treasurer,  
6 at the request in writing of any voter therein.

SECT. 3. If the treasurer refuses or neglects for  
2 ten days, after written request of any voter, to  
3 commence a suit for said penalty, it may be recov-  
4 ered by said voter in a suit in his own name, to the  
5 same uses as if recovered by said treasurer.

SECT. 4. This act shall be construed to cover all  
2 cases of carelessness or neglect on the part of  
3 municipal or other officers in the performance or  
4 omission of any duty referred to in section one of  
5 this act, where no other penalty has been pre-  
6 scribed by law, and is not to affect any existing  
7 penalty.

SECT. 5. No such causeless or wilfull neglect or  
2 refusal on the part of any officer or person referred  
3 to in this act to perform any of the duties or en-  
4 force any of the prohibitions herein referred to shall  
5 be allowed to disfranchise any elector or to pre-  
6 vent his vote from being counted in determining  
7 the result of any election, unless such neglect or  
8 refusal materially affected the result of the election,  
9 and was procured by the connivance or collusion  
10 of the candidate to be benefitted thereby.

SECT. 6. All suits to recover penalties under the  
2 provisions of this act shall be commenced in the

ELECTIONS.

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3 supreme judicial court or superior court of the  
4 county where the offense is committed, and full  
5 costs shall be allowed in all cases where judgment  
6 is rendered for the plaintiff.

STATE OF MAINE.

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In HOUSE OF REPRESENTATIVES, }  
February 13, 1880. }

Reported by Mr. PAKKER, from the Committee on Legal  
Affairs, and ordered to be printed under rule.

ORAMANDAL SMITH, *Clerk.*