

# MAINE STATE LEGISLATURE

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ELECTIONS

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C-1

1974 (June)

# The 1974 Elections of the State of Maine

(With a Brief Calendar  
of Important Dates)



A Compilation Prepared under the Direction  
of the Secretary of State for the Benefit of  
Candidates in the 1974 Elections

## FOREWORD

This pamphlet has been designed to explain certain portions of the Election Law as it applies to all candidates seeking office in State elections. It covers, with brief explanations, the signing of nomination petitions, campaign reports and finances, inspections, recounts and appeals, tabulating of election returns.

Included is a schedule showing the minimum and maximum number of signatures required on nomination petitions for the various offices. A "Brief Calendar of Important Dates" is also included for your convenience.

Please retain this pamphlet for the entire year as the information contained herein pertains to both the Primary and General Elections of 1974.

The Election Division is available at all times to offer assistance to candidates and others who desire information about the State Election Laws.

JOSEPH T. EDGAR  
Secretary of State

(Form #46)  
(Approp. 1072-1220)

## BRIEF CALENDAR OF IMPORTANT DATES

### Election Dates

- June 11 — Primary Election
- Nov. 5 — General Election

### Dates Relating to Nomination Petitions

- Jan. 1 — Petitions may be circulated.
- Apr. 1 — Final date for filing.  
(All petitions must be in the office of the Secretary of State by or before 9 p.m. on April 1.)

### Dates for Filing Campaign Reports

- July 26 — **PRIMARY CAMPAIGN REPORT**, deadline for filing of receipts and expenses by all candidates and treasurers of candidates or political committees, showing the totals of the entire campaign.
- Dec. 20 — **FINAL GENERAL ELECTION REPORT**, deadline for filing by all candidates and treasurers of candidates or political committees, showing totals of entire campaign. (Do not include any primary election figures.)

### Campaign Reports Committee Meeting Dates

- August 2 — Meeting of Committee to review reports of Primary receipts and expenses filed by candidates and treasurers of candidates or political committees.
- Dec. 27 — Meeting of Committee to review Final General Election campaign reports.

## SIGNING OF NOMINATION PETITIONS

### Date

Primary nomination petitions must not be signed prior to January 1, 1974, and must be filed with the Secretary of State by or before 9 p.m. on April 1, 1974. (§445)

### Qualification of Candidate for Office

A candidate for any federal, state or county office must be a voting resident of the electoral division he seeks to represent on the date established for filing primary petitions in the year he seeks election. He must maintain this voting residence during his term of office.

Exception: The first sentence of this section shall not apply to candidates for the House of Representatives or the State Senate. (§443)

He must be enrolled, on or before April 1st, in the party named in the petition. The registrar of voters in his municipality of residence shall certify to that fact upon the petition. (§444)

Limitation: A person may file as a candidate for any federal, state or county office either by primary election or nomination petition, but not by both. (§441, sub-§ 2)

### Signatures of Voters on Petitions

Primary petitions may be signed only by voters of the electoral division which is to make the nomination who are enrolled in the party named in the petition. Other signatures are void. The petition must be signed personally by the voter using one of the following combinations:

First name, middle name, last name (John Henry Jones), or

First name, middle initial, last name (John H. Jones), or

First initial, middle name, last name (J. Henry Jones), or

First name and last name (if no middle name) (John Jones).

Women should sign their given name and married surname (Mary Jones and not Mrs. John Jones).

After his name, the voter must personally add his place of residence. "Residence" in this case means the name of the city, town or plantation. The voter's street address is not necessary. Ditto marks are permitted provided they are added by the voter and refer to the proper place of residence.

A voter may sign only as many primary petitions for each office as there are vacancies to be filled. (§445)

### Oath of Circulator

A signer of a primary petition or the person who circulates it shall certify his belief that the signatures on it are genuine, that the signers are members of the party named in it, and that they are residents of the electoral division for which the nomination is proposed. The person who certifies a primary petition may do so by making oath to the above statements on the petition or on a certificate attached to it. (§445)

### Number of Signatures Required

The nomination petition must be signed by a number of voters equal to at least 1% but no more than 2% of the total vote cast for Governor at the last gubernatorial election in the electoral division which is to make the nomination, or equal to at least 10% of the total vote for Governor cast in that electoral division at the last gubernatorial election by the party of the candidate, whichever is less. (§445)

The appended schedule has been figured on the basis of the first-named method, as stated above, and is intended to show accurately the minimum and maximum number of signatures required and permitted for the offices shown in which nominations are to be made in the June primaries of 1974.

