

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 7

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to provide for the Choosing of Candidates for Public
Office by direct nominating elections.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. On the third Monday of June of each year, in
2 which a state election is held biennially on the second Monday
3 of September, a direct nomination election shall be held in ac-
4 cordance with this act in all the cities, towns and plantations
5 of the State for the purpose of choosing candidates by the
6 political parties which, at the gubernatorial election next pre-
7 ceding, polled at least one per cent of the entire vote cast in
8 the state for Governor, and all ballots cast at such state elec-
9 tions shall when printed and distributed as provided in
10 chapter six of the Revised Statutes contain, so far as the nom-
11 inations of the aforesaid political parties are concerned, the
12 candidates so to be chosen hereunder and section three of said
13 chapter six shall not be applicable to nominations by such

14 political parties of candidates to be voted for at such state
15 elections. The day of said direct nominating elections is styled
16 hereafter in this act, "Nomination Day."

Sect. 2. Not less than sixty nor more than ninety days
2 before said Nomination Day, the political parties aforesaid
3 shall each hold a state convention with such basis of repre-
4 sentation and at such time and place and with such perquisites
5 as to call thereof and notice therefor as the state committee
6 of each such political party may determine. All state conven-
7 tions first held under this act shall be so called and held by
8 the appropriate state committee in office at the approval
9 hereof. At any such state convention the political party so
10 represented, shall formulate and adopt its declaration of prin-
11 ciples, or platform, for the state election then next ensuing,
12 elect a state committee, a district committee for each congres-
13 sional district and a county committee for each county, sever-
14 ally of such number and to be elected in such manner as the
15 convention may determine. The chairman and secretary shall
16 thereupon forthwith certify to the Secretary of State the plat-
17 form so adopted and the names of the members of the com-
18 mittees so elected. Such committee shall thereafterwards as
19 soon as reasonably practicable organize by the choice of a
20 chairman and a secretary and certify such organization to the
21 secretary of State. They may elect all other officers deemed
22 needful, hold office until their next state convention hereun-
23 der, and perform such duties as may be imposed upon them
24 by their respective state conventions. All vacancies for unex-
25 pired terms shall be filled by the county committee of the
26 county wherein such vacancy occurs and due certificate
27 thereof made to the Secretary of State. All such state conven-
28 tions may transact such other business as shall not be incon-
29 sistent with the provisions of this act. All congressional dis-
30 trict and county committees in office at the approval hereof
31 shall so continue in office until their successors are elected
32 hereunder.

Sect. 3. All the city, ward, town, plantation and representative class committees of the political parties aforesaid in office at the approval of this act shall be recognized as the lawful and regular committees of such political parties for such cities, wards, towns, plantations and representative classes. They shall continue to hold office until their successors are elected. Their successors shall be elected in such manner, and with such tenure of office and duties, as the appropriate political party within such city, ward, town, plantation or representative class may from time to time determine. Each such committee shall fill all vacancies in its membership.

Sect. 4. All committees created or elected under sections two and three aforesaid shall be deemed to be regularly elected general or executive committees within the meaning of section eight of chapter six of the revised statutes and section forty-one of this act.

Sect. 5. All ballots cast at said direct nominating elections shall be printed and distributed at public expense as herein after provided. The printing of the ballots and cards of instructions to voters, and the delivery of them to the several cities, towns and plantations, shall be paid for by the state. The distributing of the ballots to the voters shall be paid for by the cities, towns and plantations respectively.

Sect. 6. Nominations for places on such ballots shall be made for each of the political parties entitled as aforesaid to representation thereon by nomination papers signed in the aggregate for each candidate of each political party by qualified voters within the electoral division or district wherein such candidate is to be voted for in number not less than eight per cent of the vote cast for governor by such political party at the last preceding state election in the state at large if the office for which such candidate is to be voted for is to be filled by the voters of the state at large, otherwise not less than eight per cent of such gubernatorial vote so cast by such polit-

