

MAINE STATE LEGISLATURE

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December 8, 1921

To Honorable Percival P. Baxter, Governor of Maine
Re: Filling Congressional Vacancy

The procedure for filling a vacancy in the Maine delegation in Congress as outlined by the Constitution and laws is as follows:

1. Constitution of the United States, Article I, Section 2, paragraph 4, provides:

"When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies."

2. Revised Statutes of Maine, Chapter 7, Section 42, provides:

"Whenever a vacancy occurs in the representation of the state in the senate of the United States or in the national house of representatives, the governor, in any manner having knowledge thereof, shall issue his proclamation for an election to fill the same. If congress is in session when such vacancy occurs, the proclamation shall issue forthwith; otherwise, in season to secure representative at the next called or regular session of congress."

Revised Statutes, Chapter 6, Section 24, provides for a special primary election and the forms for calling same submitted herewith may be used.*

The essential points in said section are:

- a. A proclamation by the Governor,
- b. Time fixed within which nominations may be filed by candidates, usually three or four weeks allowed,
- c. Time fixed for transmitting to the town clerks, lists of candidates nominated.

The writ of election may be issued the same day and in the form submitted herewith.*

The work of preparing all papers is usually done by the Secretary of State. . . .

Ransford W. Shaw
Attorney General

* This form is not in the file.