

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

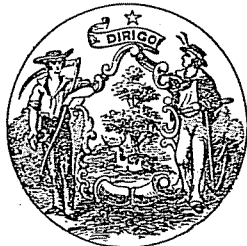
PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 4. tion had been taken by the assessors chosen by said town or plantation.

Such assessors to be paid by the county commissioners. 1862, c. 113, § 7. 1870, c. 121, § 15.

SEC. 60. The assessors appointed under the preceding section, shall be paid from the county treasury a reasonable compensation for their services, to be determined by the county commissioners, and any sum so paid shall be added to the county tax apportioned to such town or plantation, and shall be collected and paid into the treasury in the same manner as county taxes are.

Plantations may be reorganized. 1870, c. 121, § 16.

SEC. 61. Plantations organized upon the application of three or more inhabitants thereof, may at any time be reorganized under the provisions of this chapter.

NOTE.—For provisions relating to elections in plantations, See c. 4, §§ 73 to 77. Schools, c. 11, §§ 5, 66, 67, 68. Highways, c. 18, §§ 80, 78.

CHAPTER 4.

ELECTIONS.

LISTS OF VOTERS.

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2. Selectmen to prepare corrected lists by the eleventh of August, annually.
3. Special meetings to correct the lists. Notice to be given.
4. Lists to be deposited with town clerk and posted by the twentieth of August.
5. Names not to be added or stricken out, except as provided. Names may be added at regular session on evidence.
6. Duties of selectmen respecting papers of naturalization.
- 7, 8, 9. When selectmen shall meet to correct lists.
10. Notice of such meetings to be given in warrant for calling town meetings.
11. Lists of electors of town officers to be made by twentieth of February, annually.
12. Selectmen to be in session to correct lists.
13. Check list of voters to be kept for choice of town officers by the clerk or moderator.
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15. These provisions applicable to cities.
16. List of voters resident in wards, to be posted in cities having more than one thousand voters, and list of voters removing from one ward to another.

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18. When such meeting shall be opened.
19. Officers presiding empowered as moderators.
20. When selectmen pro tempore may be chosen.
21. Who shall preside at such choice.
22. Duties and powers of selectmen pro tempore.
23. What votes shall be offered on one list.

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25. Check list required, rules prescribed, and one ballot box only allowed.
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27. Ballot boxes, how constructed and used. Votes, how received and duties of officers, and penalties in certain cases.
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29. Votes to be on white paper without marks.
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41. Regulations for voters on islands in Portland.
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63. Liability of town officers modified.
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67. Punishment for bribery and corruption at elections.
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70. Mayor or treasurer to sue for penalty.
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79. Proceedings at the meeting. Votes how returned. Secretary of state to send messenger for each return not received. Governor and council to examine and count the votes. Secretary of state to notify persons elected.
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81. When no choice of a majority of electors is made, governor to assemble legislature.
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83. Proceedings at such meeting.
84. Compensation of electors.
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89. Certain officers, where allowed to vote.
90. Supervisors, ballot box, qualification of voters.
91. Voters challenged, to be put under oath. Poll list to be kept.
92. Names of voters to be checked. Vote, how declared and returned.
93. May vote for governor, senators, representatives, county officers and representatives to congress.

- SEC. 94. Election, how held and conducted.
95. Secretary of state to prepare blank poll lists.
96. Governor and council authorized to correct errors and frauds in returns of votes of soldiers.

LISTS OF VOTERS.

SEC. 1. In every town, where the selectmen are not the assessors, the assessors on or before the first day of August in each year, shall prepare a list of the persons they judge to be constitutionally qualified to vote therein in the election of governor, senators, and representatives, and deliver it to the selectmen for their information.

Assessors to prepare lists of voters and deliver to the selectmen.
R. S. c. 4, § 1.

SEC. 2. The selectmen of every town, on or before the eleventh day of August in each year, shall prepare a corrected list of persons qualified as aforesaid.

Selectmen to prepare a corrected list.
R. S. c. 4, § 2.

SEC. 3. In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote in any such election, and for correcting said list, for a reasonable time, on not exceeding two days, between the eleventh and eighteenth days of August in each year, giving previous notice of the time and place of each session, as their town meetings are notified.

Meetings of selectmen to correct lists, notice of such meetings.
R. S. c. 4, § 3.

SEC. 4. On or before the twentieth day of August annually, the selectmen shall deposit in the office of the town clerk, an alphabetical list of voters thus prepared and revised, and post up a similar list in one or more public places in the town.

Lists to be deposited with clerk and posted.
R. S. c. 4, § 4.
See §§ 54, 63.

SEC. 5. After such lists are thus prepared, deposited with the clerk, and posted up, the selectmen shall not add thereto, nor strike therefrom, the name of any person, except in open session on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town, without notice first given to him that his right to vote is questioned, and an opportunity for a hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters, the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not.

Names not to be added or stricken out except as provided.
R. S. c. 4, § 5.
See §§ 57, 63.

SEC. 6. When a person of foreign birth exhibits papers of naturalization, issued to him in due form by a court having jurisdiction, to the selectmen of his town, if satisfied of their genuineness, and that such person is entitled to vote, they shall approve such papers by a written endorsement thereon, with the date thereof, signed by

Names may be added at regular sessions on evidence.

Selectmen, duties respecting papers of naturalization.
R. S. c. 4, § 6.

CHAP. 4. one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval, and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of opinion, that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a legal voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers, or to enter his name, be deprived of his right to vote, upon satisfactory proof of it.

