

MAINE STATE LEGISLATURE

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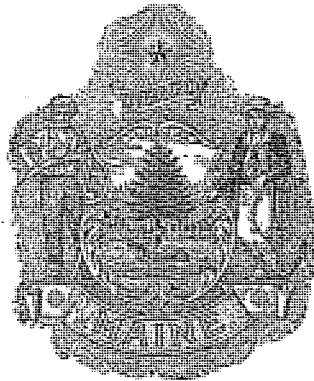
SIXTH REVISION

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OF THE

STATE OF MAINE

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CHAPTER 6.

Nominations of Candidates for Office.

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Nominations by Primary Elections.

Sec. 1. Nominations shall be made by primary elections; "political parties" defined. 1913, c. 221, §§ 1, 29. All nominations of candidates for any state or county office, including United States senator, member of congress and member of the state legislature, shall hereafter be made at and by primary elections to be held in accordance with the provisions of this chapter. Every political party entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September, or at any special election for state or county officers or for members of congress or members of the legislature, shall nominate all its candidates for such offices, to be voted for at such elections, under the provisions of this chapter and not in any other manner. The term "political parties," as used in this chapter, is hereby declared to mean such political parties as at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for governor. Nothing in this section shall be construed as preventing the nominations of candidates under section thirty-one of this chapter.

Sec. 2. State convention; its powers; organization of committees; vacancies. 1913, c. 221, § 2. Not less than sixty nor more than ninety days before the third Monday in June of each year in which a state election is held biennially, the political parties aforesaid shall each hold a state convention with such basis of representation and at such time and place and with such requisites as to call thereof and notice therefor as the state committee of each such political party may determine. At any such state convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the state election then next ensuing, elect a state committee, a district committee for each congressional district, and a county committee for each county, severally of such number and to be elected in such manner as the convention may determine. The chairman and secretary shall thereupon forthwith certify to the secretary of state the platform so adopted and the names of the members of the committees so elected. Such committees shall thereafterwards, as soon as reasonably practicable organize by the choice of a chairman and secretary and certify such organization to the secretary of state; they may elect all other officers deemed needful, hold office until their next state convention hereunder, and perform

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such duties as may be imposed upon them by their respective state conventions. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs and due certificate thereof made to the secretary of state. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this chapter.

Sec. 3. City and town committees, election and tenure. 1913, c. 221, § 3. All the city, ward, town, plantation and representative class committees of the political parties aforesaid shall be elected in such manner and with such tenure of office and duties, as the appropriate political party within such city, ward, town, plantation or representative class may from time to time determine. Each such committee shall fill all vacancies in its membership.

Sec. 4. Committees shall be deemed regularly elected. 1913, c. 221, § 4. All committees created, elected or recognized under sections two and three shall be deemed to be regularly elected general or executive committees within the meaning of section thirty-five and of all other provisions of this chapter.

Sec. 5. Nominations for places on ballot; requirements of nomination papers. 1913, c. 221, § 5. 1913, c. 127. Nominations for places on the ballots to be used at primary elections shall be made for each of the political parties entitled as aforesaid to representation thereon by nomination papers signed in the aggregate for each candidate of each political party by qualified voters within the electoral division or district, wherein such candidate is to be voted for, in number not less than one per cent nor more than two per cent of the entire vote cast for governor in the last preceding state election in the state at large, if the office for which such candidate is to be voted for is to be filled by the voters of the state at large or is for the office of United States senator, otherwise not less than one per cent nor more than two per cent of such gubernatorial vote within the electoral division or district wherein such proposed candidate is to be voted for. All such nomination papers shall besides containing the names of the proposed candidates specify as to each, first, the name of the office for which he is proposed as a candidate; second, the political party which he represents; third, his place of residence. There shall not be in any nomination paper the name of more than one candidate proposed for nomination. Nomination papers shall be signed by members of the political party named therein for which the nomination is made. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence. Each voter may subscribe his name to one nomination for a candidate for each office to be filled, and no more, except in cases where the office is to be filled by more than one person, and in such cases only to the extent of such number. One of the signers to each such separate paper, or the person circulating the same, shall make oath thereon, or by certificate of oath annexed thereto, that he believes the signatures are genuine and that the persons signing are members of the political party named therein and that they reside within the electoral division or district for which the nomination is proposed. The state at large shall be considered an electoral division within the meaning of this section; provided, that

nothing herein shall make it necessary for nomination papers for any candidate to be signed in the aggregate by qualified voters greater in number than ten per cent of the last gubernatorial vote cast by the party of such candidate within the electoral division or district wherein such candidate is to be voted for.

Sec. 6. Nomination papers, when to be signed and filed; nomination papers may be amended; vacancies; papers preserved for one year. 1913, c. 221, § 6. No such nomination papers shall be signed before the first day of January of the year in which such primary election is to be held and all such nomination papers shall be filed with the secretary of state on or before the first Monday of May of said year. With such nomination papers there shall also be filed the consent in writing of the persons so proposed thereby as candidates, agreeing to accept the nomination if nominated at the primary election, not to withdraw, and, if elected at the state election, to qualify as such officer. Such nomination papers so filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and, if not in apparent conformity, they may be seasonably amended under oath. In case any person who has been duly proposed as a candidate under the provisions hereof shall die before the day of the primary election, or shall withdraw in writing, so that the nominations shall be less than the number of the candidates required to be voted for by law, the vacancy may be supplied in the manner herein provided for such original nomination; or, if the time is insufficient therefor, then the vacancy may be supplied by the appropriate committee of the state, district, county, city, town, plantation or representative class by which such candidate is to be elected. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section thirty-five. All nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection and the secretary of state shall preserve the same in his office not less than one year.

