

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

year, the selectmen shall deposit in the office of the town clerk an alphabetical list of voters prepared and revised as provided for in sections 35 to 37, and post a certified copy thereof in one or more public places in the town. (R. S. c. 3, § 38. 1953, c. 365, § 5. 1959, c. 204, § 4.)

Effect of amendment.—The 1959 amendment substituted the word “October” for the word “August” and the words “sec-

tions 35 to 37,” for the words “the preceding sections”.

Sec. 42. Registration in towns having 1,000 to 2,000 voters.—In all towns, cities not included, having not less than 1,000 nor more than 2,000 registered voters, the municipal officers shall receive applications of persons claiming a right to vote, on the day, Sundays and court holidays excepted, next preceding the day of election, and on such additional days prior thereto as they may determine, and no application shall be received after the hour of 9 in the afternoon; and no names shall be added to the list of voters on the day of election, by certificate or otherwise, except such as were upon the list used at the last preceding election, and have been inadvertently omitted by the selectmen: and on that day no change shall be made in names except to correct clerical errors therein. (1951, c. 283, § 3. 1955, c. 47, § 1.)

Effect of amendment.—Prior to the 1955 amendment this section provided for registration in towns having not less than 500 nor more than 2,000 voters.

Sec. 43. Registration in towns having under 1,000 voters.—In every town having less than 1,000 voters, the municipal officers shall be in session on the day of election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls as they think necessary, and shall hear and determine any such application at any time before the polls are closed. (R. S. c. 3, § 42. 1955, c. 47, § 2.)

Effect of amendment.—Prior to the 1955 amendment this section provided for registration in towns having under 500 voters.

Chapter 4.

Caucuses. Primaries. State Conventions.

Political Caucuses.

Sec. 2. Enrollment of voters; enrollment declarations filed with board of registration; change of enrollment.

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 enrollment to be made. If such declaration is filed on the primary election day, it shall be done in person, except that declaration of enrollment may be received by mail or otherwise on the day of election if such enrollee votes by absent voting or physical incapacity voting ballot. A voter may change his enrollment at any time, but the person making such change of enrollment shall not vote in any political caucus or primary election within 6 months thereafter.

(R. S. c. 4, § 2. 1959, c. 235.)

Effect of amendment.—The 1959 amendment added the second sentence to the last paragraph of this section. As the rest of the section was not changed, only the paragraph affected is set out.

Sec. 12. Exceptions.—The provisions of the preceding sections shall not apply to towns or cities wherein the calling and holding of caucuses is regulated by special law. (R. S. c. 4, § 12. 1953, c. 365, § 7. 1955, c. 343, § 2.)

Effect of amendment.—The 1955 amendment deleted the figure 9 before the word “preceding” near the beginning of the section, and substituted the word “or” for the words “of less than 2,000 inhabitants, nor to” near the middle of the section.

Nominations by Primary Elections. State Conventions. Town Committees.

Sec. 15. Nominations by primary elections. — 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 Tuesday following the first Monday of November, 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. Nothing in this section shall be construed as preventing the nominations of candidates under the provisions of section 52. (R. S. c. 4, § 15. 1959, c. 204, § 5.)

Effect of amendment.—The 1959 amendment substituted the words “Tuesday following the first Monday of November,” for the words “2nd Monday in September” in the second sentence of this section.

Sec. 16. State convention; powers; organization of committees; vacancies.—Not more than 120 days before or not more than 120 days after the 3rd Monday in June of each year in which a biennial state election is to be held, each political party shall hold a state convention with such basis of representation and at such time and place and with such requisites as to call 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, nominate as many presidential electors as the state is entitled to, 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 the secretary shall thereupon forthwith certify to the secretary of state the platform so adopted and the names and residences of the members of the committees so elected. Each of such committees shall thereafter, as soon as reasonably practicable, organize by the choice of a chairman and a secretary and shall 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. The chairman and vice-chairman of the state convention may be chosen from within or without the membership of the state committee. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof shall be made to the secretary of state. All vacancies in the number of presidential electors shall be filled by the state committee. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this chapter. (R. S. c. 4, § 16. 1949, c. 90, §§ 1, 2. 1955, c. 349. 1957, c. 251, §§ 1, 2. 1959, c. 108, § 1.)