No names shall be entered on the lists of voters in towns having one thousand or more registered voters, except on the three secular days preceding the election. 1861, c. 50, § 1. Same subject. R. S. c. 4, § 8.

SEC. 7. In all towns having one thousand or more registered voters, the municipal officers thereof shall receive applications of persons claiming a right to vote, on the three secular days next preceding the day of election, and no application shall be received after the hour of five of the clock, afternoon, on the secular day next preceding said day of election; and no name shall be added to the list of voters on the day of election by certificate or otherwise.

SEC. 8. In every town containing more than five hundred and less than one thousand voters, the selectmen shall be in open session on one or more secular days next preceding such election, for the purpose aforesaid.

Same subject. R. S. c. 4, § 9.

SEC. 9. In every town containing less than five hundred legal voters, the selectmen shall be in session on the day of any such election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls, as they think necessary, and shall hear and determine any such application at any time before the polls are closed.

Notice of such meetings. R. S. c. 4, § 10. 3 Me. 305.

SEC. 10. The selectmen shall order notice of the time and place of all their sessions, required or authorized in the three preceding sections, to be given in the warrant for calling the town meetings.

Lists of electors of town officers. R. S. c. 4, § 11. See §§ 54, 63. 3 Me. 290.

SEC. 11. The selectmen shall make out a correct and alphabetical list of the inhabitants in their towns qualified to vote in the choice of town officers, and deposit it in the office of the town clerk, and post up a copy thereof in one or more public places in such town, on or before the twentieth day of February annually.

Meetings to correct lists. Time and manner of holding such meetings. 1867, c. 84, § 12.

SEC. 12. They shall be in session at some convenient time and place, by them notified in the warrant for calling the meeting in such town, on the secular day next preceding the day of annual election of town officers in the month of March, or on the morning of the day of election, to hear and decide upon the applications of persons claiming to have their names entered upon said list; and such session, when held on a secular day preceding the day of election, shall continue at least three hours, and when held on the day of election,

shall continue until the election of town officers required by law to be elected by ballot, shall have been completed. CHAP. 4.

SEC. 13. The town clerk shall have the list of voters provided for by the eleventh and twelfth sections, at every town meeting held for the choice of town officers required by law to be chosen by ballot, and it shall be kept and used as a check list at the polls by said clerk or moderator at such meeting, in the same manner, as is prescribed for selectmen or assessors by section twenty-five; if it shall be demanded by one-third of the voters present.

Check list of voters to be kept for choice of town officers.
1858, c. 7, § 1.
See § 26.

SEC. 14. If the town clerk or moderator presiding at such meeting willfully neglects or refuses to comply with the requirements of the preceding section, he shall forfeit not less than fifty nor more than one hundred dollars, to be recovered in an action of debt in the name and for the use of the town where the offence is committed, to be commenced and prosecuted to final judgment by the treasurer at the request of any legal voter in said town.

Penalty if clerk or moderator neglects or refuses.
1858, c. 7, § 2.
See §§ 28, 63.

SEC. 15. The aldermen and assessors of the cities shall prepare lists of the qualified voters in the wards thereof for the elections of governor, representatives to congress, and electors of president and vice president, and for the annual city elections, in the same manner as selectmen and assessors are required to prepare them for towns, the aldermen performing the duties of selectmen; and the wardens shall be governed by said lists.

These provisions applicable to cities.
R. S. c. 4, § 13.
See §§ 45, 46.

SEC. 16. In all cities having more than one thousand legal voters therein, it shall be the duty of the aldermen thereof to post up in some public place in each ward, a true printed or written list of the legal voters resident in said ward, at least seven days previous to the day of any election. No qualified elector who has removed his residence from one ward to another in any city, within the thirty days next preceding any election, shall vote at such election in the ward to which he has removed, but his name may be placed on the check list of the ward from which he has removed, and he may vote therein.

Lists of voters, residents, to be posted in cities having more than 1000 voters.
1861, c. 54.

Voting in wards regulated.
1859, c. 105.

NOTIFYING MEETINGS, PROCEEDINGS AT ELECTIONS, AND RETURNS.

SEC. 17. The selectmen of every town, by their warrant, shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned seven days at least before the second Monday of September annually, to meet at some suitable place designated in said warrant to give in their votes for governor, senators, and representatives, as the constitution requires; and such meeting shall be warned in the manner legally established for warning other town meetings therein.

Call of meeting for election of state officers.
R. S. c. 4, § 14.

SEC. 18. No such meeting shall be opened before ten o'clock in the forenoon on the day of the election, unless the number of voters

Meeting when opened.
R. S. c. 4, § 15.

CHAP. 4. in such town exceeds five hundred; if it does, an earlier and suitable time in the day may be appointed by the selectmen. In all elections for the choice of state officers and of electors of president and vice president of the United States, in towns and plantations having more than five hundred and less than five thousand inhabitants, if the time is not otherwise fixed by law, the polls shall be kept open until five o'clock in the afternoon and then be closed.

Officers presid-
ing have pow-
ers of modera-
tor.
R. S. c. 4, § 16.

SEC. 19. The selectmen or other officers, authorized and required by the constitution and laws to preside at any such meeting, shall have all the powers of moderators of town meetings, as provided in chapter three; and they shall refuse the vote of any person not qualified to vote.

Selectmen ab-
sent, others
may be cho-
sen.
R. S. c. 4, § 17.