Sec. 7. Nominations for United States senators. 1913, c. 221, § 7. 1915, c. 59. Whenever one or more United States senators are to be elected at the biennial state election held on the second Monday of September, the nominee or nominees for such office or offices, of each political party, shall be chosen at the primary election held on the third Monday in June preceding. Nominations therefor shall be made and filed as hereinbefore provided. Where but one United States senator is so to be elected, the nomination papers and official ballot shall specify simply the office of United States senator. When, however, two United States senators are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated.

Sec. 8. Ballots, how made up; order of offices; names shall be in alphabetical order; printing, color and size of ballots. 1913, c. 221, § 8. Every ballot which shall be printed in accordance with the provisions of this chapter shall contain the names and residences of all candidates whose nominations have been duly proposed hereunder for any office specified in the ballot, and not withdrawn in accordance herewith, and the office for which they have been severally proposed through the nomination papers filed as

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aforsaid, and shall contain no other names. The order of offices shall be the same as in the regular September election, except that when nominations for United States senators are to be made, said office of United States senator shall be first on said ballots. The name of each person for whom as a candidate for nomination a valid nomination has been filed shall be printed on the ballot in but one place. The names of the candidates for nomination to each office shall be arranged under the designation of the office in alphabetical order, according to surnames. There shall be left at the end of each list of candidates for nomination to each office a blank space or spaces, in which the voter may write or paste the name or names of any person or persons not printed on the ballot for whom he desires to vote as a nominee or nominees for such office, the number of blank spaces so left to be equal to the number of nominees to be selected for such office. The ballot shall be printed so as to give each voter a clear opportunity to designate his choice for candidates for nomination by making a cross (X) to the right of the name of each candidate he wishes to vote for as a nominee to each office; and on the ballot shall be printed such words as will aid the voters to do this, "Vote for one," "Vote for two," and the like. At the top of the ballot there shall be printed in capital letters, "Make a cross (X) in the square to the right of the name of the person you wish to vote for. Follow directions as to the number of candidates to be marked for each office. Add names by writing or pasting stickers in blank spaces and mark cross (X) to right of such names. Do not erase names." The ballots shall be printed on tinted paper, of a separate tint for each political party, white for the party casting the highest vote for governor at the last preceding state election, yellow for the second highest, blue for the third highest, green for the fourth highest, other colors for others if any, and brown for specimen or sample ballots. They shall be of uniform size for all political parties and folded before distribution in marked creases so as to be of uniform length and width and conceal the interior contents. On the back shall be printed so as to be visible when folded, "Official Nominating Ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the primary election and a fac-simile of the signature of the secretary of state.

Sec. 9. Ballots shall be furnished by secretary of state; number to be provided for primary elections; clerk of town may apply for larger supply of ballots. 1913, c. 221, § 9; c. 72, § 2. All ballots, printed notices, sample ballots and cards of instructions shall be furnished by the secretary of state, at the expense of the state, in the same manner as in the case of regular elections. He shall provide and furnish for each voting place or precinct at which an election is to be held, not less than sixty of each party primary nominating ballots for every fifty votes and fraction of fifty votes cast by that party in said voting place or precinct at the next preceding election, city, county, state or national, corresponding to the election for which said primary election is to be held and for which said ballots are provided. All ballots, printed notices, sample ballots and cards of instruction shall be forwarded by the secretary of state to the respective city, town and plantation clerks, a record thereof made and receipts therefor returned, as pro-

vided in section eight of chapter seven; if the city, town or plantation clerk deems that more than the above number of ballots may be required by any party on account of an increased enrolment, he shall so certify, on or before the date for filing primary nomination papers, to the secretary of state, who shall add the number so asked for to the number of primary nominating ballots sent to that city, town or plantation. The expense of the calling and holding of the primary elections and the making and forwarding of the returns thereof shall be paid for by the municipalities. All other expenses hereunder shall be borne by the state.

See c. 7, § 8.

Sec. 10. Lists of proposed candidates shall be sent to clerks of towns; publication of lists. 1913, c. 221, § 10. The secretary of state shall fourteen days at least previous to the day of any primary election transmit to the clerks in each city, town and plantation printed lists containing the names, residences and party or political appellations of all candidates proposed for nomination as herein provided for such election and to be voted for at each polling place in each such city, town and plantation respectively substantially in the form of the ballot to be used therein; and the clerks shall immediately cause the lists for each plantation, town or ward, as the case may be, to be conspicuously posted in one or more public places in such plantation, town or ward. The secretary of state shall likewise cause to be published prior to the day of any such election hereunder, in at least two newspapers, if there be so many, printed or published in each county, representing so far as practicable, the political parties which at the preceding gubernatorial election, cast the largest and next largest number of votes, a list of all the nominations proposed, as herein provided and to be voted for hereunder in such county, so far as may be in the form in which they shall appear upon the general ballots. New nominations proposed as hereinbefore provided, to fill vacancies, shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the secretary of state to any clerk shall be duplicated on the succeeding day.