## Consent of Candidate

Each candidate must file a written statement over his signature stating that he will accept the nomination of the primary election. The statement may be printed as a part of the primary petition. Only one acceptance form is required to be signed. (§446)

### Candidate's Name and Address

The name of the proposed candidate should either be printed or typewritten in order that there may be no misunderstanding as to the exact manner in which his name shall appear on the ballot. Particular care should be taken that the name of the candidate should be written and spelled the same on all the petitions circulated. The signature on the acceptance portion should agree with the printed or typed name.

All nomination petitions, when filed with the Secretary of State will be immediately opened, catalogued and subject to public inspection under proper restrictions. Candidates are urgently requested to give their post office addresses, as well as their residences, not only for their own protection but also in order that all communications sent out from this department may reach them promptly.

## CAMPAIGN REPORTS AND FINANCES

### Duties of Candidates and Political Committees

Each political committee must appoint a treasurer before accepting or spending any money. (§1392)

A candidate or political committee shall advise the Secretary of State the name and address of its treasurer within 7 days after his appointment, the candidate or committee by which he was appointed, and his term of office. (§1393)

In addition to the registration of its treasurer, a political committee shall submit to the office of the Secretary of State the names and addresses of all of its officers, whether or not said committee expends any money for the purposes set

forth in section 1391. (§1393-A)

Only a treasurer or a candidate may accept money to promote or defeat a candidate.

1. **Limitation:** This does not prohibit contributions to a candidate, political committee or party by a person other than a treasurer or candidate, or the spending of his own money by any person.

2. **Certain spending prohibited.** The spending of money for alcoholic beverages on election day is prohibited.

3. **General election.** Notwithstanding any other provisions of law, no candidate for political office in a general election shall dispense on behalf of such candidacy for advertising, as described in section 1575, an amount of money greater than the annual salary authorized for such office in any one year or 10¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office, whichever amount is the greater, except that a candidate for Governor and United States Senator shall be allowed to dispense twice the amount provided in this subsection.

A. Exception. Expenditures by candidates for the office of State Senator and Representative to the Legislature shall be based on biennial salary.

4. **Primary election.** Notwithstanding any other provisions of law, no candidate for political office in a primary election shall dispense on behalf of such candidacy for advertising, as described in section 1575, an amount of money greater than 50% of either alternative specified in subsection 3, whichever amount is the greater.

A. Exception. Expenditures by candidates for the office of State Senator and Representative to the Legislature shall be based on biennial salary.

5. **Expenditure in behalf of.** Amounts spent on behalf of any candidate for political office, as specified in subsections 3 and 4 shall be deemed to have been spent by such candidate.

6. — **by others.** No person, association, corporation or combination thereof shall dispense funds on behalf of a candidate for public office without written approval of said candidate.

7. **Against a candidate.** No person, association, corporation or combination thereof shall disburse funds against a candidate for public office and thereby be indirectly supporting the candidacy of another without the written approval of the beneficiary thereof.

8. **Filing.** The written approval required by subsections 6 and 7 shall be filed with the election division of the Secretary of State's office within 48 hours of the time it is executed. It shall be the responsibility of the Secretary of State's office to turn over all data pertaining to alleged violations to the Attorney General for action.

9. **Exemptions.** Public service functions and programs shall be exempt from subsections 3 to 8.

10. **Written political material.** All written political material published and distributed as a flyer, handbill or other nonperiodical publication shall state thereon the name of the person or committee responsible for the publication or distribution of the material or the name of the print shop, printer or person printing, mimeographing or otherwise publishing the material.

11. **Penalty.** Anyone violating this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both. (§1395)

Each treasurer and each candidate shall keep detailed records of all money received or spent and liability incurred by him in the campaign, including the name and address of each donor, the amount given, the name and address of each payee or creditor, the amount spent or liability incurred and the purpose. (§1396)

The treasurer of a municipal committee shall not file campaign reports with the Secretary of State, but the amounts of money received and spent and the liabilities incurred by his committee shall be filed with the treasurer of the county committee, who shall forward such reports with the county committee report to the Secretary of State. (§1397)

Available from the Secretary of State's office are forms for the **appointment of treasurers and officers** of candidates or political committees and also **Campaign Report Forms** of expenses and receipts, which treasurers and candidates are required to file.

#### **Definition of "Treasurer" and "Political Committee"**

"Treasurer," as used in the Election Laws, means a person appointed by a candidate or a political committee to accept or disburse money to promote or defeat a candidate, party or principle. A person who collects money to be transferred to the treasurer of a candidate or committee is not himself a treasurer. (§1)

"Political Committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle. (§1)

#### **Filing of Campaign Reports of Receipts and Expenses**

To be filed with the Secretary of State by each candidate and by the treasurer of each candidate or political committee:

##### **Primary Election:**

One report showing totals of the entire campaign — to be filed within 45 days after Primary Election. (Not later than July 26)

##### **General Election:**

Final report to be filed within 45 days after the election, showing the totals of the entire campaign. (Not later than Dec. 20)

Forms will be issued by the Secretary of State to all candidates and known treasurers of candidates and committees, or upon request.

