

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1526

H. P. 1060

House of Representatives, April 18, 1963

Reported by Mr. Choate from Committee on Municipal Affairs and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Elections in the City of Biddeford.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. & S. L., 1933, c. 71, § 1, amended. The first and 2nd sentences of section 1 of chapter 71 of the private and special laws of 1933, as repealed and replaced by section 1 of chapter 83 of the private and special laws of 1941, are amended to read as follows:

'Any and all candidates for nomination by any and all political parties, ~~or under section 32 of chapter 7 of the revised statutes which desire to nominate candidates for the Biddeford municipal election by caucus meetings of the voters enrolled as qualified to vote in such caucus as hereinafter provided,~~ for elective office in the City of Biddeford, for any of the following offices: Mayor, councilman, member of the school board, police commissioner, warden or ward clerk, shall present to the city clerk at least 2 weeks before the date of the caucus a caucus petition requesting their names to be so placed on the caucus ballot ~~and only such petitions and nominations as heretofore referred to shall be placed on the final ballot.~~ The city clerk is hereby prohibited from receiving said caucus petitions ~~or nominations~~ within 2 weeks from the date of the caucus ~~and of the placing on the final ballot any candidate for either of the above offices,~~ and said city clerk is further prohibited from allowing any substitution of candidates on any caucus petition ~~or nomination paper~~ unless said substitution is agreed to in writing by all the signers of said caucus petition ~~or nomination paper.~~'

Sec. 2. P. & S. L., 1933, c. 71, § 1, amended. Section 1 of chapter 71 of the private and special laws of 1933, as repealed and replaced by section 1 of chapter 83 of the private and special laws of 1941, is amended by adding at the end the following new sentences:

'Nothing contained herein shall be construed to invalidate or otherwise limit the rights and privileges granted to the inhabitants of the City of Biddeford by the Revised Statutes of 1954, chapter 90-A, section 60-A. Such caucus petitions may contain as many separate papers as necessary. It must contain the name of only one candidate, his place of residence, the office sought, the name of his party, the electoral division for which the nomination is proposed, and the date of the caucus. The candidates seeking the nomination must file with the caucus petition a written consent stating that he will accept the nomination. Such consent may be made a part of the caucus petition. A signer of a caucus 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 so certifies a caucus petition must do so by making oath to the above statements on the petition or on a certificate attached to it and such certification shall be filed with the caucus petition. A voter may sign only as many caucus petitions for each office as there are vacancies to be filled. In the event that a voter signs more caucus petitions than he is entitled to his name shall not be counted by the city clerk as a valid petitioner for any caucus candidate. Any person who files a caucus petition with the city clerk requesting that his name be placed on the caucus ballot may not avail himself of the rights and privileges granted to him by the Revised Statutes of 1954, chapter 90-A, section 60-A, in the same election year.'

Sec. 3. P. & S. L., 1933, c. 71, § 2, amended. The first 2 paragraphs of section 2 of chapter 71 of the private and special laws of 1933, as repealed and replaced by section 2 of chapter 83 of the private and special laws of 1941, are amended to read as follows:

'Caucuses and meetings of any and all political parties as hereinbefore specified in the City of Biddeford held for the purpose of nominating candidates for whose election the charter of said city provides, and whose name shall be placed on the final ballot, shall be governed as specified in section 1 and the paragraph immediately following shall relate to any and all political parties and any and all nominations provided for by section 32 of chapter 7 of the revised statutes.

Only those voters enrolled as qualified to vote in such caucuses as hereinafter provided, shall participate therein; all nominations by ~~petition or as provided for under section 32 of chapter 7 of the revised statutes~~ caucus shall be voted upon at the next municipal election, and the caucus for such candidates by ~~caucus petition or by said nomination papers~~ shall be held in the several wards of the city on the ~~2nd~~ last Monday of ~~December~~ November, in each year, on which day the polls will be opened at 3 1 o'clock in the afternoon and continue open to 8 o'clock in the evening, when they shall close. A caucus election is demed to be a separate election for each party which takes part in it. Such caucus elections shall be called by the municipal officers in the same manner as the Biddeford municipal election is called. The duties and procedures relating to the proper conduct of such caucuses shall be the same as prescribed for general election by the Revised Statutes of 1954, chapter 3-A, where applicable, and if not inconsistent with this chapter.'

Sec. 4. P. & S. L., 1933, c. 71, § 2, amended. The 4th paragraph of section

2 of chapter 71 of the private and special laws of 1933, as repealed and replaced by section 2 of chapter 118 of the private and special laws of 1933, is amended to read as follows:

'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. **The city clerk shall cause the names of all such persons to be arranged alphabetically by surname on such caucus ballots.** 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.'