12 ical party within the electoral district or division of the state
13 wherein such candidate, if chosen as hereinafter provided at
14 the district nomination election hereunder, is to be voted for.
15 Each voter signing a nomination paper shall make his signa-
16 ture in person, and add to it his place of residence, and each
17 voter may subscribe his name to one nomination for a candi-
18 date for each office to be filled and no more. The nomination
19 papers shall, before being filed with the Secretary of State, be
20 respectively submitted to the clerks of the cities, towns or
21 plantations in which the signers purport to be qualified voters
22 and each clerk shall forthwith certify thereon what number of
23 the signatures are names of qualified voters both in the city,
24 town or plantation for which he is clerk and the district or di-
25 vision for which the nomination is proposed. One of the sign-
26 ers to each such separate paper shall swear to the truth
27 thereof and the certificate of such oath shall be annexed to or
28 made upon the nomination papers. There shall not be in any
29 nomination paper the name of more than one candidate pro-
30 posed for nomination.

Sect. 7. All such nomination papers shall besides contain-
2 ing the names of proposed candidates specify as to each, first,
3 the name of the office for which he is proposed as a candidate;
4 second, the political party which he represents; third, his
5 place of residence.

Sect. 8. No such nomination papers shall be signed before-
2 the first day of January of the year in which such direct nomi-
3 nating election to be held and all such nomination papers shall
4 be filed with the Secretary of State on or before the first
5 Monday of May of said year. With such nomination papers
6 there shall also be filed the consent in writing of the persons
7 so proposed thereby as candidates, agreeing to accept the
8 nomination, if nominated at the direct nominating election,
9 not to withdraw, and, if elected at the state election, to qualify
10 as such officer.

Sect. 9. Such nomination papers, so filed and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.

Sect. 10. In case any person who has been duly proposed as a candidate under the provisions hereof shall die before the day of the direct nominating election, or shall withdraw in writing, the vacancy may be supplied in the manner herein provided for such original nomination; or, if the time is insufficient therefor then the vacancy may be supplied by the appropriate committee of the state, district, county, city, town, plantation or representative class by which such office is to be elected. The certificates of nomination made for supplying such vacancy shall state, in addition to the other provisions required by this act, the name of the original candidate proposed, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the chairman or secretary of the duly authorized committee, if the vacancy is filed by committee. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the secretary of state, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Sect. 11. All nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection and the secretary of state shall preserve the same in his office not less than one year.

Sect. 12. Every ballot, which shall be printed in accordance with the provisions of this act, shall contain the names and residences of all candidates whose nominations have been duly proposed hereunder for any office specified in the ballot, and not withdrawn in accordance herewith, and the office for which they have been severally proposed through the nomination papers filed as aforesaid, and shall contain no other names. The names of candidates proposed for nomination from any political party shall be grouped together upon the ballot. Above each group shall be placed the name of the political party from which the candidates composing such group were proposed for nomination. No square shall be printed above such party name. Such groups shall be printed in parallel columns. The name of each person for whom as a candidate for nomination a valid nomination paper has been filed shall be printed on the ballot in but one place. The names of the candidates for nomination to each office shall be arranged under the designation of the office, in alphabetical order, according to surnames; there shall be left at the end of the list of candidates for nomination to each different office a blank space or blank spaces in which the voter may write the name or names of any person or persons not printed on the ballot for whom he desires to vote as a nominee or nominees for such office, the number of blank spaces so left to be equal to the number of nominees to be selected for such office. The ballot shall be printed so as to give each voter a clear opportunity to designate his choice for candidates for nomination by making a cross (X) to the right of the name of each candidate he wishes to vote for as a nominee to each office; and on the ballot shall be printed such words as will aid the voter to do this, "vote for one," "vote for three," and the like. At the top of the ballot there shall be printed in capital letters, "Vote only in one column. Make a cross (X) to the right of candidates selected. Follow directions as to number of candidates to be marked for each office. Add names by writing or pasting

36 stickers in blank spaces and mark cross to right of such
37 names." The ballot shall be of sufficient length and width to
38 permit this to be properly done. Before distribution the ballots
39 shall be so folded in marked creases that their width and
40 length when folded shall be uniform. On the back and outside
41 when folded, shall be printed "Official Ballot for" followed by
42 the designation of the polling place for which the ballot is
43 prepared, the date of the direct nominating election and a fac-
44 simile of the signature of the secretary of state who has
45 caused the ballot to be printed. Except as otherwise herein
46 provided, such ballots shall be printed on clean, white paper
47 without any distinguishing marks or figures thereon.