SEC. 20. If a majority of the selectmen is absent from any such meeting duly warned, or being present, neglect or refuse to act as such and to do all the duties required of them, the voters at such meeting may choose so many selectmen pro tempore, as are necessary to constitute or to complete the number competent to do the duties.

Who shall pre-
side.
R. S. c. 4, § 18.

SEC. 21. During the choice of such selectmen pro tempore any selectman present may act as moderator; if no selectmen are present, or if those present neglect or refuse to act as such, the town clerk shall preside; and the person so acting or presiding shall have all the powers and discharge the duties of moderator.

Duties and
powers of se-
lectmen, pro
tempore.
R. S. c. 4, § 19.

SEC. 22. The selectmen pro tempore accepting the trust, shall be sworn faithfully to discharge the duties of the said office, so far as relates to such meeting and election; and in making a record and return of the votes, as the constitution or laws require, and in all matters incidental to the trust shall have the powers of permanent selectmen, and be subject to the same duties and liabilities.

What votes
shall be on one
list.
R. S. c. 4, § 20.
1863, c. 194.

SEC. 23. At every meeting for the choice of governor, senators, representatives, and other public officers requiring the like qualifications in the electors, the selectmen or other officer presiding shall require the electors to give in their votes for the officer or officers to be chosen, on one list or ballot, or so many of such officers, as the voter determines to vote for; designating the intended office of each person voted for.

May vote
where annex-
ed, if within
the district to
which they
previously be-
longed.
1864, c. 249,
§ 1.

SEC. 24. In all cases where any portion of territory has been or may be set off from one town and annexed to another, the inhabitants of the territory so set off, otherwise qualified, may vote for representative to congress, senators or representative to the state legislature, in the town to which they are annexed, if said town is within the limits of the congressional, senatorial or representative district, as the case may be, to which they previously belonged. And if the town to which they are annexed lies in a congressional, senatorial, or representative district other than the one to which they previously

belonged, such inhabitants shall have the right to vote for representative to congress, senators or representative to the state legislature, as the case may be, in the town from which they were set off, until the next congressional, senatorial or representative apportionment shall have been made.

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If not, then in the town where set off from.

SEC. 25. The selectmen or other officers presiding at any election shall keep and use the check list herein required at the polls during the election of any such officers, and have and use suitable ballot boxes to be furnished at the expense of the town, and no votes shall be received unless delivered by the voter in person, nor until the presiding officer or officers have had opportunity to be satisfied of his identity and shall find his name on the list and mark it and ascertain that his vote is single, nor shall more than one ballot box be used for receiving votes at any election at any one time.

Check list required.

Rules prescribed. 1863, c. 180, § 1. See §§ 55, 63.

One ballot box only allowed.

SEC. 26. The clerks of towns shall preserve the check lists used at the September elections, for one year thereafter without alteration, and shall furnish to any person an exact and certified copy thereof within twenty days after demand and the payment or tender of the legal charges therefor, under the penalty provided in section fifty-one.

Check lists to be preserved by clerks of towns and to furnish certified copies. 1864, c. 233, § 1. See § 13.

SEC. 27. The ballot boxes used at elections, shall be covered at the top with only a slide opening, and such slide shall not be opened till the name of the person offering his vote, is found and checked on the list, and then shall be shut until another voter presents himself, and his name is found and checked, and if the presiding officer or officers do not comply with these requirements, they shall be subject to the penalties provided in the preceding section.

Ballot boxes how constructed and used. 1864, c. 233, § 2. Votes how received.

Officers, duties of.

SEC. 28. Any penalty provided for in this chapter, if the treasurer refuses or neglects for ten days, after written request of any voter to commence a suit therefor, may be recovered by said voter in a suit in his own name, to the same uses as if recovered by said treasurer.

Penalties in certain cases. 1864, c. 233, § 3. 1869, c. 45, § 1.

SEC. 29. No ballot shall be received at any election of state or town officers, unless in writing or printing upon clean white paper without any distinguishing mark or figures thereon, besides the name of the person voted for, and the offices to be filled, but no vote shall be rejected on this account, after it is received into the ballot box.

Votes to be on white paper without marks. R. S. c. 4, § 22. See §§ 55, 63. 54 Mc. 602.

SEC. 30. When at a town meeting held for the election of representatives to the state legislature, in a town not classed with other towns as a representative district, by reason of two or more persons having an equal number of votes, a choice is not effected of any or all the representatives to which the town is entitled, the meeting shall be adjourned to the same day of the week following, and to the same hour and place at which the first meeting was called; and at such

When no choice of representative is effected, meeting shall be adjourned one week, and from week to week. R. S. c. 4, § 23.

CHAP. 4. adjourned meeting, the voters shall give in their votes for so many representatives as are necessary to make up the number to which said town is entitled; and like adjournments shall be had until the full number is elected.

Meetings for choice of certain officers, and determining certain questions.
R. S. c. 4, § 24.

SEC. 31. All town meetings, required to be held for the election of county treasurer, of register of deeds, or of representatives to congress, or of electors of president and vice president of the United States, or for the determination of questions expressly submitted to the people by the legislature, as to calling, notifying and conducting them shall be subject to the regulations made in this chapter for the election of governor, senators, and representatives, unless otherwise provided by law.

Result of balloting, how ascertained.
R. S. c. 4, § 25.

SEC. 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. 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. In case 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. 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.

[See Amendment of Constitution, Arts. VII & IX.]

Clerk to transmit returns of votes to secretary of state.
R. S. c. 4, § 26.