Effect of amendments. — The 1955 amendment inserted the fifth sentence. The 1957 amendment substituted “not more than 90 days before or not more than 30 days after” for “not less than 60 nor more than 90 days before” at the beginning of the first sentence and made the fifth sentence, as inserted in 1955, applicable also to the vice-chairman and deleted from such sentence a former provision as to time of choosing the chairman. The 1959 amendment substituted the number “120” for the number “90” and the number “30” in the first sentence of this section.

Sec. 18-A. Members of county committees.—All members of county committees elected as provided in section 16 shall be nominated at caucuses called and held in the several municipalities of each county. (1955, c. 343, § 1.)

Sec. 20. Nomination papers, when to be signed and filed; may be amended; vacancies; papers preserved for 1 year.—No such nomination paper 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 in April of that year. With such nomination papers there shall also be filed the consent in writing of the persons proposed therein 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 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 56. 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 1 year. (R. S. c. 4, § 20. 1959, c. 108, § 2.)

Effect of amendment.—The 1959 amendment substituted the word “first” for the word “3rd” near the end of the first sentence of this section.

Sec. 21. Nominations for United States senators. — Whenever one or more United States senators are to be elected at the biennial state election held on the Tuesday following the first Monday of November, the nominee or nominees for such office or offices, of each political party, shall be chosen at the primary election held on the 3rd 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, 2 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. (R. S. c. 4, § 21. 1959, c. 204, § 6.)

Effect of amendment.—The 1959 amendment substituted the words “Tuesday following the first Monday of November” for the words “2nd Monday of September” in the first sentence.

Sec. 22. Ballots, how made up; order of offices; names to be in alphabetical order; printing, color and size.—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 state election, except that when nominations for United States senators are to be made, that office shall appear first on the 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 1 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. The list of candidates upon each ballot shall be arranged in 1 column, except that when more than 1 column is necessary, an equal number of names, as near as may be, shall

appear in each column. 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) or a check mark (✓) at 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 1," "Vote for 2," and the like. At the top of the ballot there shall be printed in capital letters, "make a cross (X) or a check mark (✓) in the square at 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 a cross (X) or a check mark (✓) at the 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 2nd highest, blue for the 3rd highest, green for the 4th 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 to 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 voting place for which the ballot is prepared, the date of the primary election and the facsimile signature of the secretary of state shall appear on all sides of the folded ballot. (R. S. c. 4, § 22. 1947, c. 82, § 1. 1959, c. 204, § 7.)

Effect of amendment.—The 1959 amendment substituted the word "state" for the word "September" in the second sentence.

Sec. 25. Selectmen to issue warrants; posting; warrants directed to qualified and legally enrolled voters only.—Not less than 7 days before the 3rd 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 their regular voting places on the 3rd 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 Tuesday following the first Monday of November then next ensuing. The 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 Tuesday following the first Monday of November next, viz.:

(Here follow the officers to be nominated.)

The polls will be opened at _____ o'clock in the forenoon and continue open until 7 o'clock (or 5 o'clock in towns that have so decided) 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 enrollment may cause themselves to be enrolled at the voting places during the primary election on taking and subscribing the oath required by law, but such voters will not be allowed to vote

at any primary election within the next 6 months following such enrollment unless a new voter or a voter enrolling for the first time in that municipality.

Dated at _____, this _____ day of June, 19 ____ .
.....
.....
.....
Selectmen of

(R. S. c. 4, § 25. 1959, c. 204, § 8.)

Effect of amendment.—The 1959 amendment substituted the words “Tuesday following the first Monday of November” for the words “2nd Monday in September” in two places in the first paragraph. As the rest of this section was not changed by the amendment, it is not set out.

Sec. 34. Acceptance of nominee to be filed.—Every candidate so nominated and notified shall, within 7 days after the receipt of notification, send or deliver to the secretary of state the following acceptance:

“To the Secretary of State:

I, _____, of _____, hereby accept the (political party) 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 7 days shall be deemed to be a refusal of the nomination. (R. S. c. 4, § 33. 1951, c. 348, § 3. 1955, c. 47, § 3.)

Effect of amendment.—The 1955 amendment inserted the words “political party” in parentheses in the form of acceptance.

Sec. 35. Return of contributions and expenditures; false statements; limitations of miscellaneous expenditures.—Every candidate in any primary election shall send to the secretary of state within 15 days after said primary election the following return:

“RETURN OF CONTRIBUTIONS AND EXPENDITURES

To the Secretary of State:

“I, _____, of _____, candidate for the office of _____, at the primary election held on June _____, 19 ____ , say that the following is a true and perfect return of all contributions received by me or promised to me, and expenditures made by me, or liabilities incurred by me for any purpose whatever in connection with my said campaign, before, at or since said primary election.

