

# MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

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## CHAPTER 7.

## Nominations of Candidates for Office.

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## Nominations by Primary Elections.

**Sec. 1. Nominations to be made by primary elections; "political parties" defined.** R. S. c. 6, § 1. 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-two of this chapter.

**Sec. 2. State convention; its powers; organization of committees; vacancies.** R. S. c. 6, § 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 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.

See 124 Me. 453, (in re primary elections generally).

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**Sec. 3. City and town committees, election and tenure.** R. S. c. 6, § 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 to be deemed regularly elected.** R. S. c. 6, § 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-six and of all other provisions of this chapter.

**Sec. 5. Nominations for places on ballots; requirements of nomination papers.** R. S. c. 6, § 5. 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.** R. S. c. 6, § 6. 1919, c. 160, § 1. 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 third Monday in April 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-six. 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. R. S. c. 6, § 7.** 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 to be in alphabetical order; printing, color, and size of ballots. R. S. c. 6, § 8. 1929, c. 3.** 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 aforesaid, 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

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pastings 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. All ballots furnished to any municipality by the secretary of state, as required by law for use at any primary election, shall be printed upon the outside so that "Official Nominating Ballot," the polling place for which the ballot is prepared, the date of the primary election and the facsimile of the signature of the secretary of state shall appear on all sides of the folded ballot.

124 Me. 453; 480. (affects all of this chapter.)

**Sec. 9. Ballots to be furnished by secretary of state; number to be provided for primary elections; clerk of town may apply for larger supply of ballots.** R. S. c. 6, § 9. 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 provided in section eight of chapter eight; 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. 8, § 8; 124 Me. 453, 483.

**Sec. 10. Lists of proposed candidates to be sent to clerks of towns; publication of lists.** R. S. c. 6, § 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 to issue warrants; posting of warrants; warrants directed to qualified and legally enrolled voters, only. R. S. c. 6, § 11. 1925, c. 62, § 1. 1927, c. 17. 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 and enrolled 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 the next ensuing. Said warrant shall be in substance as follows:

PRIMARY ELECTION WARRANT

State of Maine,  
County of

ss.

To the qualified and legally enrolled 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 election, 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 opened at ..... o'clock in the forenoon and continue open until seven 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. 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, but said voters shall not be allowed to vote at any primary election within the next six months following said enrolment unless a new voter, or a voter enrolling for the first time in that municipality.

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 assessors of plantations with appropriate changes, and posted in like manner. The meetings may be opened at six o'clock in the forenoon and shall be opened not later than ten o'clock in the forenoon. The polls shall be kept open until seven o'clock in the afternoon and shall then be closed. Notice of the time of opening and closing shall be given in the warrant calling the meeting. 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.

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Sec. 12. Qualifications of voters, how determined; uniform enrolment in all cities, towns, and plantations provided for; enrolment required; those who have become voters within eight months and those enrolling for first time permitted to enroll and vote. R. S. c. 6, § 12. 1925, c. 62, § 2. 1927, c. 221, § 1. In all such primary elections the qualifications of voters shall be determined by the voting list used at the municipal or general elections of said towns, cities, and plantations, next preceding the primary election and a list of the aforesaid voters enrolled by party designation as provided for in section forty of this chapter, and no person shall be allowed to vote in any primary election unless the name of said voter appears legally on said voting list and enrolment list, except those who have become of age within eight months preceding said primary election, and a voter enrolling for the first time in that municipality who shall be allowed to enroll and vote.

Sec. 13. Conduct of primary elections; no person to vote unless qualified and enrolled; wardens in cities to be furnished with voting and enrolment lists by board of registration; voter may be enrolled at polling place; certificate of enrolment to be returned to board of registration; penalties. R. S. c. 6, § 13. 1919, c. 165. 1925, c. 62, § 3. 1927, c. 221, § 2. No person shall vote at any primary election unless a legally qualified and enrolled voter at such voting place, as required by the preceding section. The warden of each ward in cities shall be seasonably furnished by the board of registration with duly certified copies of all voting and 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 may, at such voting place, be enrolled after subscribing and making oath before a ballot clerk of wards in cities, or before one of the municipal officers in towns and plantations to the following statement:

"I, ....., do solemnly swear that I am a qualified voter in this town, or plantation, or ward, and hereby elect to be enrolled as a member 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 any caucus or primary election as a member of any other political party within the six months last past."