SEC. 33. The clerk of each town shall deliver or cause to be delivered at the office of the secretary of state, the returns of votes given in his town, for governor, senators, representatives to the legislature, representatives to congress, electors of president and vice president of the United States, and for county officers, within thirty days next succeeding any meeting for their election, or shall deposit them, post paid, in some post office, directed to the secretary of state,

within fourteen days after such meeting, to be transmitted by mail; and shall also forward, as soon as practicable, to such office a statement attested by him of the number of votes for said several officers, given at such election in his town, which shall be opened and filed by the secretary, and kept for the examination of the public. CHAP. 4.

SEC. 34. If any such return is not received by the secretary of state within thirty days next after such meeting, he shall forthwith notify the county attorney of the county in which such town is situated, who shall give immediate notice thereof to the clerk of such town, and unless he receives satisfactory evidence, that said clerk has complied with the requirements of the preceding section, he shall prosecute for the penalty hereinafter provided. County attorney, to be notified if return is not received. His duty. R. S. c. 4, § 27.

SEC. 35. When any such original return is in any way lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting, at which such vote was given, to be made with their certificate upon the same sheet, that it is a true copy of the record, that it truly exhibits the names of all persons voted for for the offices designated, and the number of votes given for each at such meeting, and that said copy contains all the facts stated in the original return. Loss of returns, how supplied. R. S. c. 4, § 28. See §§ 59, 63.

SEC. 36. The selectmen and town clerk, who were present at the meeting and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names as in the original return, and make oath that said copy and certificate are true, before some justice of the peace of the county, who shall make certificate of such oath on the same paper. Oath to be made to copy of record. R. S. c. 4, § 29. See §§ 59, 61, 64.

SEC. 37. Such copy and certificates shall then be sealed up, and directed to the secretary of state, with the nature of the contents written on the outside; and the clerk of such town shall cause the same to be delivered into the office of the secretary of state, as soon as may be. Certificates how sealed and returned. R. S. c. 4, § 30. See §§ 59, 60, 63.

SEC. 38. When the selectmen of any town, not classed with others as a representative district, by any means have knowledge that the seat of a representative thereof has been vacated by death, resignation, or otherwise, they shall forthwith issue their warrant, giving at least seven days notice, for a meeting of the electors of said town to fill such vacancy; and at such meeting the like proceedings shall be had, as at any meeting held on the second Monday in September for the like purpose. Vacancies how filled in towns not classed for representatives. R. S. c. 4, § 31. See §§ 44, 47.

ELECTIONS IN CITIES.

SEC. 39. For all the purposes mentioned in sections seventeen and thirty-one, the inhabitants of cities shall meet as the constitution requires, in ward meetings, to be notified and warned, as town meet- Electors in cities to meet in wards. R. S. c. 4, § 33.

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Warden to
preside.

Warden pro
tempore may
be chosen.
R. S. c. 4, § 34.

Regulations
for voters on
islands in
Portland.
R. S. c. 4, § 35.

Proceedings
in meeting.

How the votes
shall be re-
turned.
R. S. c. 4, § 36.

In cities,
names of rep-
resentatives
on same lists
as other offi-
cers.
R. S. c. 4, § 37.
36 Me. 512.

If no choice,
further meet-
ings.
R. S. c. 4, § 38.

Vacancies by
death, resig-
nation or oth-
erwise, how
filled.
See §§ 38, 47.

Aldermen of
cities when to
be in session
to correct lists
of voters.
R. S. c. 4, § 39.
See § 15.

ings for similar purposes are. The warden shall preside; the clerk shall make such record as the constitution requires; and the city constables shall preserve order.

SEC. 40. If the warden is absent from any such meeting, or refuses or neglects to preside, a warden pro tempore shall be chosen, and during such choice the ward clerk shall preside; and the warden pro tempore accepting the trust, shall be duly sworn, and have the power and perform the duties of warden of such meeting, and be liable to like penalties.

SEC. 41. The qualified electors of the ward composed of the islands within the city of Portland, may meet as provided in the thirty-ninth section, and also for the choice of city officers, on either of said islands, which a majority of such electors designate at any meeting legally held for the purpose.

SEC. 42. The warden thereof shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count, and declare them in open meeting and in the presence of the clerk, who shall make a list of the persons voted for with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in the presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in said Portland within eighteen hours after closing the polls, and the votes thus thrown shall be deemed as thrown in and belonging to the last mentioned ward.

SEC. 43. In voting for representatives to the state legislature in the wards of a city, the names shall be on the same ballot with the other officers, to be chosen at the meeting by voters of like qualifications, unless the board of aldermen in their warrant notifying the meeting require a separate ballot or ballots, which they may do.

SEC. 44. When a choice of any such representative is not effected, the aldermen shall call new meetings of the wards for the purpose, to be held at the same time, within two weeks after any former meeting; and the like proceedings shall be had at such meetings, as at the first, until a choice is effected; and when the aldermen of any city by any means have knowledge that the seat of a representative therein has been vacated by death, resignation, or otherwise, they shall call meetings of the wards for the purpose of filling such vacancy; and like proceedings shall be had at such meetings as at other meetings for the election of representatives.

