

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1877.

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1877.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1877.

Chapter 212.

CHAP. 212

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, 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 statutes, as amended by chapter sixty-two of the public laws of eighteen hundred and seventy-six, is amended, by adding thereto the following words: 'and the provisions of said section five, so far as they relate to correction of returns and to ascertaining for whom votes were intentionally cast, shall be applied in determining the election of representatives to congress, senators and representatives to the state legislature, and electors of president and vice president of the United States. In all cases when a return is defective, by reason of any informality, a duly attested copy of the record may be substituted therefor,' so that said section, as amended, will read as follows :

Sec. 5, ch. 78, R. S., amended by ch. 62, public laws 1876, further amended.

SECT. 5. The governor and council, on or before the first day of December in each year, shall open and compare the votes so returned, 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 to be erroneous may be corrected by the record. No such correction can be made without application within twenty days after the returns are opened, stating the error alleged, and reasonable notice thereof given to the person to be affected by such correction. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and shall be notified thereof by the secretary of state, be sworn, and enter upon the discharge of official duties on the first of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected. But, in order to ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes intentionally cast for such person, although his name upon the ballot is misspelled, or written with only the initial or initials of his christian name or names; and they may hear

Mode of determining officers elected.

—how notified.
—when they shall enter on discharge of official duties.

Highest number of votes, how ascertained.

CHAP. 213

Governor and council may hear testimony.
To the election of what officers, applicable.

In case of defective return, attested copy of record may be substituted.

testimony, upon oath, in relation to such votes, in order to get at the intention of the electors, and decide accordingly. The provisions of this section shall be applied in determining the election of all county officers, and the provisions of said section five, so far as they relate to the correction of returns and to ascertaining for whom votes were intentionally cast, shall be applied in determining the election of representatives to congress, senators and representatives to the state legislature, and electors of president and vice president of the United States. In all cases when a return is defective, by reason of any informality, a duly attested copy of the record may be substituted therefor.'

Approved February 9, 1877.

Chapter 213.

An act to amend section thirty-two, chapter four of the Revised Statutes, relating to Elections.

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

Sec. 32, ch. 4,
R. S., amended.

Section thirty-two of chapter four of the revised statutes is amended, by striking out the following words: "Blank pieces of paper and votes for persons not eligible to the office shall not be counted as votes, but the number of such blanks and the number and names on ballots for persons not eligible shall be recorded and return made thereof," and inserting, in place thereof, the following words: 'No person ineligible to the office shall be declared elected, but votes cast for such person shall be counted to determine whether any person has received the necessary number of all the votes cast; ' also in the thirteenth line, by inserting after the word "elected," the following words: 'and the governor shall issue a certificate thereof; ' and also, by adding, at the end of said section thirty-two, the following words: 'in all cases not otherwise provided for, if no person eligible to the office receives the requisite number of votes to elect him, then the governor shall order a new election,' so that said section shall read as follows:

Result of any election, how determined.

'SECT. 32. In order to determine the result of any election by ballot, the number of persons who voted at such