The person before whom said declaration is made and sworn to shall endorse thereon whether the person subscribing and swearing to the same voted at said primary election, and within one week thereafter, said person shall return said statement with the endorsement thereon to the board of registration of the city, town, or plantation wherein said meeting is held, and said board shall thereupon enroll said voter in the enrolment list of the party designated by him. Said statement shall be preserved as a public record and shall be prima facie evidence in any court that said person took said oath and voted at said election. A suitable number of such statements shall be furnished at each voting place by the city, town, or plantation; 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, towns, and plantations aforesaid each person applying to vote shall give his name, residence, party affiliation, and place of last enrolment, if any; if already enrolled six months before in the precinct, he shall be given the ballot of his party, his name shall be checked on the enrolment list, he shall be admitted to the voting booth and vote. If not enrolled, and then enrolled as hereinbefore provided, if a new voter, or a voter enrolling for the first time, he shall be given the ballot of his party, checked, and may vote as aforesaid. No ballot shall be



received containing any distinguishing mark or figure other than as herein permitted. Every city, town, or plantation board of registration, ward, or election officer, or person voting, who shall wilfully violate any of the provisions of this section, shall be punished for each offense by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

**Sec. 14. Certain sections of chapter eight as to voting applicable. R. S. c. 6, § 14.** Except as modified or superseded by the first twenty-nine sections of this chapter, sections fifteen to twenty, both inclusive, of chapter eight 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.

<sup>124 Me. 453; 473.</sup>

**Sec. 15. Return of elections, how made; inspection of ballots. R. S. c. 6, § 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 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-eight and by sections fifty-one to fifty-four, both inclusive, of chapter eight. 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 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 to tabulate votes returned; corrections may be made; tie vote decided by lot; intention of voters to be considered. R. S. c. 6, § 16.** 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 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. Right of candidates to inspect ballots and ask for examination by governor and council.** 1919, c. 233. The clerk of each city, town, or plantation shall permit any candidate or his agent to inspect the ballots cast at any primary election after the same have been returned to him, under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury, or change in any respect. Such inspection shall be permitted only after written notice by said clerk to the town or ward officers who signed the returns of said election and to the other contesting candidates, sufficient to enable them to be present in person or by agent at said inspection. After each inspection the packages shall be again sealed, and the fact and date of inspection noted on the package. Upon written application filed with the secretary of state within ten days after the returns are opened and tabulated, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town, and specifying the offices as to which such errors are believed to have occurred, the secretary of state shall direct such clerk to forward to him forthwith the ballots cast in said town. The governor and council in open meeting shall examine the ballots cast in said town, and returned to the secretary of state, and if such return or record is found to be erroneous the return shall be corrected in accordance with the number of ballots found to have been actually cast in said town; but no such examination of the ballots shall be

made without reasonable notice to all candidates upon the ballot for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto.

Sec. 18. Acceptance of nominee to be filed. R. S. c. 6, § 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. 19. Return of expenditures; false statements in return, perjury; limitation of miscellaneous expenditures; penalty for failure to make return. R. S. c. 6, § 18. 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	\$
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.
-------	-------	---------	----------

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



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. 23. Vacancies, how filled.** R. S. c. 6, § 22. 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 a return, as provided in sections eighteen and nineteen, 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 thirty, thirty-one, and thirty-six 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-six.

**Sec. 24. Filling of vacancies at special primary election.** R. S. c. 6, § 23. 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 eighteen and nineteen; 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-three. Candidates so chosen shall be subject to the provisions of this chapter regulating acceptances and returns by candidates for United States senator.

**Sec. 25. Primary elections for nomination of candidates at special elections.** R. S. c. 6, § 24. 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-three. Candidates so nominated shall file acceptances and returns of expenditures as hereinbefore provided.

**Sec. 26. Chapter 6 made applicable.** R. S. c. 6, § 25. Except as modified or superseded by the first twenty-nine sections of this chapter, and so far as the same may be necessary for the purposes hereof, and where not inconsistent herewith, chapter six is hereby made applicable to primary elections.