Sect. 13. All such ballots when printed shall be folded as
2 hereinbefore provided and fastened together in convenient
3 numbers in packages, books or blocks in such manner that
4 each ballot may be detached and removed separately. A
5 record of the number of ballots, printed and furnished to each
6 polling place, shall be kept and preserved by the secretary of
7 state for one year.

Sect. 14. There shall be provided for each voting place, at
2 which such direct nominating election is to be held, two sets
3 of such ballots, each of not less than sixty for every fifty and
4 fraction of fifty votes cast in said voting place at the next
5 preceding gubernatorial election.

Sect. 15. The secretary of state shall prepare full instruc-
2 tions for the guidance of voters at the elections hereunder, as
3 to obtaining ballots, as to the manner of marking them, and
4 the method of gaining assistance, and as to obtaining ballots
5 in place of those accidentally spoiled, and shall cause the same
6 together with copies of sections twenty-nine, thirty and thirty-
7 one of chapter six of the revised statutes and section twenty-
8 three of this act to be printed in large, clear type on separate
9 cards, to be called cards of instruction; and he shall furnish
10 the same and the ballots for use at such elections hereunder.
11 He shall also cause to be printed on tinted paper, and without

12 the facsimile endorsement, ten or more copies of the form of
13 the ballot provided for each voting place at each election here-
14 under therein, which shall be called specimen ballots and shall
15 be furnished with the other ballots provided for each such
16 voting place.

Sect. 16. The secretary of state shall seven days at least,
2 previous to the day of any such direct nominating election,
3 transmit to the clerks in each city, town and plantation printed
4 lists containing the names, residences and party or political
5 appellations of all candidates proposed for nomination as
6 herein provided for such election and to be voted for at each
7 polling place in each such city, town and plantation respect-
8 ively substantially in the form of the ballot to be used therein ;
9 and the clerks shall immediately cause the lists fore ach panta-
10 tion, town or ward, as the case may be, to be conspicuously
11 posted in one or more public places in such plantation, town
12 or ward. The secretary of state shall likewise cause to be
13 published prior to the day of any such election hereunder, in
14 at least two newspapers, if there be so many, printed in each
15 county, representing, so far as practicable, the political
16 parties, which, at the preceding gubernatorial election, cast the
17 largest and next largest number of votes, a list of all the nom-
18 inations proposed, as herein provided and to be voted for
19 hereunder in such county, so far as may be in the form in
20 which they shall appear upon the general ballots. New
21 nominations proposed as hereinbefore provided, to fill vacan-
22 cies, shall be transmitted, posted and published promptly, and
23 so far as practicable in the manner herein directed, and com-
24 munications transmitted as herein directed by the secretary
25 of state to any clerk shall be duplicated on the succeeding day.

Sect. 17. Sections sixteen, seventeen, eighteen, nineteen,
2 twenty, twenty-one, twenty-two and twenty-three of chapter
3 six of the Revised Statutes shall, so far as necessary thereto,
4 apply to all direct nominating elections hereunder.

