

# MAINE STATE LEGISLATURE

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## NOMINATION FOR PRESIDENTIAL ELECTOR

I find that the law at the present time governing the nomination to office of the various State, County and National officials was first passed as Chapter 102 of the Public Laws of 1891. This same act afterwards appeared in Chapter 6 of the Revised Statutes of 1903. This act was amended by Chapter 221 of the Public Laws of 1913, and now appears as Chapter 6 of the Revised Statutes of 1916.

Previous to 1891, there seems to have been no regulation of public conventions for nomination to office by the laws of this State. This was probably due to the fact that previous to that time the State, City or Town did not pay for or prepare the ballot, but each voter was supposed, at least in theory, to bring his own ballot. As late as the Revised Statutes of 1883, we find this provision regulating the ballot:-

"No ballot shall be received at any election of state or town officers, unless in WRITING OR PRINTING upon clean white paper without any distinguishing mark or figures thereon, besides the names of the persons voted for and the offices to be filled; but no vote shall be rejected on this account after it has been received into the ballot box."

When in 1891, the State decided to print the ballots itself, it also became necessary to regulate the public conventions, or otherwise there would be no general rules for deciding what names should go on the ballot. Chapter 102, Section 3 of the Public Laws of 1891, provides:-

"Any convention of delegates representing a political party, which, at the gubernatorial election next preceding, polled at least one per cent of the entire vote cast in the state for governor, or in the electoral district or division thereof for which the nomination is made, and any caucus held by such a political party in any such electoral district or division, may for the state, or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, MAKE ONE SUCH NOMINATION FOR EACH OFFICE THEREON 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 five of this act; 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."

Chapter 102, Section 5, Public Laws of 1891, provides as follows:-

"All certificates of nomination 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."

After this section there follows the section stating how the certificates of nomination should be filed with the secretary of State, etc. These two provisions taken together conclusively show that the nominations of electors of president and vice-president lay in the convention. These two provisions afterwards appeared as Chapter 6, Section 3 and Section 5 respectively, of the Revised Statutes of 1903.

Chapter 221 of the Public Laws of 1913 is what is known as the Primary Election Law. Section 1 of this act provides as follows:

"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 act. The term "political parties", as used in this act, 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 act shall be construed as preventing the nominations of candidates under section four of chapter six of the Revised Statutes."

It will be noticed that the only offices to which nominations can be made under this act are State or county officers, United States senator, member of Congress, and member of the State Legislature. This enumeration does not include the office of presidential elector.

Section 28 of Chapter 221, Public Laws of 1913, reads as follows:

"All acts or parts of acts inconsistent herewith or contrary to the provisions of this act, are hereby repealed."

In accordance with this provision, any provision of the old law governing nominations for office, which is not inconsistent with Chapter 221 of the Public Laws of 1913 is still in force, and Chapter 221, Public Laws of 1913 did not affect the nomination of presidential electors. The old provision allowing the nomination of presidential electors by the State Convention to the various parties is still in force.

July 31, 1944

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in an old file. Not dated.