CONTRIBUTIONS RECEIVED OR PROMISED

Names of persons, firms, associations, committees, organizations and corporations from whom contributions have been received or promised.

Amounts—Money or Property

\$
\$
\$
Total \$

The amount of expenditures is made up of the following:

Printing \$
Clerk hire \$
Newspaper advertising \$
Radio advertising \$
Television \$
Hall rent \$
Soliciting agents \$
Postage \$
Telephones and telegrams \$
Stationery \$
Express \$
Traveling expenses \$
Hotel bills \$
Transporting voters \$
Miscellaneous \$
Total \$

Of the above, the following are itemized:

PRINTING

Name. Date. Amount.
(The subdivisions of clerk hire, newspaper advertising, radio advertising, television, hall rent, soliciting agents, telephones and telegrams, stationery, express, traveling expenses, hotel bills and transporting voters shall follow the foregoing form.)

MISCELLANEOUS

Name. Date. Amount. Purpose.

I further say that no person, firm, association, committee, organization or corporation has with my knowledge or consent paid any sum, or incurred any liability, other than such as are included in reports filed with the Secretary of State as required in section 38 of chapter 4 of the revised statutes, to procure, or to aid in procuring, my nomination.

Dated A.D. 19

Whoever willfully makes a false statement in such return shall be punished by imprisonment for not more than 10 years. No expenditures shall be so made, or liabilities be so incurred, except for the purposes named in such return. The subdivision "Miscellaneous" shall not exceed 10% of the total amount expended and shall include no items not legitimate under the provisions of sections 1 to 9, inclusive, of chapter 9; subsections IV and V of section 4 of chapter 9, as applied to primary elections, are to be construed as if reading as follows: "IV. 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 agents;" "V. 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, persons, firms, associations, committees, organizations and corporations on behalf of any candidate or for the purpose of aiding the candidacy of any person shall, within 15 days after the date of the primary election, make to the secretary of state the return required by this section of candidates, and the form of the return shall be varied accordingly. Any political agent, person, firm, association, committee, organization and corporation on behalf of any candidate or for the purpose of aiding the candidacy of any person failing to make return within the time required shall be punished by a fine of \$25 for each day 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. Any candidate who expends less than \$100 is not required to itemize the return as required by this section and section 38. The returns aforesaid shall be open to public inspection for 1 year and then be destroyed. (R. S. c. 4, § 34. 1951, c. 348, § 4. 1953, c. 365, § 8. 1955, c. 345, § 1.)

Effect of amendment.—The 1955 amendment rewrote this section, making it applicable to contributions as well as expenditures, revising the return, and making other changes.

Sec. 38. Contributions and expenditures for another to be reported; publication of reports.—It shall be unlawful for any candidate or for any person, firm, association, committee, organization or corporation on behalf of a candidate or for the purpose of aiding the candidacy of any person, to accept any contributions, received or promised, or to make any expenditure or incur any liability, either for printing, publication, postage, clerk hire, newspaper advertising, renting of halls or other places, soliciting agents, transporting voters, radio advertising, television, telephones and telegrams, stationery, express, traveling expense, hotel bill, or any other act or thing calculated to induce or procure any person or persons to vote for any candidate for office in a primary election unless on the dates hereinafter set forth next ensuing after the receiving of any such contribution or the making of any such expenditure or the incurring of any such liability such candidate, person, firm, association, committee, organization or corporation shall report the same to the secretary of state setting forth in detail the nature and amount of the contributions, received or promised or expenditure made or liability incurred with the name of the candidate, his address, the election district and the office in question. For such contributions as are received or promised or expenditures as are made and such liabilities as are incurred during the period prior to the 30 days next preceding any such election, such report shall be made by all candidates for office to be voted for in the state as a whole, or in any congressional district, on the 1st day of each month next after such contribution is received or promised or such expenditure is made or such liability is incurred, and thereafter such a report shall be made each week, such weekly reports to be made so as to reach the office of the secretary of state not later than 10 o'clock in the forenoon of Wednesday in each week. In the case of candidates for representatives to the legislature, or for any county office including state senators, such candidate shall make one report 30 days prior to the date of the election and a 2nd report which shall reach the office of the secretary of state not later than 10 o'clock in the forenoon of the Wednesday next preceding such election.