Sec. 11. Selectmen shall issue warrants; posting of warrants. 1913, c. 221, § 11. 1915, c. 33. Not less than seven days before the third Monday of June preceding a biennial state election, the selectmen of every town, by their warrant, shall notify and warn all legally qualified voters to attend at the regular voting places on the third Monday in June for the purpose of voting for persons to be nominated by their respective political parties as candidates to be voted for on the second Monday in September then next ensuing. Said warrant shall be in substance as follows:

PRIMARY ELECTION WARRANT.

State of Maine:

ss.

County of

To the legal voters of the town of

You are hereby notified that the primary election in this town, of all political parties, entitled by law to nominate candidates for the next elec-

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tion, will be held at on Monday, June next, for the purpose of nominating candidates for the following offices to be voted for at the election to be held on the second Monday in September next, viz:

(Here follow the officers to be nominated.)

The polls will be open at twelve o'clock, noon, and continue open until nine o'clock in the afternoon, when they will close.

Voters not enrolled as members of a political party entitled to nominate candidates will not be permitted to vote. But voters entitled to enrolment may cause themselves to be enrolled at the polling places during the primary election on taking and subscribing the oath required by law.

Enrolment blanks will be furnished by the town clerk on application.

Dated at, this day of June, 19 ..

.....
.....
.....

Selectmen of

Such warrants shall be posted in the manner required by law for warrants for the state election. Like warrants shall be issued by the mayor and aldermen of cities and the assessors of plantations, with appropriate changes and posted in like manner. In plantations and towns of two thousand inhabitants or less the provisions as to enrolled voters and enrolment shall be omitted. The meetings shall be opened and closed as stated in the form of the warrant foregoing. In all such warrants appropriate provisions shall be inserted calling the attention of voters to opportunities for correction of lists of voters by selectmen, municipal officers or boards of registration in the manner required by law.

Sec. 12. Qualifications of voters, how determined. 1913, c. 221, § 12. In all such primary elections the qualifications of voters in towns and cities of any size shall be determined by the lists of voters used at the municipal elections in said towns and cities next preceding the primary election corrected as follows: In towns having five hundred or more registered voters and in all cities having less than thirty-five hundred inhabitants, the municipal officers shall exercise the powers enumerated in section forty of chapter five except that applications shall be received only on the two secular days next preceding the day of the primary election; in towns having less than five hundred voters, the municipal officers shall exercise the powers of section forty-one of chapter five. In cities having thirty-five hundred or more inhabitants the correcting of said lists shall be governed by chapter five. In plantations the qualifications of voters, as aforesaid, shall be determined by the lists of voters used therein at the last preceding state election corrected in the manner provided by section forty-one of chapter five.

Sec. 13. Primary elections, how conducted. 1913, c. 221, § 13. No person shall vote at any primary election unless a legally qualified voter at such voting place, as required by the preceding section, and, in all cities

and in towns of two thousand inhabitants or more, enrolled as qualified to vote in the caucuses of his political party in the manner provided by the general or special laws applicable to said cities, or any of them, or to said towns. The selectmen of towns and the wardens of wards in cities shall be seasonably furnished by the town or city clerk, or other official charged with the duty of preserving the same, with duly certified copies of all enrolment lists, arranging each political party separately and its names of voters therein alphabetically. If not therein enrolled, any voter qualified by law and this chapter as a legal voter at such voting place, may be enrolled after subscribing and making oath before a ballot clerk to the statement as required by section thirty-nine of this chapter, and the duties imposed upon the secretary of a caucus by said section shall be performed by such ballot clerk. A suitable number of such statements shall be furnished at each voting place by the city or town; if the number be insufficient, or none be furnished, the statement aforesaid may be sworn to as aforesaid and return thereof made in like manner as if the same had been subscribed. At the polling places in the cities and towns aforesaid each person applying to vote shall give his name, residence, party affiliation, and place of last enrolment, if any; if already enrolled in the precinct he shall be given a ballot of his party, his name shall be checked on the enrolment list, and he shall be admitted to the voting booth and vote. If not enrolled and then enrolled as hereinbefore provided, he shall be given a ballot of his party, checked and may vote as aforesaid. In plantations and towns having less than two thousand inhabitants, enrolment shall not be necessary and any voter, legally qualified to vote therein, shall, upon giving his name and party affiliation, be given a ballot of his party, his name checked upon the voting list and he shall be admitted to the voting booth and vote. No ballot shall be received containing any distinguishing mark or figures thereon other than as herein expressly permitted.

Sec. 14. Certain sections of chapter seven as to voting applicable. 1913, c. 221, § 14. Except as modified or superseded by the first twenty-eight sections of this chapter, sections fifteen to twenty, both inclusive, of chapter seven, shall apply to primary elections, except, however, that in designating his choice of candidates the voter shall mark a cross (X) in the square to the right of the name of each person that he desires to vote for, and the voter, if desirous of voting for any person whose name is not printed upon the ballot, may do so by writing or pasting such name or names in the blank spaces left therefor and marking a cross (X) to the right of such name or names.