The report must contain the itemized amounts of money received to date and the name and address of each donor. It must also contain the itemized amounts of money spent and liability incurred to date, the purpose of each, and the name of each payee and creditor.

**Exception:** The name and address of a donor of less than \$50 need not be included. Total contributions or total expenditures of less than \$100 need not be itemized. (§1397)

No person shall publish, or cause to be published, in a newspaper or other periodical, any paid matter which is designed or tends to promote or defeat any candidate for public office, party, principle, initiative or referendum question, unless the name of the person or chairman of the organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in the nature of a signature. No person or corporation within this State, operating a radio station, television station, or network of either, shall broadcast or telecast any such paid political matter without announcing the person or organization paying therefor.

Any person or chairman of any organization who sponsors or causes to be published, broadcast or telecast political advertising as set forth in this section through the submission or use of a false name, or who in any manner knowingly aids or abets the violation of any provision of this section, shall be fined not more than \$500 or imprisoned for not more than 90 days. (§1575 amended)

No political advertisement shall be displayed or distributed in or on state-owned or state-leased property. This section shall not apply to state highways or to motor vehicles while temporarily parked on parking areas on land maintained by the State, except it shall apply to motor vehicles owned by the State. It shall not apply to any state-owned or state-leased building for a period beginning 48 hours prior and ending 48 hours after such building is used by any political party for purposes of conducting a political activity within said building. (§1575-A)

#### **Campaign Reports Committee**

The law creates a Campaign Reports Committee, composed of 5 members of the Legis-

lature. It shall meet in Augusta to review the final campaign reports for the regular primary or general election within 7 days after the filing date provided by section 1397, subsection 2. (§1400, sub-§ 1 amended)

The Campaign Reports Committee may investigate for the purpose of determining the facts concerning money received or spent, or liability incurred, by any treasurer, candidate or political committee. (§1401)

#### **Penalty for Failure to File Reports**

A person who fails to file a campaign report within the time required by law shall be assessed not more than \$5 for each day he is in default by the Campaign Reports Committee, unless he is excused by the committee.

If the assessment is not paid at the order of the committee, the person becomes disqualified and his name shall not be printed on an official ballot used at any election held during the same calendar year. (§1398)

A person who fails to pay any fine assessed by the Campaign Reports Committee shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both. (§1579)

A person aggrieved by an order of the committee may appeal to the Superior Court within 5 days after being notified of the decision, by presenting a written complaint. The court shall fix a time and place for immediate hearing. It shall order notice of the hearing to be given to the committee. Within 7 days after the hearing, the court shall affirm, modify or reverse the decision of the committee, and its decision is final. (§1398)

#### **INSPECTIONS, RECOUNTS AND APPEALS**

##### **Ballot and Check List Inspection**

On the written application of a candidate in any election within 7 days after election day, the

clerk shall permit him or his counsel to inspect the ballots and check lists under proper protective regulations. The purpose of such an inspection shall be to provide factual basis for a request for recount. Such inspection must be of reasonable duration and may not be used for harassment, assessment of ballot splitting, or other purpose not related to the determination of whether ballots were counted in a proper and lawful manner.

On receipt of the applications, the clerk shall send written notice of the inspection to the candidates for the office in question, stating the time and place of inspection.

The inspection must be held as soon as reasonably possible at such a time and place as to afford the candidates a reasonable opportunity to be present.

After the inspection, the clerk shall reseal the packages of ballots and the check lists, and shall note the fact and date of inspection on them. (§1151)

### Recount Application

On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the Governor and Council, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:

**Percentage of Difference.** The percentage of difference between the combined vote received by the losing candidate and the nearest winning candidate, as shown by the official tabulation must meet the following requirements:

If the combined vote is 1,000 or less, the percentage of difference between the vote must be 10%, or less, of the total vote.

If the combined vote is 1,001 to 5,000, the percentage of difference between the vote must be 5%, or less, of the total vote.

If the combined vote is 5,001 to 10,000, the percentage of difference between the vote must be 4%, or less, of the total vote.

If the combined vote is 10,001 to 50,000, the percentage of difference between the vote must be 3%, or less, of the total vote.

If the combined vote is 50,001 to 100,000, the percentage of difference between the vote must be 1%, or less, of the total vote.

