

# 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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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1877.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1877.

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## 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.

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### 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

election shall first be ascertained by counting the whole number of separate ballots given in, which shall be distinctly stated, recorded, and returned. 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. In cases of representatives to congress and to the state legislature, registers of deeds, county and state officers, except where a different rule is prescribed in the constitution, the person or persons, not exceeding the number to be voted for at any one time for any such office, having the highest number of votes given at such election shall be declared to be elected, and the governor shall issue a certificate thereof. If, by reason of two or more of the persons having the highest number of votes receiving an equal number, the election of the requisite number of officers cannot be declared, without declaring more than the requisite number elected, no one of those having an equal number of votes shall be declared to be elected. In all other cases no person shall be deemed or declared to be elected, who has not received a majority of the whole number of votes counted as aforesaid; and if a number greater than is required to be chosen receive a majority of the whole number of votes so given, the number so required, of those who have the greatest excess in votes over such majority, shall be declared to be elected. If the number to be elected cannot be so completed by reason of any two or more of such persons having received an equal number of votes, the persons having such equal numbers shall be declared not elected. 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.'

No ineligible person shall be declared elected, but votes to be counted to determine result.

Officers elected by plurality vote.

—proceedings in case of tie vote.

Officers elected by majority vote.

—proceedings in case of tie vote.

Governor to order new election, if no eligible person receives requisite number of votes.

Approved February 9, 1877.