Sec. 15. Returns of elections, how made. 1913, c. 221, § 15. The secretary of state shall seasonably furnish blanks for all voting places on which to make the returns required hereunder. The names of the candidates shall be printed thereon substantially as in the nominating ballot and in the space made for the purpose following each name shall be there entered the number of votes received in that polling place by each candidate. The ballots shall be sorted and the result declared in open plantation, town and ward meetings. Such record shall be separately made for the political parties respectively having proposed nominees upon the ballot and shall

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give the number of votes lawfully cast for each of the nominees thereon, following as near as practicable the order of the political parties, officers and nominees thereon, so as to give the detailed result of such voting. Returns thereof shall be attested by the selectmen and town clerk, in towns, and by the assessors and clerk in plantations, in like manner as at the biennial election for governor. Such clerks shall cause the returns aforesaid to be delivered at the office of the secretary of state, by mail or otherwise, within seven days after such primary election and if not so delivered within said seven days like proceedings shall follow as provided by section forty-six and by sections forty-nine to fifty-two, both inclusive, of chapter seven. In cities, the warden shall preside, as required by law at state elections, receive the votes of all qualified voters present, and, as herein required in case of town meetings, sort, count and declare the results in open ward meetings, and in the presence of the ward clerk, who shall make return and a record thereof, as in towns, and a fair copy of the record shall be attested by the warden and the ward clerk, sealed up in open ward meeting and delivered to the city clerk, within twenty-four hours after the closing of the polls. And the aldermen of each city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in in the several wards, of which the city clerk shall make a record and a return thereof shall be made into the office of the secretary of state in the same manner as selectmen of towns are required to do hereunder.

Sec. 16. Governor and council shall tabulate votes returned; corrections may be made; tie vote decided by lot; intention of voter shall be considered. 1913, c. 221, § 16. 1915, c. 250. The governor and council by the first Tuesday of July in each year in which a primary election is held hereunder, shall open and compare the votes so returned hereunder, and have the same tabulated, and forthwith thereafter have forwarded to each candidate a copy of said tabulations of his precinct or district, and may receive testimony on oath to prove that the return from any city, town or plantation does not agree with the record of the vote of such city, town or plantation, 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 fourteen days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said fourteen days any person voted for may personally, and by or with counsel, examine said returns in the presence of the governor and council, or either of them, or any member of the council, or the secretary of state. The person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office, provided, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the secretary of state shall give notice to the several persons so having the highest and

equal number of votes to attend at the office of the secretary of state at a time to be appointed by said secretary, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party with like effect as if there had been no such tie. To ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names, or with wrong initials or otherwise as the case may be; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the voters and shall decide accordingly. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

The secretary of state shall enter in a register of nominations, to be kept by him for the purpose, the nominations for each party so ascertained, and shall forthwith notify by registered mail each person who is so nominated.

Sec. 17. Acceptance of nominee shall be filed. 1913, c. 221, § 17. Every candidate, so nominated and notified as aforesaid, shall within seven days after the receipt of such notification, send to the secretary of state, by registered mail the following acceptance:

To the Secretary of State:

I,, of, hereby accept the nomination to the office of, made at the primary election June, 19

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election and failure to file such acceptance within said seven days shall be deemed to be a refusal thereof.

Sec. 18. Return of expenditures; false statements in return, perjury; limitation of miscellaneous expenditures; penalty for failure to make return. 1913, c. 221, § 18; c. 160, § 1. Each candidate, so nominated, shall, with such acceptance, send to the secretary of state the following return by him subscribed and sworn to:

RETURN OF EXPENDITURES.

To the Secretary of State:

I,, of, nominated for the office of, at the primary election held on June, 19, on oath depose and say that the following is a true and perfect return of all expenditures by me made, or liabilities by me incurred for any purpose whatever, except my actual personal expenses for postage, telegrams, telephones, stationery, express and traveling, in connection with my said nomination, or the procurement thereof, before, at, or since said primary election.

The total amount thereof was \$

The aforesaid amount is made up of the following:

Printing	\$
Clerk hire	\$

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Newspaper advertising	\$
Hall rent	\$
Soliciting agents	\$
Miscellaneous	\$
Total	\$

Of the above, the following are itemized:

PRINTING.

Name.	Date.	Amount.
(The subdivisions of clerk hire, newspaper advertising, hall rent and soliciting agents shall follow the foregoing form.)		

MISCELLANEOUS.

Name.	Date.	Amount.	Purpose.
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I further depose and say that no person, firm or corporation has with my knowledge and consent paid any sum, or incurred any liability, other than to myself, or my political agent, to procure, or to aid in procuring, my nomination aforesaid.

Dated A. D. 19 .

State of Maine,

County, ss.

Personally appeared
 foregoing return by him signed is true.

A. D. 19 .
 and made oath that the

Before me,

Justice of the Peace.