Sect. 18. On receipt of his ballot the voter shall forthwith, 2 and without leaving the enclosed space, retire alone to the 3 voting shelves or compartments so provided and shall prepare 4 his ballot by marking in each appropriate place a cross (X) 5 as follows: he shall place such mark to the right of and oppo- 6 site the names of the individual candidates of his choice for 7 each office to be filled, following the directions on said ballot 8 as to the number of candidates to be voted for in each case, 9 but he shall not so mark names in more than one column or 10 group. And if the voter shall desire to vote for any person or 11 persons, whose name or names are not printed as candidates 12 thereon, he may fill in the name or names of the candidates of 13 his choice in the blank spaces left therefor by writing therein 14 or by pasting a sticker therein, containing such name or 15 names, and the voter shall also make the mark aforesaid to 16 the right of and opposite names so filled in. Before leaving 17 the voting shelf or compartment, the voter shall fold his ballot 18 without displaying the marks thereon, in the same way it was 19 folded when received by him and he shall keep the same so 20 folded until he has voted. He shall vote in the manner pro- 21 vided by law before leaving the enclosed space and shall de- 22 posit his ballot in the box with the official indorsement upper- 23 most. He shall mark and deposit his ballot without undue 24 delay and shall quit said enclosed place as soon as he has 25 voted. No such voter shall be allowed to occupy a voting 26 shelf or compartment already occupied by another, or to re- 27 main within said enclosed space more than ten minutes, or to 28 occupy a voting shelf or compartment more than five minutes 29 in case all such shelves or compartments are in use and other 30 voters are waiting to occupy the same. No voter not an elec- 31 tion officer or an election clerk, whose name has been checked 32 on the list of the ballot clerks, shall be allowed to re-enter said 33 enclosed space during said election. The presiding election 34 officer or officers, for the time being, shall secure the observ- 35 ance of the provisions of this section.

Sect. 19. Sections twenty-five and twenty-six of chapter six of the Revised Statutes are made applicable to elections held under this act.

Sect. 20. If a voter marks more names for any one office than there are persons to be nominated for such office or if for any reason it is impossible to determine the voter's choice of nominees for an office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot box and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked defective on the back thereof, and shall be preserved, as required by section twenty-five of chapter six of the Revised Statutes.

Sect. 21. Meetings for the elections to be held hereunder may be opened as early as six o'clock in the forenoon, and in no case shall the polls be kept open later than five o'clock in the afternoon and a notice of the time of opening and closing shall be given in the warrants calling such meetings.

Sect. 22. Sections twenty-nine, thirty, thirty-one and thirty-three of chapter six of the Revised Statutes are made applicable to the elections to be held under this act.

Sect. 23. Any public officer upon whom a duty is imposed by sections one to twenty-one, both inclusive, of this act, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder any object of such sections, shall be punished by a fine of not less than five nor more than one thousand dollars or by imprisonment not exceeding sixty days for each offense, and thereafter shall be disqualified from holding the office of election or ballot clerk.

Sect. 24. The selectmen of every town, by their warrant, shall cause the inhabitants thereof, qualified to vote for governor according to the constitution, to be notified and warned seven days at least before the third Monday of June, bienni-

5 ally, beginning in the year one thousand nine hundred and
6 eight, to meet at some suitable place designated in said war-
7 rant to give in their votes hereunder for nominees of their re-
8 spective political parties for all offices to be voted for within
9 said town at the state election then next to be had upon the
10 second Monday of September, next following; and such meet-
11 ing shall be warned like other town meetings.

Sect. 25. Sections thirty-five, thirty-six, thirty-seven,
2 thirty-eight, thirty-nine, and forty-four of chapter six of the
3 Revised Statutes are made applicable to all elections held
4 hereunder.

Sect. 26. The officers presiding at any election hereunder
2 shall use the check list herein required and use but one ballot
3 box to be furnished at the expense of the town; and no votes
4 shall be received unless delivered by the voter in person after
5 he has audibly announced his name to the presiding officers,
6 unless physically unable to do so, and they have had oppor-
7 tunity to be satisfied of his identity, and find his name on the
8 list and mark it and ascertain that his vote is single.

Sect. 27. Clerks of towns shall preserve the check lists used
2 at the direct nominating elections held hereunder, for one
3 year without alteration and shall furnish to any person a cer-
4 tified copy thereof within twenty days after demand and pay-
5 ment or tender of legal charges thereof, under the penalty
6 provided in section seventy-eight of chapter six of the Re-
7 vised Statutes.

Sect. 28. No ballot shall be received at any election held
2 hereunder with any distinguishing mark or figures thereon,
3 except as authorized by this act, but no vote shall be rejected
4 on this account after it has been received into the ballot box.