**Sec. 27. Certain sections of chapter 8 made applicable.** R. S. c. 6, § 26. So far as necessary for the purposes of the first twenty-nine sections of this chapter, and where not inconsistent therewith, the following sections of chapter eight 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-four to twenty-nine, both inclusive, thirty-three, thirty-four, sixty-eight to seventy-one, both inclusive, seventy-six to eighty-one, both inclusive, eighty-three to eighty-six, both inclusive, and ninety-four to one hundred twenty, both inclusive.

**Sec. 28. Primary election to be considered as a separate election for each political party.** R. S. c. 6, § 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-seven 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. 29. State expenditures, how approved and paid.** R. S. c. 6, § 28. 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.

#### Nomination of Candidates not Included in the Primary.

**Sec. 30. Nominations by conventions and caucuses.** R. S. c. 6, § 29. For the purpose of filling vacancies as provided in section twenty-three 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. 31. Certificates of nomination to be duly filed and sworn to.** R. S. c. 6, § 30. 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 nomi-

nation 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-three 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. 32. How nomination papers shall be signed; certificate by town clerk.** R. S. c. 6, § 31. Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers signed 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. 33. Contents of certificates and nomination papers.** R. S. c. 6, § 32. All certificates of nomination under section thirty-one 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. 34. Filing of certificates of nomination and nomination papers.** R. S. c. 6, § 33. 1919, c. 160, § 2. Certificates of nomination under section thirty-one 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 July 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 September 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 fourteen 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

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of state at least fourteen 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. 35. Certificates, if in apparent conformity to law to be deemed valid. R. S. c. 6, § 34.** 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. 36. Vacancies; contents of certificates; name placed on ballot. R. S. c. 6, § 35.** In case a candidate who has been duly nominated under the provisions of sections thirty-one and thirty-two 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. 37. Nomination papers to be open to public inspection. R. S. c. 6, § 36.** 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.

**Sec. 38. Penalty for neglect of duty by public officer. R. S. c. 7, § 95. 1929, c. 90.** Any public officer upon whom a duty is imposed by sections thirty to thirty-seven, both inclusive, who shall wilfully neglect to perform such duty or who shall wilfully perform it in such a way as to hinder any object of said sections, shall be punished by a fine of not less than five dollars, nor more than one thousand dollars, or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

#### Political Caucuses.

**Sec. 39. Enrolment required. R. S. c. 6, § 37.** No person shall take part or vote in any caucus of any political party unless qualified therefor by enrolment as hereinafter provided.



**Sec. 40. Enrolment of voters; enrolment declarations filed with board of registration; change of enrolment.** R. S. c. 6, § 38. 1925, c. 62, § 3. 1927, c. 221, § 3. Any person who is a legal voter may enroll himself as a member of any political party by filing with or delivering to the board of registration of voters of the city, town, or plantation 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.

The foregoing declaration may be filed with the board of registration in person, by mail, or otherwise, and when received, it shall be the duty of such board to cause the enrolment to be made. A voter may change his enrolment at any time, but the person making such change of enrolment shall not vote in any political caucus or primary election within six months thereafter.

**Sec. 41. Clerk to record enrolment; records to be open to public; enrolment, made during caucus; duty of secretary of caucus.** R. S. c. 6, § 39. 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 a public record and shall be prima facie evidence in any court that said person took said oath and voted in said caucus.

**Sec. 42. Caucuses must be held under §§ 39-50.** R. S. c. 6, § 40. 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-nine to fifty inclusive, are hereby declared to be unlawful, provided that this shall not be construed as preventing citizens' caucuses.

**Sec. 43. Votes to be by ballot.** R. S. c. 6, § 41. 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. 44. Restrictions on voting.** R. S. c. 6, § 42. No person shall vote or offer to vote more than once for any candidate or delegate or set of delegates in

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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. 45. Oath to be taken by challenged voters. R. S. c. 6, § 43.** 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 forty-one and with the same effect.

**Sec. 46. Notices of caucuses to be issued seven days prior to caucuses. R. S. c. 6, § 44.** 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. 47. Bribery forbidden. R. S. c. 6, § 45.** 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. 48. Check-lists, use of. R. S. c. 6, § 46.** 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. 49. Penalty for violations of §§ 39-48. R. S. c. 6, § 47.** 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 in his declaration of enrolment shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months.