SEC. 45. In cities containing one thousand and more qualified voters, the aldermen shall be in session on each of not less than three secular days next preceding any day of election when a list of voters is required, at some central and convenient place, to receive evidence of the qualifications of voters whose names are not on the lists; and

on satisfactory evidence produced at such session they shall enter the name of the person qualified on the list for the proper ward. And no application shall be received after the hour of five o'clock afternoon, on the secular day next preceding said day of election, and no names shall be added to the lists of voters on the day of election by certificate or otherwise. In cities containing a less number of voters, the aldermen shall hold, prior to the day of election, the same number of sessions for receiving such evidence, as selectmen of towns having a similar number of inhabitants are required to hold.

SEC. 46. For the purposes of the preceding section, three aldermen shall be a quorum. Notice of the times and places of all sessions, required by the preceding section, shall be given in the warrant for calling the ward meetings. In all elections in cities, the polls shall be open until four o'clock afternoon, and then be closed.

REPRESENTATIVE DISTRICTS.

SEC. 47. When the selectmen of the oldest town in a district are duly notified, or otherwise satisfied that at the last meeting of the district for the election of a representative, no choice was effected, or that the seat of their representative has been vacated, they shall, as soon as may be, leaving a convenient time for calling meetings in the several towns, appoint a day of election to fill such vacancy, and notify the selectmen of the other towns accordingly.

SEC. 48. The selectmen of the several towns shall call meetings upon the day appointed, and proceedings shall then be had, as required by the constitution and laws for the election of representatives on the second Monday of September.

CONTESTED ELECTIONS

SEC. 49. When any person intends to contest, before the house of representatives, the right of any person to his seat therein, he shall present his petition to said house within five days after the organization thereof, stating the grounds upon which he proposes to contest the seat of the person claiming to hold the same. Depositions may be taken in the manner authorized by the provisions of chapter one hundred and seven in cases of contested senatorial elections.

VOTERS IN UNINCORPORATED PLACES AND ISLANDS.

SEC. 50. All qualified electors living on islands adjacent to the main land along the coast of this state and within the jurisdiction thereof, but not incorporated with any town, and all such electors living in other unorganized places in this state may furnish lists of their polls and estates to the assessors of any adjacent town, on or before the first day of April annually, and said assessors shall assess state and county taxes upon all such persons, and they shall be collected in the same manner and by the same officers as if such electors

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No names to be added on day of election.
1861, c. 50, § 1.

Three aldermen to be a quorum.
R. S. c. 4, § 40.
1870, c. 135, § 1.

Notice of sessions to be given in warrant.

Polls to be closed at four o'clock.

Vacancies how filled.
R. S. c. 4, § 44.
See §§ 38, 44.

Same subject.
R. S. c. 4, § 45.

Time of presenting, and contents of petitions in contested elections in house of representatives.
1863, c. 149.
Deposition, how to be taken in certain cases.
1864, c. 236.

Electors on islands and unincorporated places, where may vote.
See constitution, Art. 4, Part 2, § 3.
May furnish lists of polls &c.
When to furnish.

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Tax to be assessed.
1864, c. 276, § 1.
Electors assessed may vote.

were inhabitants of such town. And such electors so presenting their polls and estates shall be allowed to vote in such town in all elections for governor, senators, representatives and county officers.

PENAL PROVISIONS AND REGULATIONS AFFECTING PURITY OF ELECTIONS.

Penalty for neglect of duties, required of selectmen.
R. S. c. 4, § 48.
10 Me. 109.

SEC. 51. If any selectman, or other town, city, or plantation officer, or any such officer chosen pro tempore, willfully neglects or refuses to perform any of the duties required of him, or willfully does, authorizes, or permits to be done, any thing prohibited by the constitution or by the provisions of this chapter, he shall for each offence, forfeit not less than fifty, nor more than five hundred dollars, and be imprisoned in jail not more than nine, nor less than three months, except where otherwise expressly provided in this chapter.

Penalty for neglect of municipal officers to issue warrants for meetings for choice of officers.
R. S. c. 4, § 49.
See § 63.

SEC. 52. If the aldermen of cities, selectmen of towns, or assessors of plantations neglect to issue their warrant as required by law for a meeting for the choice of state or county officers, representatives to the legislature, or to congress, or of electors of president and vice president of the United States, they shall each forfeit fifty dollars to their city, town, or plantation, to be recovered in action of debt by the treasurer thereof, or by any citizen thereof when said treasurer is a member of the delinquent board.

Penalty how recovered, and by whom.

Penalty for neglect of constable to summon voters.
R. S. c. 4, § 50.
See § 63.

SEC. 53. If any constable or other person legally required to summon the voters of a city, town, or plantation to assemble at any meeting for the choice of any officers mentioned in the preceding section, neglect to do so, or to make due return of the warrant therefor, he shall forfeit twenty-five dollars to his city, town, or plantation for each offence, to be recovered as provided in the preceding section; but if he willfully neglects or refuses to do so, he shall forfeit not less than fifty, nor more than two hundred dollars, half to the state and half to the prosecutor, to be recovered by indictment.

Penalty for willful neglect to be recovered by indictment.

Penalty for neglect to deposit and post lists.
R. S. c. 4, § 51.

SEC. 54. If the selectmen of a town or assessors of a plantation willfully neglect to deposit a list of the voters with the town or plantation clerk, and to post up such lists, as are hereinbefore required, they shall each forfeit not less than fifty, nor more than one hundred dollars; and for each day's neglect after the twentieth day of August, and until the election then next ensuing, they shall each forfeit thirty dollars.

Penalty for neglect to keep check lists, or to reject illegal votes.
R. S. c. 4, § 52.
1870, c. 94.
See § 63.