If any statement in said return is wilfully false it shall be deemed to be perjury and shall be punished accordingly. No expenditures shall be so made, or liabilities be so incurred except for the purposes named aforesaid in said return. The subdivision "Miscellaneous" shall not exceed ten per cent of the total amount hereinafter permitted, and shall include no items not legitimate under sections one hundred and twenty-four to one hundred and thirty-two, both inclusive, of chapter seven; subsections (d) and (e) of section one hundred and twenty-eight of chapter seven, as applied to primary elections, are to be construed as if reading as follows: '(d) of renting and furnishing rooms to be used by candidates or their political agents, and for the reasonable entertainment and refreshment exclusive of alcoholic beverages, of political agent;' '(e) of compensating clerks and other persons employed in candidates' rooms and at the polls.' Political agents of candidates appointed under the provisions of said sections shall, within fifteen days after the date of the primary election, make to the secretary of state the return required by this section of candidates, omitting only therefrom any sums expended by them for the actual personal expenses of the candidate for postage, telegrams, telephones, stationery, express, and traveling; and the form of the return shall be varied accordingly. Candidates who are their own political agents need not make a separate return in the latter capacity. Any political agent failing to make return within

the time required, shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate. The returns aforesaid shall be open to public inspection for one year and then be destroyed. The failure of any candidate to file a return within the time required by section seventeen, shall render his nomination void.

Sec. 19. Penalty for bribery, etc. 1913, c. 221, § 19. No person, firm or corporation shall directly or indirectly or by any device whatsoever pay any sum, or incur any liability, to procure or to aid in the procurement of the nomination of any candidate so to be voted for as aforesaid at any primary election without the knowledge and consent of such candidate. Whoever violates the provisions of this section forfeits five hundred dollars to be recovered by indictment.

Sec. 20. Candidates for U. S. senators shall make returns. 1913, c. 221, § 20. Candidates chosen for United States senators, as aforesaid, shall file like acceptances and make like returns. If any such candidate fails so to do, his nomination at the primary election shall be deemed to be void.

Sec. 21. Limitations of expenditures. 1913, c. 221, § 21. The expenditures to be made, and liabilities incurred, for which returns are to be made as hereinbefore provided, shall not exceed in amount for each candidate the following: In case of nominations for any office to be filled by the voters of the state one thousand five hundred dollars, for members of congress five hundred dollars, for state senators and county officers one hundred and fifty dollars for each ten thousand votes cast for governor within the county at the last preceding gubernatorial election or fraction thereof, for members of legislature in representative districts having three representatives or more one hundred dollars, in other representative districts fifty dollars, for United States senator one thousand five hundred dollars. Whenever such expenditures and liabilities exceed the foregoing limitations, upon proof thereof to the satisfaction of the secretary of state, after complaint, notice and hearing, or upon the admission of the fact by the candidate in his return, the finding of such fact by the secretary of state shall be deemed to be a withdrawal by such candidate and the vacancy shall be filled in like manner as if such candidate had filed a withdrawal in writing.

Sec. 22. Vacancies, how filled. 1913, c. 221, § 22; c. 160, § 2. In case any candidate, except for the United States senate, who has been duly nominated as the result of any primary election hereunder, shall die before the day of the gubernatorial election, or shall withdraw in writing, or shall forfeit his nomination by failure to accept, or to file return, as provided in sections seventeen and eighteen, the vacancy may be supplied by the political party of such nominee by any convention of delegates or appropriate caucus, under the provisions of sections twenty-nine, thirty and thirty-five of this chapter, or, if the time is insufficient therefor, then the vacancy may be supplied by the regularly elected state, congressional district, county, town, city, plantation or representative class committee, as the case may be, of such political party. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section thirty-five.

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Sec. 23. Filling of vacancies at special primary election. 1913, c. 221, § 23; c. 160, § 3. 1915, c. 47, § 1. In case any nominee for United States senator, nominated hereunder, shall die before the day of the gubernatorial election at which such office is to be filled, or shall before that time withdraw in writing, or shall forfeit his nomination by failure to accept or to file return, as provided in sections seventeen and eighteen; or in case vacancy occurs in any office which is to be filled at the next biennial state election, for which no nomination has been made at the primary election held on the third Monday in June of the same year, a special primary election shall be ordered by proclamation of the governor, at such date as he deems best, conforming as near as may be practicable to the provisions of this chapter, but in that event the governor in said proclamation shall fix the time within which nomination papers shall be filed and the time for transmitting to town clerks lists of candidates proposed for nomination and the time within which and when the returns shall be received and the result declared. If the time is insufficient therefor, said nomination may be supplied in the manner provided in section twenty-two. Candidates so chosen shall be subject to the provisions of this chapter regulating acceptances and returns by candidates for United States senator.

Sec. 24. Primary elections for nomination of candidates at special elections. 1913, c. 221, § 24. 1915, c. 47, § 2. When special elections are to be held for any office as required or permitted by law, primary elections for the nomination of candidates to be voted for thereat shall be held at such time as shall be ordered by the governor by proclamation, and he shall therein fix the time within which nomination papers shall be filed and the time for transmitting to town clerks lists of candidates proposed for nomination and, so far as practicable, all the provisions hereof shall be applicable thereto. If the time is insufficient therefor, said nomination may be supplied in the manner provided in section twenty-two. Candidates so nominated shall file acceptances and returns of expenditures as hereinbefore provided.

