

HOUSE No. 799.

[House, No. 618, as amended and passed to be engrossed]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ACT

Relative to the Recounting of Votes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section two hundred and seven
2 of chapter four hundred and seventeen of the acts
3 of the year eighteen hundred and ninety-three is
4 hereby amended by striking out, in the thirteenth,
5 fourteenth and fifteenth lines, the words "The
6 board of aldermen or a committee thereof, or the
7 selectmen, shall thereupon and," and inserting in
8 place thereof the following words: "In cities,
9 when such statement relates to ballots cast at a city
10 election, the board of aldermen shall forthwith
11 issue an order to the board of registrars of voters
12 to open the envelope or envelopes containing the
13 ballots, examine the ballots cast in each such
14 voting precinct and determine the questions raised.
15 The city clerk shall promptly transmit such state-
16 ment to the board of registrars, together with the

17 envelope or envelopes containing the ballots, sealed,
18 and such board of registrars shall thereupon and
19 within eight days of the day of such city elec-
20 tion open the envelopes and proceed forthwith to
21 make such examination and determination. In
22 cities the board of registrars of voters are hereby
23 authorized and empowered to employ such clerical
24 assistance as they may deem necessary to enable
25 them to carry out the provisions of this act. In
26 cities, when such statement relates to ballots cast
27 at a state election, the board of aldermen shall
28 thereupon and within eight days next succeeding
29 the day of such state election open the envelope
30 or envelopes containing the ballots and proceed
31 forthwith to examine the ballots cast in each such
32 voting precinct and determine the questions
33 raised. In towns the selectmen shall"; also by
34 striking out, in the twentieth line, the words "the
35 aldermen, committee" and inserting in place
36 thereof the words "the board of aldermen, board
37 of registrars of voters"; also by striking out, in
38 the twenty-second and twenty-third lines, the
39 words "with the seal of the city or town or,"—
40 so as to read as follows:—

41 *Section 207.* If, within the six days next suc-
42 ceeding the day of an election for state or city
43 officers in a city or town, ten or more qualified
44 voters of any ward of a city or of any voting
45 precinct of a town, or of any town not divided
46 into voting precincts, shall file with the city or
47 town clerk a statement in writing that they have
48 reason to believe that the records or copies of
49 records made by the election officers of certain

50 precincts in such ward or town, or of such town,
51 are erroneous, and shall specify wherein they
52 deem them in error, the clerk shall forthwith
53 transmit such statement to the board of aldermen
54 or selectmen, whose duty it is to examine the
55 records or certificates of such election.

56 In cities, when such statement relates to ballots
57 cast at a city election, the board of aldermen shall
58 forthwith issue an order to the board of registrars
59 of voters to open the envelope or envelopes con-
60 taining the ballots, examine the ballots cast in
61 each such voting precinct and determine the
62 questions raised; the city clerk shall promptly
63 transmit such statement to the board of registrars
64 of voters, together with the envelope or envelopes
65 containing the ballots, sealed, and such board of
66 registrars shall thereupon and within eight
67 days of the day of such city election open the
68 envelopes and proceed forthwith to make such
69 examination and determination. In cities the
70 board of registrars of voters are hereby author-
71 ized and empowered to employ such clerical
72 assistance as they may deem necessary to enable
73 them to carry out the provisions of this act.

74 In cities, when such statement relates to ballots
75 cast at a state election, the board of aldermen
76 shall thereupon, and within eight days next suc-
77 ceeding the day of such state election, open the
78 envelope or envelopes containing the ballots and
79 examine the ballots cast in each such voting pre-
80 cinct and determine the questions raised.

81 In towns, the selectmen shall, within the eight
82 days next succeeding the day of election, open

83 the envelope or envelopes containing the ballots
84 and examine the ballots cast in each such voting
85 precinct or town, as the case may be, and shall de-
86 termine the questions raised. After making such
87 examination and determination, the board of alder-
88 men, board of registrars of voters or selectmen, as
89 the case may be, shall again enclose all ballots in
90 their proper envelope, seal each envelope with a
91 seal provided for the purpose, and certify upon
92 each envelope that the same has been opened and
93 again sealed in conformity to law; and they shall
94 likewise make and sign a statement of their de-
95 termination of the questions raised. The envel-
96 opes, together with such statement, shall be
97 returned to the city or town clerk, and he shall
98 alter and amend such records as have been found
99 to be erroneous, in accordance with such deter-
100 mination; and the records so amended shall
101 stand as the true records of the election. The
102 city or town clerk shall likewise, in accordance
103 therewith, amend the records of the city or town;
104 and copies of such amended records of the votes
105 cast at a state election shall be made and trans-
106 mitted as are required by the provisions of this
107 title in the case of original copies of records.

108 In the case, however, of an election to fill a
109 vacancy in the office of a senator or representative
110 in the general court, any such statement of ten
111 qualified voters of their belief that errors exist
112 shall be filed within the two days next succeed-
113 ing the day of election, and the examination of
114 ballots shall be made within the three days next
115 succeeding the day of election.

1 SECT. 2. Section two hundred and ten of said
2 act is hereby amended by striking out all of said
3 section after the word “aldermen” in the ninth
4 line and inserting in place thereof the following
5 words: “shall forthwith issue an order to the
6 board of registrars of voters to examine the
7 ballots cast and determine the question raised,
8 and such board of registrars of voters shall there-
9 upon, and within ten days thereafter, recount the
10 ballots and make such determination; and such
11 recount shall stand as the true result of the vote
12 cast in such city upon the said question;” so as
13 to read as follows: —

14 *Section 210.* If, within the fourteen days next
15 succeeding the day of the annual city election in
16 any city, ten or more qualified voters in such city
17 shall file with the city clerk a statement in writing
18 that they have reason to believe that the record
19 of ballots cast upon the question of granting
20 licenses for the sale of intoxicating liquors in
21 such city is erroneous, the clerk shall forthwith
22 transmit such statement to the board of aldermen
23 of such city, and the board of aldermen shall
24 forthwith issue an order to the board of registrars
25 of voters to examine the ballots cast and de-
26 termine the question raised; and such board of
27 registrars of voters shall thereupon, and within
28 ten days thereafter, recount the ballots and make
29 such determination; and such recount shall stand
30 as the true result of the vote cast in such city
31 upon the said question.

1 SECT. 3. All recounts made under the pro-
2 visions of chapter four hundred and seventeen of
3 the acts of the year eighteen hundred and ninety-
4 three as amended by this act shall be upon the
5 questions designated in the petition or petitions
6 for recounts, and no other count shall be made or
7 allowed to be made or other information taken or
8 allowed to be taken from the ballots on such re-
9 count.

1 SECT. 4. This act shall take effect upon its
2 passage.

HOUSE OF REPRESENTATIVES, May 1, 1894.

Passed to be engrossed.

Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