**Sec. 50. Exceptions. R. S. c. 6, § 48. 1923, c. 208, § 1.** The provisions of the eleven preceding sections shall not apply to towns of less than two thousand

inhabitants, nor to cities wherein the calling and holding of caucuses is regulated by special law.

#### Caucuses and Meetings in Cities of Over Thirty-five Thousand Inhabitants.

Sec. 51. General law relating to political caucuses made applicable to cities of over 35,000; exceptions; caucuses to be held second Wednesday of November; preparation of ballots; enrolment, how accomplished. 1923, c. 208, § 3. Caucuses and meetings of political parties in cities of over thirty-five thousand held for the purpose of naming candidates or choosing delegates to assemble in convention to nominate any person to any public office, for whose election the charter of any such city provides, and whose name shall be placed on the final ballot, shall be held as prescribed by the statutes relating to political party caucuses, except as hereinafter provided.

Only those voters enrolled as qualified to vote in such caucuses, as hereinafter provided, shall participate therein; the caucuses of all political parties, entitled by law to nominate candidates to be voted upon at the next succeeding municipal election, shall be held in the several wards of said city on the second Wednesday of November, in each year, on which day the polls will be opened at three o'clock in the afternoon and continue open until nine o'clock in the afternoon, when they shall close. Said caucuses shall be conducted by the same officers as elected at the preceding municipal election to have charge of such municipal elections, or their successors in office. No person shall vote at any such caucus unless a legally qualified voter in the ward where any such caucus is held, nor unless enrolled as qualified to vote in a particular political party, then entitled to hold such caucus.

The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of all persons to be nominated at such caucus and of a distinguishing color for each political party. Every person legally qualified to vote in such caucuses shall receive, upon application, at such caucuses, to the proper election officer, a ballot marked and designated by such distinguishing color as the ballot of that political party in which he is then enrolled and shall not be entitled to receive, nor shall such election officer deliver to him, any other ballot.

Every legally qualified voter of said city shall continue to be enrolled as a voter in the political party in which he is now enrolled, and when so enrolled, shall not be entitled to change such enrolment for the purposes of any of said caucuses within six months next prior to the date of the holding of such caucus. Any voter not previously enrolled may enroll himself before the board of registration at any time up to within thirty days of the date of said caucus or 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 city and 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," and upon such enrolment shall be permitted to vote. The warden shall indorse on every such enrolment blank, whether the person subscribing and swearing to the same voted at said caucus and shall return the same at the close of said caucus to the board of registration, and said board of registration shall thereupon enroll said voter in the enrolment list of the party designated by him. Said enrolment blank and the statement thereon shall be preserved as a public record and shall be prima facie evidence in any court that

said person took said oath and voted in said caucus. The warden may appoint and swear to the faithful performance of their duties such number of enrolment clerks to assist him as may be required, who shall have power to take the oath required of any person so enrolling at said caucus. All enrolment blanks shall contain the form of statement and oath hereinbefore described but shall otherwise be in such form as the city clerk shall prescribe. The board of registration shall make up and certify, in season for such caucuses, true and correct lists of all the persons legally entitled to vote in said city, after the same have been corrected, in accordance with the last registration of voters therein, and shall indicate on such lists of voters the political party, if any, in which each of said voters is enrolled; said lists, as so prepared by said board of registration, shall not be altered or amended by any person whatsoever, except said board of registration, and then only upon application to change his enrollment made by a person listed thereon as a legally qualified voter, which application shall not be made to said board within six months prior to the date of the holding of any such caucuses. Such lists, as prepared, shall at the time of the holding of such caucuses, be delivered to the warden in each of said wards and shall be used in said wards for the purposes of holding said caucuses and shall be returned intact to said board of registration, after said caucuses are closed, and shall be preserved by said board of registration until the same are superseded by new lists, prepared by said board. Said board of registration shall supply to the political committees of each such political party such number of the copies of such lists and the enrolments noted thereon, as may be reasonably required for the purposes of said committees.

**Sec. 52. Penalty for disturbing primary political meetings; exceptions. R. S. c. 6, §§ 49, 53. 1923, c. 208.** 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 a fine of not less than five dollars, nor more than ten dollars, or by imprisonment for not more than thirty days.

The provisions of this section shall be applicable only to cities of more than thirty-five thousand inhabitants.