Sec. 25. Chapter 5, made applicable. 1913, c. 221, § 25. Except as modified or superseded by the first twenty-eight sections of this chapter, and so far as the same may be necessary for the purposes hereof, and where not inconsistent herewith, chapter five is hereby made applicable to primary elections.

Sec. 26. Certain sections of chapter seven made applicable. 1913, c. 221, § 26; c. 72, § 1. So far as necessary for the purposes of the first twenty-eight sections of this chapter, and where not inconsistent therewith, the following sections of chapter seven are hereby made applicable to primary elections and all doings, therefor, thereat, or thereafter, and for the purposes thereof; sections three, five, ten to fourteen, both inclusive, twenty-three to twenty-eight, both inclusive, thirty-one, thirty-two, sixty-six to sixty-nine, both inclusive, seventy-four to seventy-nine, both inclusive, eighty-one to eighty-four, both inclusive, and ninety-two to one hundred and twenty-three, both inclusive.

Sec. 27. Primary election to be considered as a separate election for each political party. 1913, c. 221, § 27. In construing the provisions of this

chapter and of all sections of the revised statutes, hereby made applicable as aforesaid to the primary elections to be held hereunder, and to all matters herein contained before and after such primary election, material to the purposes thereof, they shall, as to the duties of officers, forms, blanks, ballots, elections, warrants, returns, and all other matters, so far as necessary for accomplishing the purposes of this chapter, be understood and interpreted as though said primary election is a separate election for each political party making its nominations hereunder, and to be conducted as to that party as nearly as practicable the same as the regular biennial state elections in September are conducted for all the electors, except in so far as the manner of proceeding before, at and after said September election may be modified or changed by this chapter for the purposes of said primary elections. The provisions of the twenty-six preceding sections do not modify or in any manner control the proceedings at the regular biennial state elections except in so far as they may be herein expressly and directly amended.

Sec. 28. State expenditures, how approved and paid. 1913, c. 221, § 30. All accounts for expenditures by the state hereunder shall be approved in the manner required by law and after approval the governor and council shall draw their warrant against any money in the treasury, not otherwise appropriated, in payment thereof.

Nominations by Conventions, Caucuses, and Nomination Papers.

Sec. 29. Nominations by conventions and caucuses. R. S. c. 6, § 2. For the purpose of filling vacancies as provided in section twenty-two of this chapter, and for nominating candidates not included in section one of this chapter, any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, may nominate candidates for public office in the manner provided in the following section, whose names shall be placed upon the ballots to be furnished as herein provided.

Sec. 30. Certificates of nomination shall be duly filed and sworn to. R. S. c. 6, § 3. Any convention of delegates representing a political party which, at the gubernatorial election next preceding, polled at least one per cent of the entire vote cast in the state for governor, or in the electoral district or division thereof for which the nomination is made, and any caucus held by such a political party in any such electoral district or division, may for the state, or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section thirty-two of this chapter; shall be signed by the presiding officer or by the secretary of the convention or caucus; and shall be sworn by the party signing, to be true, and a certificate of the oath shall be annexed to or made on the certificate of nomination.

Sec. 31. How nomination papers shall be signed; certificate by town clerk. R. S. c. 6, § 4. Nominations of candidates for any offices to be filled by the voters of the state at large, may be made by nomination papers signed

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in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state, or for municipal or ward officers, may be made by nomination papers signed in the aggregate for each candidate, by qualified voters of such district or division not less in number than one for every one hundred persons who voted at the next preceding gubernatorial election in such district or division, but in no case less than twenty-five. In the case of a first election to be held in a plantation, town or ward newly established, the number of twenty-five shall be sufficient for the nomination of a candidate who is to be voted for only in such plantation, town or ward; and in the case of a first election in a district or division newly established, other than a plantation, town or ward, the number of twenty-five shall be sufficient. Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. The nomination papers shall before being filed, be respectively submitted to the clerks of the cities, towns or plantations in which the signers purport to be qualified voters, and each clerk to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city, town or plantation for which he is a clerk and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers.

Sec. 32. Contents of certificates and nomination papers. R. S. c. 6, § 5. All certificates of nomination under section thirty, and nomination papers shall, besides containing the names of candidates, specify as to each, first, the office for which he is nominated; second, the party or political principle which he represents, expressed in not more than three words; third, his place of residence. In the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

Sec. 33. Filing of certificates of nomination and nomination papers. R. S. c. 6, § 6. Certificates of nomination under section thirty, and nomination papers for the nomination of candidates for state and county officers and representatives to the legislature, shall be filed with the secretary of state on or before the tenth day of August of each year in which such election is held, and for candidates for electors of president and vice-president on or before the tenth day of October in each year when such election is held. Such certificates and papers for the nomination of candidates for the office of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least seven days, exclusive of Sundays, previous to the day of such election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of United States senators, representatives to congress or members of the legislature shall be filed with the secretary of state at least seven days, exclusive of Sundays, previous to the day of election. With nomination papers and certificates shall also be filed the consent in writing of the person nominated.