The secretary of state shall, 15 days before the date of any such election, publish in all the daily and weekly papers in the state a statement setting forth the contributions received or promised and the total expenditures made in accordance with the information filed with him under the terms of the foregoing paragraph by every candidate, person, firm, association, committee, organization or corporation reporting, giving for each office a list of the parties receiving such contributions and making such expenditures and the amounts thereof. The secretary of state shall revise and republish such figures in the daily papers of the state on the Saturday immediately preceding the day of any such primary election.

Such publications shall in the weekly papers be limited to those candidates whose

names are to appear on the primary ballots used within the county where each such paper is published.

Any candidate, person, firm, association, committee, organization or corporation which shall expend any money or incur any liability without reporting it as above provided, or who subsequent to the filing of such last report of primary election expenses shall expend for any purpose aforesaid more than the amount or amounts set forth in such final report, or who willfully makes a false statement in such return, or willtully fails to file such return, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months.

Any candidate failing to make return within the time required shall be assessed a fine of not more than \$5 for each day he is in default by the legislative committee appointed under the provisions of section 44, unless he shall be excused by said committee. If such assessment is not paid at the order of said committee, the candidate shall be disqualified and his name shall not be printed upon an official ballot used at any special or general election held during the same calendar year. Any candidate aggrieved by the decision of the committee not to print his name upon said official ballot may, within 5 days after notification of said decision, appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall forthwith fix a time and place for immediate hearing, which may be in vacation, and cause notice thereof to be given to the committee; and after hearing, such justice may, within 10 days after presentation of the petition for appeal, affirm, modify or reverse the decision of the committee and the decision of such justice shall be final. (R. S. c. 4, § 37. 1951, c. 348, § 5. 1953, c. 365, § 10. 1955, c. 345, § 2.)

Effect of amendment.—The 1955 amendment made this section applicable to contributions as well as to expenditures. It also substituted "Saturday" for "Friday" in the last sentence of the second paragraph, deleted the words "in excess of \$5"

after the word "liability" near the beginning of the fourth paragraph, inserted in the fourth paragraph the words "or who willfully makes a false statement in such return, or willfully fails to file such return," and added the last paragraph.

Sec. 44. Legislative committee to investigate.—Before the adjournment of the legislature biennially, it shall be the duty of the president of the senate to name 2 members on the part of the senate, and of the speaker of the house to name 3 members on the part of the house, to serve as a special committee to investigate the contributions received or promised, expenditures made and liabilities incurred by and on behalf of candidates seeking nomination to elective office and such committee shall meet in Augusta on the Thursday preceding the primary election, at which time they shall make a preliminary investigation of all returns of contributions and expenditures and within 21 days after the primary election, the committee shall again meet in Augusta, at which time they shall examine the final returns of contributions and expenditures made under the provisions of this chapter. The members of said committee shall receive as compensation \$10 a day for as many days as are necessarily employed in the discharge of their official duty and reimbursement for all necessary expenses, including travel at the same rate as members of the legislature receive.

(1955, c. 345, § 3.)

Effect of amendment.—The 1955 amendment extended the scope of the investigation provided for in the first paragraph to contributions. It also substituted the fig-

ure 21 for the figure 10 near the middle of the first paragraph. As the second and third paragraphs were not changed by the amendment, they are not set out.

Sec. 46. Vacancies, how filled.—In case any duly nominated candidate, except a candidate for United States senate, governor or representative to congress, shall die before the day of the election at which such office is to be filled, or shall withdraw in writing, or shall forfeit his nomination by failure to accept or to file a return, as provided in sections 34 and 35, then the vacancy may be supplied by the regularly elected county, city, town, plantation or representative class committee as the case may be of the political party of such nominee. In case a vacancy

occurs in any office except that of United States senator, governor or representative to congress 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 3rd Monday in June of the same year, nominations shall be made as provided in this section. When such a vacancy occurs, the governor shall, by proclamation, declare such fact and fix a date and place for the meeting of the appropriate committees. 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 56. (R. S. c. 4, § 45. 1949, c. 300. 1955, c. 47, § 4.)

Effect of amendment.—The 1955 amendment inserted the words “and place” in the next to the last sentence.