If the combined vote is 100,001 or over, the percentage of difference between the vote must be  $\frac{1}{2}$  of 1%, or less, of the total vote.

**Deposit.** A losing candidate may request a recount upon making a deposit with the Secretary of State in the following amounts:

If the combined vote is 1,000 or less, and the percentage of difference between the vote for the 2 candidates is more than 10%, \$100.

If the combined vote is 1,001 to 5,000, and the percentage of difference between the vote for the 2 candidates is more than 5%, \$150.

If the combined vote is 5,001 to 10,000, and the percentage of difference between the vote for the 2 candidates is more than 4%, \$200.

If the combined vote is 10,001 to 50,000, and the percentage of difference between the vote for the 2 candidates is more than 3%, \$250.

If the combined vote is 50,001 to 100,000, and the percentage of difference between the vote for the 2 candidates is more than 1%, \$500.

If the combined vote is 100,001, or over, and the percentage of difference between the vote for the 2 candidates is more than  $\frac{1}{2}$  of 1%, \$1,000.

The deposit made by the candidate requesting the recount shall be forfeited to the State in the event that the recount fails to change the result of the election. If the recount reverses the election, the deposit shall be returned to the candidate requesting the recount.



## Recount Procedure

On receipt of the application, the Secretary of State shall recall all the ballots and check lists from the clerk of each municipality concerned. The clerk shall return or release them to him as soon as any pending ballot inspection has been made.

The Secretary of State shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount.

The recount must be held as soon as reasonably possible at such a time and place as to afford the candidates a reasonable opportunity to be present.

At the recount, the Secretary of State shall segregate any disputed ballots.

If it is found that there was a mistake made in counting the ballots on election day the Secretary of State shall submit a corrected tabulation to the Governor and Council.

If there are enough disputed ballots to affect the result of the election, the interested candidate may appeal to the Governor and Council for a determination of the election on written application to the Secretary of State at the close of the recount.

(Exception: This does not apply where final determination of the election of a candidate is governed by the State or Federal Constitution.)

A losing candidate who requests and receives a recount may withdraw from the recount at any time while the recount shows him to be the loser. If during the recount, the losing candidate shall overtake and pass the winning candidate, the losing candidate shall not be permitted to withdraw and the recount shall be completed.

After the recount, the Secretary of State shall reseal the packages of ballots and the check lists, and shall note the fact and date of the recount on

them. If there is an appeal to determine the validity of the disputed ballots, the Secretary of State shall keep them until needed by the Governor and Council. (§1152)

## Appeal to Governor and Council

On the written application of a candidate as provided in section 1152, the Governor and Council shall hold a hearing on the appeal.

On receipt of the application, the Secretary of State shall send written notice of the appeal to the candidates for the office in question, stating the time and place of the hearing on the appeal.

The hearing on the appeal must be held as soon as reasonably possible at such a time and place as to afford the candidates a reasonable opportunity to be present.

At the hearing, the Governor and Council shall examine the disputed ballots, hear the arguments of each candidate or his counsel and determine who was elected. In making this determination, they may accept as facts any relevant conclusions agreed upon by the nominees. (§1153)

## TABULATION OF ELECTION RETURNS

Within 20 days after an election, the Secretary of State shall tabulate the election returns and submit the tabulation to the Governor and Council.

The Secretary of State shall tabulate all votes which appear by an election return to have been cast for a candidate, even though his name is misspelled, written with his initials, with wrong initials, or otherwise, on the return.

If it appears that an election return does not agree with the record of the vote at any voting place, he shall correct the tabulation by obtaining a certified copy of the record from the clerk.

The Secretary of State shall have copies of the tabulation printed and made available to the public. (§1092)

The Secretary of State shall notify each nominee of his nomination forthwith by mail. (§450)

Within 7 days after receiving notice of his nomination, a write-in candidate must file a written acceptance with the Secretary of State. If he fails to do so, he becomes disqualified and his name must not be printed on the general election ballot. (§451)

Within a reasonable time after an election, the Governor shall issue an election certificate or a notice of apparent election to each person elected to office according to the tabulation or on appeal according to the determination of the Governor and Council. (§1095)

### NUMBER OF SIGNATURES REQUIRED AND PERMITTED ON PRIMARY NOMINATION PETITIONS

The following schedule, figured from the 1970 gubernatorial tabulation, is intended to show accurately the number of signatures required and permitted on primary nomination petitions for the offices shown.

