

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 54

H. P. 30

Office of the Clerk of the House

Filed December 11, 1970 under Joint Rule 6 by Mr. Jalbert of Lewiston. To be printed and delivered to the House of Representatives of the 105th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Change the Primary Election Date to the First Tuesday After
Labor Day.**

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

Sec. 1. R. S., T. 21, § 445, sub-§ 9, amended. Subsection 9 of section 445 of Title 21 of the Revised Statutes is amended to read as follows:

9. When filed. It must be filed with the Secretary of State on or before ~~April~~ **July** 1st of the election year in which it is to be used.

Sec. 2. R. S., T. 21, § 448, amended. Section 448 of Title 21 of the Revised Statutes is amended to read as follows:

§ 448. Time of election

The primary election shall be held on the ~~3rd Monday of June~~ **first Tuesday after Labor Day** of each general election year.

Sec. 3. R. S., T. 21, § 492, sub-§ 10, amended. Subsection 10 of section 492 of Title 21 of the Revised Statutes is amended to read as follows:

10. When filed. It must be filed with the Secretary of State on or before ~~August 15th~~ **September 25th** of the election year in which it is to be used.

Sec. 4. R. S., T. 21, § 1151, amended. The first sentence of section 1151 of Title 21 of the Revised Statutes, as amended by section 8 of chapter 35 of the public laws of 1969, is further amended to read as follows:

On the written application of a candidate in any **general** election within 7 days after election day, the clerk shall permit him or his counsel to inspect the ballots and checklists under proper protective regulations.

Sec. 5. R. S., T. 21, § 1152, amended. The first paragraph of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

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, **except that in a primary election, the losing candidate shall request such recount not later than 6 days after election day**, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:

Sec. 6. R. S., T. 21, § 1152, sub-§ 3, amended. Subsection 3 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

3. Ballots and checklists recalled. On receipt of the application, **or at his own discretion**, the Secretary of State shall recall all the ballots and checklists 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.

Sec. 7. R. S., T. 21, § 1152, sub-§ 11, additional. Section 1152 of Title 21 of the Revised Statutes as amended by section 2 of chapter 204 of the public laws of 1969, is further amended by adding a new subsection 11, to read as follows:

11. If recount not resolved in primary election. If the results of a recount, in a primary election, cannot be resolved within 21 days after primary election day, the state committee of the political party involved shall meet within 24 hours to name the winning candidate whose name shall be promptly submitted to the Secretary of State.

STATEMENT OF FACT

The purpose of this bill is to change the primary election date from the 3rd Monday of June to the 2nd Tuesday after Labor Day.