SEC. 55. If such selectmen or assessors willfully neglect or refuse to keep and use a check list, as provided in section twenty-five, or willfully receive any vote prohibited by section twenty-nine, or willfully and fraudulently receive the vote of any person not qualified to be an elector, as provided by the constitution, they shall each forfeit not less than fifty nor more than one hundred dollars.

Penalties, how

SEC. 56. The penalties in the two preceding sections may be

recovered in an action of debt, in the name and to the use of the town or plantation, where the offence is committed, to be commenced and prosecuted to final judgment at the request of any voter therein, by the treasurer, unless he is one of the delinquent officers, and in that case, by one of the constables.

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recoverable.
R. S. c. 4, § 53.

SEC. 57. If any municipal officer strikes from the list of voters, after it is prepared and posted, the name of any person residing in the town without the notice and opportunity for hearing provided in section five, he shall forfeit not less than twenty, nor more than one hundred dollars, to be recovered in an action on the case by the person whose name was struck out.

Penalty for municipal officer striking names from list without notice.
R. S. c. 4, § 54.

SEC. 58. If any person wrongfully alters, erases, or mutilates any name on a list of voters, or fraudulently votes in the name of another, or under an assumed name, he shall forfeit the sum named in the preceding section, half to the use of the prosecutor, and half to the state, and be imprisoned not more than six months in jail.

Penalty for altering, erasing or mutilating names on check list, and for voting in the name of another.
R. S. c. 4, § 55.

SEC. 59. If any selectman or other officer of a city, town, or plantation, or any such officer chosen pro tempore, willfully neglects or refuses to perform the duties required by sections thirty-five, thirty-six and thirty-seven, on notice of the loss and destruction of any return therein described, he shall forfeit not less than one hundred, nor more than five hundred dollars.

Penalty for neglect to supply lost return.
R. S. c. 4, § 56.

SEC. 60. Any such selectman or other officer, permanent or pro tempore, who in such case makes a false certificate and makes oath to its truth, shall suffer the punishment provided against the crime of perjury, and be disqualified from holding any office under the constitution and laws of this state for ten years.

Penalty for making false certificate.
R. S. c. 4, § 57.

SEC. 61. If a person, to whom the returns of votes of any city, town, or plantation, for governor, senators, or representatives in congress, are entrusted by the clerk thereof to be forwarded to the office of the secretary of state, willfully neglects to use all proper means for their delivery within the time required, he shall forfeit not less than one hundred, nor more than five hundred dollars, or be imprisoned in jail not less than two, nor more than six months.

Penalty for neglect of persons to whom returns are entrusted to deliver them.
R. S. c. 4, § 58.

SEC. 62. Every county attorney, who receives from the secretary of state a certificate that the return of the votes of any town, city, or plantation in his county, for governor, senators, or representatives in congress, has not been duly received at the secretary's office, shall immediately ascertain, so far as he can, by the default of what officer or person such neglect happened, and demand of him, if he finds such default willful or caused by culpable negligence, the sum thereby forfeited; and if it is not immediately paid he shall prosecute such delinquent according to law.

County attorneys to prosecute for willful negligence in not delivering returns.
R. S. c. 4, § 59.

SEC. 63. In no case, except as in sections fifty-two and fifty-three, shall any officer of a city, town or plantation, incur any pun-

Liability of town officers limited.

CHAP. 4. Neglect to be deemed willful, unless contrary is shown. R. S. c. 4, § 60.

ishment or penalty, or be liable in damages by reason of his official acts or neglects, unless they are unreasonable, corrupt, or willfully oppressive; but the neglect to prepare the list of voters; to deposit it in the town clerk's office; to post it up, as required herein; to call town, city, or plantation meetings for elections; to cause returns of votes, or copies thereof to be delivered into the office of the secretary of state, as required by the constitution and laws; or to make the records by law required, shall be deemed willful and unreasonable, unless the contrary is shown.

Punishment for misconduct of electors. R. S. c. 4, § 61. 56 Me. 512.

SEC. 64. At any meeting for the election of any public officer, where a list of voters is necessary, if any person willfully votes before the presiding officer has had opportunity to find his name on said list, or knowing that it is not on it, or willfully gives any false answer or statement to the selectmen or other officers when previously preparing such list, or presiding at such meeting, in order that his name may be entered on such list or his vote received; or casts more than one vote at one balloting; or is disorderly at such meeting, he shall forfeit, for each offence, not exceeding one hundred, nor less than ten dollars.

Penalty of militia officers for military parades on days of election. R. S. c. 4, § 62.

SEC. 65. If any officer of the militia parades his men, or exercises any military command on a day of election of a public officer, as described in section one hundred and two of chapter ten and not thereby excepted, or except in time of war or public danger, he shall for each offence forfeit not less than ten, nor more than three hundred dollars.

Penalties in two preceding sections, how recovered. R. S. c. 4, § 63.

SEC. 66. The penalties, provided in the two preceding sections, may be recovered by indictment, half to the use of the state, and half to the use of the prosecutor.

Punishment for bribery and corruption at elections. R. S. c. 4, § 64.

SEC. 67. If any person by bribery, menace, willful falsehood, or other corrupt means, directly or indirectly attempts to influence any voter of this state in giving his vote or ballot, or to induce him to withhold it, or disturbs or hinders him in the free exercise of the right of suffrage, at any election held under the provisions of the constitution or of this chapter, he shall be fined not more than five hundred dollars, or imprisoned not less than one year, and be ineligible to any office in this state for ten years.

