

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-NINTH LEGISLATURE.

SENATE.

No. 65.

STATE OF MAINE.

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

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 and seventy-six, as amended by chapter two hundred and twelve of the public laws of eighteen hundred and seventy-seven, 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
3 public laws of eighteen hundred and seventy-six,
4 as amended by chapter two hundred and twelve of
5 the public laws of eighteen hundred and seventy-
6 seven, is amended as follows, viz: by inserting after
7 the word "returned," in the third line of said sec-
8 tion as amended, the words "and have the same

9 tabulated;" by inserting after the word "opened,"
10 in the tenth line of said section, the words "and
11 tabulated;" and by inserting after the word "cor-
12 rection" in the eleventh line the words "and during
13 said twenty days any person voted for, either per-
14 sonally, by or with counsel, shall have the privilege
15 of examining said returns in the presence of the
16 governor and council, or either of them, or any
17 member of the council," and by inserting in the
18 twenty-eighth line after the words "so far as they
19 relate to the," the words "examination and," so
20 that said section as amended shall read as follows:

21 *Sect. 5.* The governor and council, on or before
22 the first day of December in each year, shall open
23 and compare the votes so returned, and have the
24 same tabulated, and may receive testimony on oath
25 to prove that the return from any town does not
26 agree with the record of the vote of such town in
27 the number of votes, or the names of the persons
28 voted for, and to prove which of them is correct;
29 and the return when found to be erroneous may be
30 corrected by the record. No such correction can
31 be made without application within twenty days
32 after the returns are opened and tabulated, stating
33 the error alleged, and reasonable notice thereof
34 given to the person to be affected by such correc-

35 tion, and during said twenty days any person voted
36 for, either personally, by or with counsel, shall have
37 the privilege of examining said returns in the pres-
38 ence of the governor and council, or either of them,
39 or any member of the council. The persons having
40 the highest number of votes, not exceeding the
41 number to be chosen, shall be declared elected; and
42 shall be notified thereof by the secretary of state,
43 be sworn, and enter upon the discharge of official
44 duties on the first of January thereafter. If a
45 number of persons, exceeding the number to be
46 chosen, receive an equal number of votes, no one
47 is elected. But, in order to ascertain what persons
48 have received the highest number of votes, the gov-
49 ernor and council shall count and declare for any
50 person all votes intentionally cast for such person,
51 although his name upon the ballot is misspelled or
52 written with only the initial or initials of his chris-
53 tian name or names; and they may hear testimony
54 upon oath, in relation to such votes, in order to get
55 at the intention of the electors, and decide accord-
56 ingly. The provisions of this section shall be ap-
57 plied in determining the election of all county offi-
58 cers, and the provisions of said section five, so far
59 as they relate to the examination and correction
60 of returns, and to ascertaining for whom votes were

61 intentionally cast, shall be applied in determining
62 the election of representatives to congress, senators
63 and representatives to the state legislature, and
64 electors of president and vice president of the Uni-
65 ted States. In all cases when a return is defective
66 by reason of any informality, a duly attested copy
67 of the record may be substituted therefor.

STATE OF MAINE.

IN SENATE, March 12, 1880.

Reported by Mr. BRADFORD from the Committee on the Judi-
ciary, and laid on the table to be printed under the Joint Rule.

C. W. TILDEN, *Secretary.*