Sec. 50. Certain sections of chapter 5 made applicable. — So far as necessary for the purposes of sections 15 to 51, and where not inconsistent therewith, the following sections of chapter 5 are made applicable to primary elections and all doings, therefor, thereat or thereafter, and for the purposes thereof, namely: sections 7 and 9; 11 to 15; 17 to 23; 26 and 27; 54 to 57; 60 to 65-C; 90, 92 and 93; 95 to 111 and 113 to 119. (R. S. c. 4, § 49. 1953, c. 308, § 3. 1959, c. 204, § 9.)

Effect of amendment.—The 1959 amendment deleted “inclusive” near the beginning of the section and made changes of form in the portion following the colon.

Sec. 51. Primary election a separate election for each political party. —In construing the provisions of this chapter, and of all sections of the Revised Statutes made applicable to primary elections, and to all matters herein contained before and after such primary elections 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 a primary election is a separate election for each political party making its nominations, and to be conducted as to that party as nearly as practicable the same as the regular biennial state elections in November are conducted for all the electors, except insofar as the manner of proceeding before, at and after a November election may be modified or changed by this chapter for the purposes of primary elections. Sections 15 to 50 do not modify or in any manner control the proceedings at the regular biennial state election, except insofar as they may be expressly and directly amended. (R. S. c. 4, § 50. 1959, c. 204, § 10.)

Effect of amendment.—The 1959 amendment substituted “November” for “September,” deleted “herein” following “Revised Statutes” and “hereunder” following “nominations” in the first sentence and made a minor change at the beginning of the second sentence.

Nomination of Candidates Not Included in the Primary.

Sec. 54. Filing of certificates of nomination and nomination papers. —Petitions filed in accordance with section 52 for the nomination of candidates for electors of president and vice-president, United States senate, representatives to congress, state and county officers and representatives to the legislature shall be filed with the secretary of state on or before the 10th day of July of each year in which a biennial 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 14 days, exclusive of Sundays, previous to the day of 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 14 days, exclusive of Sundays, previous to the day of election. Whenever state, county, city or town committees are required

by law to nominate candidates for public office, a certificate as provided in section 57 shall be filed with the secretary of state at least 5 days following such nomination. With nomination papers and certificates shall also be filed the consent in writing of the person nominated. (R. S. c. 4, § 55. 1953, c. 365, § 14. 1955, c. 47, § 5. 1959, c. 204, § 11.)

Effect of amendments. — The 1955 amendment inserted the next to the last sentence. The 1959 amendment rewrote the first sentence of this section.

Chapter 5.

Elections. Congressional Districts. Presidential Electors.

Section 65-A. Indian Island Voting District.

Section 65-B. Peter Dana Point Voting District.

Section 65-C. Pleasant Point Voting District.

Preparation and Distribution of Ballots.

Sec. 1. Terms defined.

Cited in Opinion of the Justices, 152 Me. 212.

Sec. 2. Specimen ballots of nominations transmitted to clerks 7 days before any election, and published.—The secretary of state shall, 7 days at least previous to the day of any state election, transmit to the clerk in each city, town and plantation in which such election is to be held, specimen ballots containing the names, residences and party or political appellations of all candidates nominated as provided in chapter 4 for such election and to be voted for at each voting place in each such city, town and plantation respectively, substantially in the form of the general ballot to be so used therein; and the clerks shall immediately cause the specimen ballots for each ward, town or plantation as the case may be, to be conspicuously posted in one or more public places in such ward, town or plantation. The secretary of state shall likewise cause to be published prior to the day of any such election, in at least 2 newspapers, if there be so many printed or published in each county, representing so far as practicable, the political parties which, at the preceding election, cast the largest and next largest numbers of votes, a specimen ballot of all such nominations, so far as may be, in the form in which they shall appear upon the general ballots. Monthly newspapers may be used for this purpose when authorized by the governor and council. Such specimen ballot may be published in the English language in a foreign language newspaper. New nominations made or authorized 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. (R. S. c. 5, § 2. 1951, c. 348, § 6. 1955, c. 397. 1957, c. 318, § 1.)

Effect of amendments. — The 1955 amendment inserted the fourth sentence. The 1957 amendment inserted the third sentence.

Sec. 5. What the ballot shall contain and how printed; size of ballot.

—Every general ballot or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this chapter, shall contain the names and residences, ward residences in city elections, of all candidates whose nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, and the office for which they have been severally nominated, and shall contain no other names except that in case of electors of president and vice-president of the United States, the names of the candidates