	Minimum	Maximum
State at large .....	3254	6508
<b>First Congressional District</b>		
Counties: Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, York .....	1708	3415
<b>Second Congressional District</b>		
Counties: Androscoggin, Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset, Washington .....	1546	3093
<b>COUNTY OFFICERS</b>		
Androscoggin .....	312	623
County Commissioner		
District No. 2 .....	312	623
Aroostook .....	229	458
County Commissioner		
District No. 3 .....	63	126
Cumberland .....	641	1282
Franklin .....	71	143

	Minimum	Maximum
Hancock .....	129	258
County Commissioner		
District No. 1 .....	129	258
Kennebec .....	328	657
Knox .....	94	187
Lincoln .....	80	160
Oxford .....	159	317
County Commissioner		
District No. 1 .....	51	103
Penobscot .....	363	727
Piscataquis .....	59	118
County Commissioner		
District No. 3 .....	59	118
Sagadahoc .....	80	160
County Commissioner		
District No. 1 .....	24	48
Somerset .....	125	251
County Commissioner		
District No. 2 .....	43	86
Waldo .....	76	153
County Commissioner		
District No. 2 .....	25	50
Washington .....	99	198
York .....	408	816
County Commissioner		
District No. 3 .....	408	816

### DISTRICT ATTORNEYS

<b>Prosecutorial District No. 1</b>		
(County of York) .....	408	816
<b>Prosecutorial District No. 2</b>		
(County of Cumberland) .....	641	1282
<b>Prosecutorial District No. 3</b>		
(Counties of Oxford, Franklin, and Androscoggin) .....	542	1083
<b>Prosecutorial District No. 4</b>		
(Counties of Kennebec and Somerset) .....	454	907
<b>Prosecutorial District No. 5</b>		
(Counties of Penobscot and Piscataquis) .....	422	845
<b>Prosecutorial District No. 6</b>		
(Counties of Sagadahoc, Lincoln, Knox and Waldo) .....	330	660
<b>Prosecutorial District No. 7</b>		
(Counties of Hancock and Washington) .....	228	456
<b>Prosecutorial District No. 8</b>		
(County of Aroostook) .....	229	458
<b>Androscoggin County Commissioner District No. 2</b>		
Auburn (Elected at large-candidate must reside in the above municipality.) .....	312	623

	Minimum	Maximum
<b>Aroostook County Commissioner District No. 3</b>		
Fort Kent, Frenchville, Grand Isle, Limestone, Madawaska, New Sweden, Saint Agatha, Stockholm, Van Buren, Woodland, Caswell Pl., (Connor), Cyr Pl. and Hamlin Pl. (Candidate must reside in one of the above municipalities. Only the municipalities listed above will vote for county commissioner.) .....	63	126
<b>Hancock County Commissioner District No. 1</b>		
Amherst, Aurora, Blue Hill, Eastbrook, Ellsworth, Franklin, Gouldsboro, Mariaville, Otis, Sorrento, Sullivan, Surry, Waltham, Winter Harbor, Great Pond Pl. and Osborn Pl. (Elected at large-candidate must reside in one of the above municipalities.) .....	129	258
<b>Oxford County Commissioner District No. 1</b>		
Andover, Bethel, Brownfield, Denmark, Fryeburg, Gilead, Hanover, Hiram, Lovell, Newry, Norway, Porter, Stoneham, Stow, Sweden, Upton and Waterford. (Candidate must reside in one of the above municipalities. Only the municipalities listed above will vote for county commissioner.) .....	51	103
<b>Piscataquis County Commissioner District No. 3</b>		
Atkinson, Bowerbank, Brownville, Medford, Milo, Sebec, Barnard Pl. and Lake View Pl. (Elected at large-candidate must reside in one of the above municipalities.) .....	59	118
<b>Sagadahoc County Commissioner District No. 1</b>		
Arrowsic, Bowdoin, Bowdoinham, Georgetown and Topsam. (Candidate must reside in one of the above municipalities. Only the municipalities listed above will vote for county commissioner.) .....	24	48

	Minimum	Maximum
<b>Somerset County Commissioner District No. 2</b>		
Fairfield, Madison, Mercer, Norridgewock, Smithfield, Solon and Starks. (Candidate must reside in one of the above municipalities. Only the municipalities listed above will vote for county commissioner.) .....	43	86
<b>Waldo County Commissioner District No. 2</b>		
Frankfort, Jackson, Monroe, Prospect, Searsport, Stockton Springs, Swanville, Waldo and Winterport. (Candidate must reside in one of the above municipalities. Only the municipalities listed above will vote for county commissioner.) .....	25	50
<b>York County Commissioner District No. 3</b>		
Alfred, Dayton, Lyman, Old Orchard Beach, Saco, Sanford and Shapleigh. (Elected at large-candidate must reside in one of the above municipalities.) .....	408	816