Sec. 5. P. & S. L., 1933, c. 71, § 2, amended. The 10th, 11th, 12th and 13th sentences of the 5th paragraph of section 2 of chapter 71 of the private and special laws of 1933, as enacted by section 1 of chapter 107 of the private and special laws of 1961, are amended to read as follows:

~~The~~ **In addition, the** warden shall further appoint persons to assist him in receiving, sorting and counting the ballots. Persons so appointed shall be deemed election clerks for that purpose. The appointment of these election clerks shall be made upon the recommendation of each of the mayoralty candidates or their respective committees. The warden shall appoint an equal number of recommendations from each of the candidates or their respective committees, **but in any case each and every mayoralty candidate shall be entitled to at least 2 such election clerks,** and such appointed election clerks shall be sworn to the faithful performance of their duties by an officer duly empowered to administer the oath.'

Sec. 6. P. & S. L., 1933, c. 71, § 2-B, additional. Chapter 71 of the private and special laws of 1933, as amended, is further amended by adding a new section 2-B, to read as follows:

'Sec. 2-B. Nomination by petition. Any inhabitant of the City of Biddeford who exercises the rights and privileges granted to him by the Revised Statutes of 1954, chapter 90-A, section 60-A, may, at his option, first submit his nomination petition to the chairman of the board of registration for certification by such chairman that the signers thereon are legally qualified voters of the City of Biddeford and of the electoral division for which the nomination is proposed, and thereafter file his certified petition with the city clerk as required by said section 60-A, or, he may submit his nomination petition directly to the city clerk who shall forthwith certify that the signers thereon are legally qualified voters of the City of Biddeford and of the electoral division for which the nomination is proposed. If such person first submits his nomination petition to the chairman of the board of registration for certification, it shall not be necessary for the city clerk to check the legal validity of the signers thereon, but the city clerk shall comply with the certification of the chairman of the board of registration and place the name of the person in whose behalf the nomination petition is submitted upon the municipal election ballot. In the absence of the chairman of the board of registration for any reason, or upon his refusal to certify the

signers on any nomination petition presented to him, any other member of said board may thereupon perform the duties of the chairman as required by this section. Such nomination petition shall contain a number of certified signers equal to or greater than the number required for each office on caucus petitions as specified in section 1. If more than one person for the same office shall file with the city clerk a nomination petition bearing the same political designation, the city clerk shall place on the municipal election ballot the name of the person who first filed such nomination petition. The signing of a caucus petition under section 1 does not prohibit a voter from signing a nomination petition. No person shall file in the same election year nomination petitions requesting that his name be placed on the election ballot under different political designations, and the city clerk is expressly prohibited from receiving such nomination petitions.'

Sec. 7. P. & S. L., 1933, c. 71, § 2-C, additional. Chapter 71 of the private and special laws of 1933, as amended, is further amended by adding a new section 2-C, to read as follows:

'Sec. 2-C. Absentee voting. Absentee ballots may be cast at any caucus of any political party called under this chapter. The Revised Statutes of 1954, chapter 3-A, relating to absentee voting shall apply, where applicable, to voting by absentee ballot in any such caucus.'

Sec. 8. P. & S. L., 1933, c. 71, § 4, amended. The 2nd sentence of section 4 of chapter 71 of the private and special laws of 1933 is amended to read as follows:

'And such door shall be shut while the voter is within the compartment, and no one shall be allowed therein with him, unless he calls for assistance in marking his ballot, and such assistance shall be so furnished according to the provisions of ~~chapter 8 of the Revised Statutes of 1930~~ 1954, chapter 3-A, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within 6 feet of the ballot boxes and of such voting shelves and compartments.'

Sec. 9. P. & S. L., 1933, c. 71, § 5, amended. The first paragraph of section 5 of chapter 71 of the private and special laws of 1933, as last amended by section 2 of chapter 89 of the private and special laws of 1935, is further amended to read as follows:

'Any political party in the City of Biddeford shall at the caucus called to nominate candidates for municipal officers elect its city committee. The city committees so elected shall hold office for a term of 2 years from the date of the election. The said city committees shall consist of 11 members; one from each ward who shall be resident therein, and 4 members at large, who shall be resident in the city. Any vacancies occurring in the committees shall be filled by the committee, but if the committeeman to be elected is a ward representative, he shall be a resident of that particular ward. **Nominations for members of such committees to be elected at any such caucus shall be made by filing with the city clerk at least 2 weeks before the date of such caucus a petition requesting the name of any such candidate to be placed on the city committee ballot. Such petition shall contain the name of the candidate, his place of residence, the name**

of the particular committee seat sought, the name of his party, and the date of the caucus, and shall be signed by such candidate.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the City of Biddeford at a special election to be called and held for the purpose not later than December 1, 1963. Without fail, such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in said City of Biddeford shall not be required to prepare for posting, nor the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next prior to such special election, the first and 2nd days thereof to be devoted to the registration of voters and the 3rd days to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question:

"Shall the provisions of an act entitled 'An Act Relating to Elections in the City of Biddeford' be ratified, as passed by the 101st Legislature?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on such question.

This act shall become effective upon the declaration of the municipal officers of the City of Biddeford, only if the majority of the votes cast by the legal voters of said city is in favor of the acceptance of such question and provided further that the total number of votes cast for and against the acceptance of such question equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The results of such election shall be declared by the municipal officers of the City of Biddeford and due certificate filed by the city clerk with the Secretary of State.