

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 588

H. P. 1423

House of Representatives, February 11, 1941.

Referred to Committee on Judiciary and 600 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rankin of Bridgton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Election Returns.

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

R. S., c. 8, § 55, amended. Section 55 of chapter 8 of the revised statutes is hereby amended to read as follows :

'Sec. 55. Mode of determining who are elected; proceedings for correcting returns; notice of election; rule for canvassing returns and determining election. The governor and council, by the ~~first day of December~~ **15th day of October** in each year in which an election is held, shall open and compare the votes so returned and have the same tabulated, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct; and the return, when found erroneous, may be corrected by the record. No such correction can be made without application within 20 days after the ~~returns are opened and tabulated~~ **printed copies of the returns are made available to the public by the secretary of state**, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said 20 days any person voted for, may personally, and by or with counsel, examine said returns in presence of the governor

and council, or either of them, or any member of the council. Upon written application filed with the secretary of state within 20 days after the ~~returns are opened and tabulated~~ **Printed returns are made available to the public by the secretary of state**, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town and specifying the offices as to which such errors are believed to have occurred, the governor and council in open meeting shall examine the ballots cast in said town and return to the secretary of state, and if such return or record is found to be erroneous the return shall be corrected in accordance with the number of ballots found to have been actually cast in said town; but no such examination of the ballots shall be made without reasonable notice to all candidates for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made, and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and they shall be notified thereof by the secretary of state, and enter upon the discharge of official duties on the 1st day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

To ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the electors, and shall decide accordingly. This section shall be applied in determining the election of all county officers, and, so far as it relates to the examination and correction of returns, it shall be applied in determining the election of state auditor, United States senator, representatives to congress, members of the legislature, and presidential electors. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.'