

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1864.

Chapter 278.

CHAP. 278.

An act authorizing soldiers absent from the state in the military service to vote for electors of president and vice president, and for representatives to congress; also regulating the manner of electing registers of deeds, county treasurers and county commissioners, so that such soldiers may be allowed to vote therefor.

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

SECT. 1. All citizens of this state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, shall be allowed to vote for electors of president and vice president of the United States in all elections of those officers hereafter occurring.

Citizens absent in military service of U. S. or of this state, may vote for president and vice president of the U. S.

SECT. 2. On the day of election a poll shall be opened at every place without this state where a regiment, battalion, battery, company, or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen of said state, of the age of twenty-one years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this state where he resided when he entered the service. The vote shall be taken by regiments, when it can conveniently be done; when not so convenient, any detachment or part of a regiment not less than twenty in number, and any battery or part thereof, numbering twenty or more, shall be entitled to vote wherever they may be. The three ranking officers of such regiment, battalion, battery, company or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then three non-commissioned officers according to their seniority, shall be such supervisors. If any officer or non-commissioned officer shall neglect or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they, or either of them, refuse to act, the electors present, not less than twenty, may choose by written ballot enough of their own number, not exceeding three, to fill vacancies, and the persons so chosen shall be supervisors. All supervisors shall be first sworn to support the constitution of the United States and of this state, and faithfully and impartially to perform the duties of supervisors of elections. Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of this state as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them shall direct; *provided however*, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote.

Polls shall be opened where soldiers may be found, &c., out of the state, &c.

Vote, how taken.

Who shall act as supervisors.

Supervisors shall be sworn.

—duties of.

Proviso.

CHAP. 278. SECT. 3. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers, and also all general and staff officers, and all surgeons, assistant surgeons and chaplains, shall be entitled to vote at any place where polls are opened.

Supervisors shall prepare ballot boxes. SECT. 4. The supervisors of elections shall prepare a ballot-box or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed or written the name of the county and also of the city, town or plantation of this state in which is the residence of the person proposing to vote. Upon the other side shall be the names of so many electors for president and vice president of the United States as such person may determine to vote for. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has in fact a residence in the city, town or plantation, and county which are printed or written on the vote offered by him.

Ballots, how prepared. SECT. 5. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this state, and also of the number of the regiment and company, or battery, to which they belong; and the names of voters shall be entered on such lists by counties; which lists shall be certified by them or a majority of them to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote.

Shall check name of voters. SECT. 6. They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of the election, unless prevented by the public enemy; and in that case, as soon thereafter as may be; and the same day of said declaration, they shall form a list of the persons voted for, with the number of votes for each person against his name, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of state aforesaid on or before the first day of December in the present year, and on or before the Thursday next before the first Wednesday of December in each year when a presidential election shall occur thereafter.

—sort, count and declare votes, &c. SECT. 7. Section eighty of chapter four of the revised statutes is hereby amended, by striking out all after the word "meeting"

—and make return to office of secretary of state.

Chap. 4, sec. 80, R. S., amended.

in the seventh line, and inserting in the place thereof the following provisions, viz: *and on the third Thursday after such meeting, the governor and council shall be in session and open and examine the returns of votes so made, and the secretary of state shall forthwith send a messenger to every city and town from which a return has not been received at his office; and the governor and council shall again meet on the Thursday next before the first Wednesday in December, and shall then examine and count all the votes received from the several cities, towns and plantations, and also the votes of citizens in the military service, returned into the secretary's office under the provisions of the law in that behalf; and they shall forthwith send a certificate of his election to each elector who has received the greatest number of all the votes returned to said office, not exceeding the number to be chosen.*

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Governor and council shall examine votes.

Secretary to send for returns not received.

Governor and council shall examine and count votes.

Notice to persons elected.

SECT. 8. Section eighty-one of the same chapter, is hereby amended, by striking out the word "such" in the first line, and by inserting after the word "messenger" in the same line, the words, *sent as required in the preceding section.*

Chap. 4, sec. 81, R. S., amended.

SECT. 9. All citizens of this state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for representatives to congress on the Tuesday next after the first Monday of November in the present year, and on the second Monday of September biennially thereafter. Each shall be considered as voting in the city, town, plantation and representative district where he resided when he entered said service. And all votes for such representatives which shall be given on the Tuesday next after the first Monday of November in the present year under the authority conferred by this act, shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in said year.

Citizens absent in military service of U. S. or of this state, vote for representatives to congress.