Sec. 34. Certificates, if in apparent conformity to law shall be deemed valid. R. S. c. 6, § 7. The certificates of nomination and nomination papers being filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.

Sec. 35. Vacancies; contents of certificates; name placed on ballot. R. S. c. 6, § 8. In case a candidate who has been duly nominated under the provisions of sections thirty and thirty-one shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner herein provided for such nomination; or, if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus in such manner as the convention or caucus has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying any vacancy, shall state, in addition to the other facts required by this chapter the name of the original candidate proposed or the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or, slips containing the new nomination shall be printed under the direction of the secretary of state, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Sec. 36. Nomination papers shall be open to public inspection. R. S. c. 6, § 9. All certificates of nomination and nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection, and the secretary of state and the several city clerks shall preserve the same in their respective offices not less than one year.

Political Caucuses.

Sec. 37. Enrolment required. R. S. c. 6, § 101. No person shall take part or vote in any caucus of any political party unless qualified therefor by enrolment as hereinafter provided.

Sec. 38. Enrolment; new enrolment. R. S. c. 6, § 102. Any person who is a legal voter may enroll himself as a member of any political party by filing with the clerk of the town of which he is a legal voter a declaration in writing, signed by him, substantially as follows: "I, _____, being a legal voter of _____, hereby elect to be enrolled as a member of the _____ party. The following statement of name, residence, place of last enrolment if any, and party of last enrolment if any, is true." A new enrol-

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ment may be made at any time, but the person making such new enrolment shall not vote in any political caucus within six months thereafter if he designates a different political party from that named by him in the preceding enrolment.

Sec. 39. Clerk shall record enrolment; records shall be open to public; enrolment, made during caucus; duty of secretary of caucus. R. S. c. 6, § 103. The clerk of the town where the enrolment is made, as above provided, shall receive and file the same, indorsing thereon the date of filing, and shall record the name, residence, place of last enrolment and date of filing, in a separate book for the enrolment of members of each political party, entering the names alphabetically. Suitable blanks for such enrolment shall be provided by the town clerks and in addition thereto they shall provide books with proper headings, embodying the enrolment statements above provided, which the person desiring to enroll may fill out and sign, thereby enrolling himself with the same effect as by filing such enrolment paper. Such books shall be public records and shall at all times be open to public inspection. Any voter not previously enrolled may enroll as aforesaid up to the day of holding any caucus and may enroll himself during said caucus by subscribing and making oath to the following statement before the chairman of the caucus. "I, _____, do solemnly swear that I am a qualified voter in this town, or ward, and have the legal right to vote in the caucus of the _____ party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at the caucus of any other political party in the six months last past."

The secretary of the caucus shall indorse thereon whether the person subscribing and swearing to the same voted in said caucus, and within one week thereafter the secretary shall return said statement with the indorsement thereon to the clerk of the town wherein such caucus is held, and said clerk shall thereupon enroll said voter in the enrolment list of the party designated by him. Said statement shall be preserved as public records and shall be prima facie evidence in any court that said person took said oath and voted in said caucus.

Sec. 40. Caucuses must be held under §§ 37-48. R. S. c. 6, § 104. Caucuses and meetings of political parties held for the purpose of nominating candidates or choosing delegates to assemble in convention to nominate any person to any public office whose name shall be placed on the final ballot, unless held under the provisions of sections thirty-seven to forty-eight inclusive are hereby declared to be unlawful, provided that this shall not be construed as preventing citizens' caucuses.

Sec. 41. Votes shall be by ballot. R. S. c. 6, § 105. All votes for the election of delegates to any political convention for the nomination of a candidate for any public office shall be by ballot, written or printed, on plain paper.

Sec. 42. Restrictions on voting. R. S. c. 6, § 106. No person shall vote or offer to vote more than once for any candidate or delegate or set of delegates in any one caucus, nor shall he vote or offer to vote in any one caucus held in any caucus district in which he shall not at the same time be a legal

voter. No person shall vote or offer to vote in any caucus where candidates or delegates are to be chosen, if he has already voted at the caucus of any other political party in the past six months.

Sec. 43. Oath to be taken by challenged voters. R. S. c. 6, § 107. No person whose right to vote is challenged shall be allowed to vote until he shall have taken the following oath, which shall be administered by the chairman of the caucus: "You do solemnly swear that you are a qualified voter in this town or ward, and have the legal right to vote in this caucus; that you are a member of the political party holding the same and intend to vote for its candidates at the election next ensuing, and that you have not taken part or voted at the caucus of any other political party in the six months last past." The secretary of the caucus shall make a record of the administration of such oath, as provided in section thirty-nine and with the same effect.

Sec. 44. Notices of caucuses shall be issued seven days prior to caucuses. R. S. c. 6, § 108. 1907, c. 98. Notice of caucuses, signed by the chairman and secretary, or by a majority of the committee, shall be issued by each town committee not less than seven days prior to the day on which the caucuses are to be held. They shall be conspicuously posted in at least five places on the highways of each voting precinct, and shall state the place, day and hour of holding such caucuses. In case voting is by check list a sufficient time shall be allowed for all to vote, and the call for the caucus shall state the hours fixed by the committee for the opening and closing of the polls.

