

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 387

In Senate, March 18, 1915.

*Reported by Sen. Garcelon from Committee on Legal Affairs
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to amend Section 16 of Chapter two hundred twenty-one of the Public Laws of 1913, relating to primary elections.

Be it enacted by the People of the State of Maine, as follows:

Section 16 of Chapter two hundred and twenty-one of the
2 Public Laws of 1913, is hereby amended by inserting after
3 the word "tabulated" in the fourth line of said section the
4 words 'and forthwith thereafter have forwarded to each
5 candidate a copy of said tabulations of his precinct or dis-
6 trict'; by striking out the word "seven" in the eleventh line
7 and substituting therefor the word 'fourteen'; and by strik-
8 ing out the word "seven" in the fourteenth line of said sec-
9 tion and substituting therefor the word 'fourteen', so that
10 said section as amended shall read as follows:

'Sect. 16. The Governor and Council by the first Tuesday
12 of July in each year in which a primary election is held
13 hereunder, shall open and compare the votes so returned
14 hereunder, and have the same tabulated, and forthwith
15 thereafter have forwarded to each candidate a copy of said
16 tabulations of his precinct or district, and may receive tes-
17 timony on oath to prove that the return from any city, town
18 or plantation does not agree with the record of the vote of
19 said city, town or plantation, in the number of votes, or the
20 names of the persons voted for, and to prove which of them
21 is correct; and the return, when found to be erroneous, may
22 be corrected by the record. No such correction can be made
23 without application within fourteen days after the returns
24 are opened and tabulated, stating the error alleged, nor
25 without reasonable notice thereof given to the person af-
26 fected by such correction, and during said fourteen days
27 any person voted for may personally, and by or with coun-
28 sel, examine said returns in the presence of the Governor
29 and Council, or either of them, or any member of the coun-
30 cil, or the Secretary of State. The person having the high-
31 est number of votes for nomination to any office shall be
32 deemed to have been nominated by his political party for
33 that office, provided, that when a tie shall exist between two
34 or more persons for the same nomination by reason of said
35 two or more persons having an equal and the highest num-
36 ber of votes for nomination by one party to one and the
37 same office, the Secretary of State shall give notice to the

38 several persons so having the highest and equal number of
39 votes to attend at the office of the Secretary of State at a
40 time to be appointed by said Secretary, who shall then and
41 there proceed publicly to decide by lot which of the persons
42 so having an equal number of votes shall be declared nomi-
43 nated by his party with like effect as if there had been no
44 such tie. To ascertain what persons have received the high-
45 est number of votes, the Governor and Council shall count
46 and declare for any person all votes appearing by said re-
47 turns to have been intentionally cast for him, although his
48 name upon the return is misspelled or written with only the
49 initial or initials of his christian name or names, or with
50 wrong initials or otherwise as the case may be; and they
51 may hear testimony on oath, in relation to such returns, in
52 order to get at the intention of the voters and shall decide
53 accordingly. When a return is defective by reason of any
54 informality, an attested copy of the record may be substi-
55 tuted therefor.

The Secretary of State shall enter in a register of nomina-
57 tions, to be kept by him for the purpose, the nominations for
58 each party so ascertained, and shall forthwith notify by reg-
59 istered mail each person who is so nominated.'