SECT. 10. The elections for this purpose shall be held at the same times and places, and shall be conducted in the same manner and under the same regulations as those provided by this act for allowing citizens absent from this state in the military service to vote for electors of president and vice president of the United States, and returns thereof shall be made in the same manner to the office of the secretary of state; *provided however*, that in case the constitution of this state shall be so amended at the annual election to be held on the second Monday of September next, as to allow such citizens to vote for governor, senators and other officers, at the times and in the manner provided in the resolves passed by the present legislature, proposing an amendment to the constitution for that purpose, then all such citizens desiring to

Elections, how held, &c.

Proviso.

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vote for governor, senators and other officers, and also for representatives to congress, shall present but one ballot, upon which shall be printed or written the names of all candidates voted for, and the offices which they are intended to fill, and one poll-list and one return of votes only shall be necessary. This provision, however, shall not be understood or construed to include the ballots for electors of president and vice president. But all such ballots shall be separate, and shall contain only the names of such electors; and separate poll-lists shall be kept, and separate lists of votes shall be made, and both shall be returned to the office of the secretary of this state as hereinbefore provided. But the same supervisors shall act in all elections.

Chap. 81, sec.
2, laws of 1861,
amended.

Election, when
to be held.

SECT. 11. Section two of chapter eighty-one of the special laws of eighteen hundred and sixty-one, entitled "an act to apportion the state for representatives to congress," is hereby amended, by adding to said section the following provision: *But citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote on the Tuesday next after the first Monday of November in the present year for representatives to congress, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year; and they shall be allowed to vote on the second Monday of September biennially thereafter for such representatives.*

Chap. 7, sec.
3, R. S.,
amended.

Lists of votes
to be delivered
to office of
secretary of
state.

Governor and
council shall
examine lists
of votes.

—may correct
errors.

—issue certifi-
cates of
election.

Bond of.

Term of office.

SECT. 12. Chapter seven of the revised statutes, relating to registers of deeds, is hereby amended in section three by striking out all after the word "meeting" in the sixth line and inserting in place thereof the following provisions, viz: *and the town clerks shall cause them to be delivered into the office of the secretary of state within thirty days next succeeding any meeting for their election. And the governor and council shall, during the first week in December following, open and examine the same, and also the lists of votes of citizens in the military service returned to said office under the provisions of the law in that behalf. They shall have the same power to correct errors as is conferred by section five of chapter seventy-eight; and during said first week in December they shall issue certificates of election to such persons as have a plurality of all the votes for each county or registry district; and the person thus elected, and having given the bond required in section four, duly approved by the county commissioners, shall hold his office for the term of five years from the first day of January thereafter and until another shall be chosen and qualified.*

Chap. 7, sects.
6, 13, 14, R. S.,
repealed, and

SECT. 13. Sections six, thirteen and fourteen of the same chapter are hereby repealed, and said chapter is amended by adding

thereto the following provisions, viz: *Vacancies occurring in said office by death, resignation or otherwise, shall be filled by election in manner aforesaid, at the September election next after their occurrence; and in the meantime the governor, with the advice and consent of the council, may fill said vacancies by appointment, and the person so appointed shall hold his office until the first day of January thereafter.* CHAP 278.

same chap. amended.
Vacancies, how filled.

SECT. 14. Chapter eight of said revised statutes, relating to county treasurers, is hereby amended in section three by adding to said section the words, *and by the act amending the same, passed in March, A. D. eighteen hundred and sixty-four. And the governor and council shall forthwith notify the county commissioners of the county where such person resides, of the fact of his election.*

Chap. 8, sec. 3, and act of Mar. 1864, amended.

Governor and council to notify county commissioners of election.

SECT. 15. Said chapter is hereby further amended in the fifth section by striking out the words "said commissioners," and inserting in the place thereof the words *the governor with the advice and consent of the council.*

Chap. 8, sec. 5, R. S., amended.

SECT. 16. In addition to the power conferred upon the governor and council by the present act, and by the provisions of law previously existing, they are also hereby authorized and empowered to correct errors and frauds, if any, in all returns of votes from soldiers in the army for county officers. But no informality, merely, shall authorize the rejection of such return, if it appears on its face, or otherwise, that the provisions of the constitution, and of this act, were in fact substantially complied with.

Governor and council may correct errors, &c., in returns of votes from soldiers.

—returns not to be rejected for informality

SECT. 17. The secretary of state shall seasonably prepare and cause to be delivered to each regiment and battery without this state, a sufficient number of blank poll-lists, and forms for returns of votes in conformity with the provisions of this act and with the amendments to the constitution already referred to, in case the same shall be adopted; and this act, and said amendments if adopted, shall be printed in each poll-list so delivered.

Secretary of state shall prepare poll lists, &c.

SECT. 18. All acts and parts of acts inconsistent with this act, or with any of its provisions, are hereby repealed.

Inconsistent acts repealed.

SECT. 19. This act shall take effect when approved by the governor.

Approved March 25, 1864.