Punishment for knowingly voting where not entitled. R. S. c. 4, § 65. 1870, c. 115, § 1.

SEC. 68. If a person, at an election of state and county or municipal officers, or of electors of president and vice president, knowingly votes in any city; town, or plantation, where he has no legal right to vote, he shall be punished by imprisonment in the county jail not less than three months, nor more than one year.

Betting on elections prohibited and punished. Wager forfeited. How recovered. R. S. c. 4, § 66.

SEC. 69. No person shall make any bet or wager upon the result of any election of persons to be voted for in this state for any office or place, in money or in any kind of property, real or personal, under penalty of forfeiting the money or property so bet or wagered, to the city, town or plantation in which he resides, or if he does not reside

in this state, then to the city, town or plantation in which the bet or wager is made, to be recovered in an action on the case. CHAP. 4.

SEC. 70. The mayor of the city, or the treasurer of the town or plantation entitled to such forfeiture shall forthwith proceed to sue for and recover it, as soon as they have proper evidence of such betting or wagering. Mayor or treasurer to sue for penalty.
R. S. c. 4, § 67.

SEC. 71. Any party to such bet or wager, who has paid over or conveyed to the winning party the money or property so bet or wagered, may recover it, or its value, in an action on the case. Money paid for bet or wager recoverable back.
R. S. c. 4, § 68.

SEC. 72. All conveyances, by deed or otherwise, of any interest in real estate, made by reason of any such bet or wager, are absolutely void; the person making them, shall forfeit the full value of the interest so conveyed, to the city, town or plantation entitled to the forfeiture for such betting or wagering, to be recovered as aforesaid. Conveyances for such purposes void; value forfeited to the town.
R. S. c. 4, § 69.

PLANTATIONS.

SEC. 73. The assessors of each plantation shall annually on or before the eleventh day of August, prepare a list of such inhabitants within its limits, as they judge to be constitutionally qualified to vote in the election of governor, senators and representatives to the legislature; deposit it in the office of the plantation clerk; and post it up and correct it in the manner required in case of towns. List of voters prepared, posted and corrected.
R. S. c. 4, § 73.

SEC. 74. They shall call a meeting of such voters, to be held on the second Monday of September annually, at some convenient and central place in the plantation, for the election of governor, senators, and representatives in the state legislature, by a warrant in due form by them signed, in which the time, place, and purposes of the meeting shall be set forth; and notice shall be given by posting up a copy thereof in one or more public places in the plantation at least seven days before the day of meeting. Similar notice shall be given of all meetings for choice of representatives to the legislature, or to congress, of any state and county officers, and of electors of president and vice president. State officers, meetings to be called for their choice.
R. S. c. 4, § 74.

SEC. 75. Such assessors shall preside impartially at all such meetings, receive the votes of all qualified voters present, sort, count, and declare them in open plantation meeting and in presence of the clerk, who shall form a list of the persons voted for; with the number of votes for each person written out in words against his name, and make a full record thereof in presence of the assessors and in open plantation meeting. The clerk shall make out fair copies of the list of voters so posted up as corrected, and of the names of all voters on said list who were actually present and voted at said election, which shall be attested by the assessors and the clerk in open plantation meeting, and he shall cause the record of said votes to be delivered, within the time required by the constitution and the laws, to the proper person appointed to receive them, and the copy of the list of Votes how received,
R. S. c. 4, § 75.

List of votes and voters to be returned to secretary of state.

CHAP. 4. voters and of the names of the persons actually present, and voting at the election, to be transmitted to the secretary of state with the record of votes aforesaid.

Votes to be allowed in elections, same as in towns.
R. S. c. 4, § 76.

SEC. 76. The votes so thrown shall be received and allowed for electors of president and vice president of the United States, for governor, senators, and representatives to the legislature, and to congress, and for county officers, the same as votes thrown in any town in said county.

Votes to be rejected on failure to comply with legal provisions.
R. S. c. 4, § 77.
1870, c. 121, § 17.

SEC. 77. If it does not appear by the return of the list of voters so posted up, and of the names of the voters on said list, who were actually present and voted at such election, and by the return of its organization duly signed and made to the office of the secretary of state within the time required by law, that the plantation has been duly organized and that the provisions of section seventy-five have been fully complied with, the votes of such plantation shall be rejected, and not counted for any of said officers. The secretary of state shall furnish to the clerks of such plantations suitable blanks for the returns herein required.

Secretary of state to furnish blanks.

CHOICE OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

Electors of president to be chosen.
R. S. c. 4, § 79.

SEC. 78. In each year, when the election of president and vice president of the United States is to take place, there shall be chosen from the inhabitants of this state, as many electors of president and vice president as this state is then entitled to; and on Tuesday next after the first Monday in November of such year, the people of this state qualified to vote for senators in its legislature, shall assemble in town, plantation, city or ward meeting, to be notified, held, and regulated as prescribed by the constitution and laws for the election of such senators; and each voter shall bring in on a single ballot the names of so many of said electors, as he determines to vote for.

Meetings for their choice, when and how called.

All names on one ballot.

Votes how received and returned.
R. S. c. 4, § 80.

SEC. 79. The votes shall be sorted, counted, declared, and recorded; and the returns of the number of ballots, and of the votes given for each elector, shall be made as the constitution and laws require respecting the election of such senators, to the secretary of state on or before the second Thursday after such meeting; and on the third Thursday after such meeting, the governor and council shall be in session, and open, examine, and count 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 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

Governor and council to count votes.