Sec. 45. Bribery forbidden. R. S. c. 6, § 109. No person shall pay or offer to pay to any voter any pecuniary compensation for the vote of such voter, or to influence his action at any caucus held under the provisions of the eight preceding sections.

Sec. 46. Check lists, use of. R. S. c. 6, § 110. Voting lists as used in the election next preceding any caucus, shall be used as check lists, at such caucuses, if the town committee shall so determine and provide in the call, and such committee shall be required to provide for the use of such list upon written request, filed with the chairman or clerk of the committee, at any time before the call is posted, of voters of the party, to the number of not less than twenty in towns of two thousand and not exceeding five thousand inhabitants; and of not less than fifty in towns of five thousand or more inhabitants, according to the last official census of the United States. The officials having charge of such voting lists shall furnish certified copies thereof for use in caucuses, upon application of such party committee, the expense thereof to be paid as other expenses of registration are now paid. No person shall be deprived of his right to vote in such caucus by reason of the fact that his name does not appear on such lists if he shall have become a legally qualified voter of such precinct subsequent to the last election, and shall be otherwise qualified to vote as provided in the nine preceding sections.

Sec. 47. Penalty for violations of §§ 37-46. R. S. c. 6, § 111. Whoever violates any provision of the ten preceding sections, or refuses to perform any duty required thereunder, or wilfully makes a false statement of fact

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in his declaration of enrolment, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months.

Sec. 48. Exceptions. R. S. c. 6, § 112. The provisions of the eleven preceding sections shall not apply to towns of less than two thousand inhabitants, nor to cities of more than thirty-five thousand inhabitants, nor to cities wherein the calling and holding of caucuses, is regulated by special law until such special law is repealed.

Political caucuses in Bangor, P. & S. L., 1901, c. 497; 1905, c. 295; 1907, c. 407; 1909, c. 136. In Old Town, P. & S. L., 1909, c. 293.

Protection of Political Conventions.

Sec. 49. Penalty for disturbing primary political meetings. R. S. c. 6, § 113. Whoever, by rude or indecent behavior, or in any way wilfully or unlawfully disturbs or interrupts any public primary political meeting or caucus or public convention, lawfully assembled in any hall or other place of meeting, for the purpose of nominating, or proposing candidates for any public office, or for the choice of delegates to conventions or other meetings called for such purpose, or creates a disturbance in any hall, walk or corridor adjacent or leading to the room where such caucus or convention is held, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five, nor more than ten dollars.

Sec. 50. Penalty for unlawfully voting in meetings. R. S. c. 6, § 114. Whoever, not being a voter in the ward, to voters of which such meeting or caucus by the call therefor is limited, or whoever, being a voter in such ward, but not included in the description of those persons invited to such meeting or caucus by the call therefor, shall vote, or attempt to vote, or otherwise wilfully or unlawfully participate in such meeting or caucus, or whoever shall wilfully and knowingly give in, or attempt to give in, more than one vote or ballot upon any question submitted to said meeting or caucus, or in any balloting that may be taken therein, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five, nor more than ten dollars.

Sec. 51. Penalty for preventing legal voting, permitting illegal voting, or allowing a false count. R. S. c. 6, § 115. Any officer of any such caucus or of any public convention so assembled for the purpose aforesaid, or any person selected thereby or under the authority thereof, or any person assuming to act therein for the purpose of ascertaining or declaring the result of any vote or balloting that may there be had, who shall wilfully and knowingly prevent any person from voting therein, having a right under the law and the terms of the call for such meeting so to do, or who shall wilfully authorize or permit any person to vote therein, not entitled by law or the terms of the call to participate in such meeting, or who shall knowingly and wilfully receive from any person more than one vote upon any question or in any single balloting therein, or who shall participate in, or wilfully and knowingly permit any false counting or declaring of any vote or balloting in said meeting, shall for such offence be punished by imprisonment for not more than thirty days or by fine of not less than ten, nor more than twenty dollars.

Sec. 52. Challenge, how determined. R. S. c. 6, § 116. 1905, c. 149, § 1. The city committees may in their discretion determine in their call for a caucus or convention the persons who are entitled to participate in said caucus or convention. Whenever the right of any person to vote in any such primary meeting or caucus or convention, is challenged for reasonable cause by three or more persons present in such meeting, of whose right to participate therein the presiding officer has no doubt, such challenged person shall not vote unless the presiding officer shall, notwithstanding such challenge, be satisfied of his right and shall authorize him so to do, until all present, whose right to vote in such meeting is unchallenged, have had an opportunity to vote; after which, and prior to the declaration of such vote, the question of the right of any person or persons so challenged to vote, shall be submitted by the presiding officer to such meeting, and the challenged vote or votes shall then be received, if such meeting shall so determine, and not otherwise. And if any person whose right to vote in such meeting has been thus challenged, shall, after such challenge and prior to such determination of his right so to do, vote upon the question of receiving his own vote or upon any other question in said meeting or caucus, he shall be punished as prescribed in the preceding section.

Sec. 53. Exceptions. R. S. c. 6, § 117. 1905, c. 149, § 2. The provisions of the four preceding sections shall be applicable only to cities of more than thirty-five thousand inhabitants.