Secretary to send for returns.

Governor and council shall examine and count votes.
1864, c. 278, § 7.

Notice to persons elected.
1864, c. 278, § 8.

who has received the greatest number of all the votes returned to said office, not exceeding the number to be chosen. CHAP. 4.

SEC. 80. The expense of each messenger sent as required in the preceding section shall be audited and allowed by the governor and council, and paid out of the state treasury; and unless they think the officers of any delinquent town have fully performed their duties in making the required returns, the amount so paid shall be added to the next state tax assessed on such town; but if the same messenger is sent to two or more towns in the same route, the amount to be paid by each of them, shall be apportioned by the governor and council according to their relative distances and the expense of traveling.

The expense of sending for returns to be paid by state, and added to state tax of delinquent towns.
R. S. c. 4, § 81.

SEC. 81. If it appears on such examination, that there has not been a choice of a majority of the whole number of electors, the governor, by proclamation, shall call the legislature together forthwith; and the legislature by joint ballot of the senators and representatives assembled in one room shall choose as many electors, as are necessary to complete the number to which this state is then entitled.

When no choice of majority of electors is made, governor to assemble legislature.
R. S. c. 4, § 82.

SEC. 82. The electors so chosen shall convene in the senate chamber at Augusta, on Tuesday preceding the first Wednesday of December next after their election, at two of the clock in the afternoon; and if any elector so chosen, by reason of death or for any other cause, is not present, the electors then present, by a majority of votes, shall forthwith elect the requisite number of persons suitably qualified to supply such deficiency.

Meeting of electors.

Vacancies, how filled.
R. S. c. 4, § 83.

SEC. 83. Said electors, on said first Wednesday of December, shall vote by ballot for one person for president, and one person for vice president of the United States; one of whom, at least, shall not be an inhabitant of this state; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; they shall make and subscribe three certificates of all the votes by them given, each of which shall contain two distinct lists, one of the votes given for president, and the other of the votes given for vice president; they shall seal them up and certify on each certificate, that a list of votes of the State of Maine for president and vice president of the United States is contained therein. They or a majority of them shall, under their hands, appoint a person to take charge of one of said certificates, and deliver it at the seat of government of the United States, to the president of the senate of the United States, before the first Wednesday of January then next; they shall forthwith forward, by the post-office another of said certificates, directed to the president of the same senate, at the same seat of government; and they shall forthwith cause the other certificate to be delivered to the judge of the district court of the United States for the district of Maine.

Their proceedings.
R. S. c. 4, § 84.

CHAP. 4. SEC. 84. The electors shall receive such compensation for their travel and attendance as the members of the legislature.

SEC. 85. The secretary of state shall procure blank returns of the proper form for such cities, towns, and plantations, and furnish them to the several clerks thereof at least thirty days before the day for the election of electors as aforesaid.

SEC. 86. All laws in force in relation to the duties of city, town, and plantation officers, and of voters in the election of governor, senators, and representatives to the legislature, and to the penalties incurred for their violation, shall, as far as applicable, apply and be in force in regard to the meetings to be held for the election of such electors, and to the returns thereof to be made.

SOLDIERS' AUTHORIZED TO VOTE.

SEC. 87. 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.

SEC. 88. 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

Their compensation.
R. S. c. 4, § 85.
Secretary to furnish blanks.
R. S. c. 4, § 86.

Town officers to proceed as in other meetings.
R. S. c. 4, § 87.

Citizens absent in military service of U. S. or of this state, may vote for president and vice president of the U. S.
1864, c. 278, § 1.

Polls shall be opened where soldiers may be found, &c., out of the state, &c.
1864, c. 278, § 2.

Vote how taken.

Who shall act as supervisors.

Supervisors shall be sworn.

CHAP. 4.

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. Proviso.

SEC. 89. 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. Certain officers where may vote. 1864, c. 278, § 3.

SEC. 90. 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. Supervisors shall prepare ballot boxes. 1864, c. 278, § 4. Ballots how prepared. Qualification of voters.

SEC. 91. 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. If challenged, may be put upon oath. 1864, c. 278, § 5. Shall keep correct poll lists.

SEC. 92. 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 Shall check names of voters. 1864, c. 278, § 6. Sort, count and declare votes.

CHAP. 4. aforesaid, to be delivered into the office of the secretary of state aforesaid on or before the Thursday next before the first Wednesday of December in each year when a presidential election shall occur.

Citizens absent in military service of U. S. or of this state, allowed to vote for governor, senators, representatives, county officers and representatives to congress.
1864, c. 278, § 9.

SEC. 93. 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 governor, senators and representatives to the state legislature, county officers and representatives to congress on the day designated by law for the election of such officers. Each shall be considered as voting in the city, town, plantation and representative district where he resided when he entered said service.

Elections, how held.
1864, c. 278, § 10.

SEC. 94. The elections for this purpose shall be held and conducted in the same manner and under the same regulations as those provided 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. All such citizens shall present but one ballot, upon which shall be printed 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.

Secretary of state to prepare poll lists, &c.
1864, c. 278, § 17.

SEC. 95. 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 hereof, and with the tenth article of amendment of the constitution; and said amendment of the constitution and sections eighty-seven to ninety-six inclusive, of this chapter shall be printed in each poll list so delivered.

Governor and council may correct errors in returns of votes from soldiers.
1864, c. 278, § 16.
Returns not to be rejected for informality.

SEC. 96. The governor and council are 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 chapter, were in fact substantially complied with.