Sect. 29. The ballots shall be sorted and the result declared
2 and recorded in open town meeting. Such record shall be sep-
3 arately made for the political parties respectively having pro-
4 posed nominees upon the ballot and shall give the number of

5 votes lawfully cast for each of the nominees thereon, following as near as practicable the order of the political parties, 6 offices and nominees thereon so as to give the detailed result 7 of such voting. Returns thereof shall be attested by the selectmen and the town clerk in like manner as at the biennial 8 election for Governor.

Sect. 30. The clerk of each town shall cause to be delivered, 2 at the office of the Secretary of State the return aforesaid 3 within seven days next succeeding the day of such direct 4 nominating election, or shall deposit it, post paid, in some post 5 office, directed to the Secretary of State, within said seven 6 days, to be transmitted by mail; and shall also forward to 7 such office, as soon as practicable, a statement attested by him 8 of the detailed result of such balloting in his town, which shall 9 be opened and filed by the said Secretary and kept for public 10 information.

Sect. 31. If any such return is not received by the Secretary of State within seven days next after such meeting, he 2 shall forthwith notify the County Attorney of the county, in 3 which such town is situated, who shall give immediate notice 4 to the clerk of such town, and unless he receives satisfactory 5 evidence that said clerk has complied with the requirements 6 of the preceding section, he shall prosecute for the penalty 7 hereinafter provided.

Sect. 32. Sections fifty-six, fifty-seven and fifty-eight of 2 chapter six of the Revised Statutes shall apply to returns 3 made hereunder.

Sect. 33. For the purposes of any such direct nominating 2 election to be held hereunder the inhabitants of cities shall 3 meet in ward meetings, to be notified and warned as town 4 meetings for similar purposes. The warden shall preside, receive 5 the votes of all qualified voters present, and as herein 6 required in case of town meetings, sort, count and declare the 7 results in open ward meeting, and in the presence of the ward 8 clerk, who shall form a list of the proposed nominees voted

9 for, with the number of votes for each person voted for, fol-
10 lowing as near as practicable the order of the political parties,
11 offices and nominees on the ballots, shall make a fair record
12 thereof in the presence of the warden, and in open ward meet-
13 ing; and a fair copy of this list shall be attested by the warden
14 and the ward clerk, sealed up in open ward meeting, and de-
15 livered to the city clerk within twenty-four hours after the
16 closing of the polls. And the aldermen of any city shall be in
17 session within twenty-four hours after the close of the polls
18 in such meetings, and in the presence of the city clerk shall
19 open, examine and compare the copies from the lists of votes
20 given in the several wards, of which the city clerk shall make
21 a record, and return thereof shall be made into the office of
22 the Secretary of State in the same manner as selectmen of
23 towns are required to do hereunder.

Sect. 34. Sections sixty-two, sixty-three and sixty-four of
2 chapter six of the Revised Statutes are made applicable to
3 elections under this act, but said section sixty-three, so far as
4 it applies to this act, is amended in the last sentence thereof
5 by changing the words, "section sixty-one", to the words,
6 'section thirty-three hereof.'

Sect. 35. The assessors of each plantation shall on or be-
2 fore the eleventh day of May in each year when an election is
3 to be held under this act prepare a list of such inhabitants
4 within its limits as they judge to be legally qualified to vote
5 at such election, deposit it in the office of the plantation clerk,
6 and post and correct it, as required in case of towns.

Sect. 36. Said assessors shall call a meeting of such voters
2 to be held on said Nomination Day at some convenient and
3 central place in the plantation, for the election hereunder, by a
4 warrant in due form by them signed, in which the time, place
5 and purposes of the meeting shall be set forth; and notice
6 shall be given by posting a copy thereof in one or more public
7 places in the plantation at least seven days before the meeting.

Sect. 37. Such assessors shall preside impartially at all such
2 meetings, receive the votes of all voters present, sort, count
3 and declare the results in open plantation meeting and in the
4 presence of the clerk, who shall form a list of the results, as in
5 case of towns, and make a full record thereof in the presence
6 of the assessors and in open plantation meeting. The clerk
7 shall make fair copies of the list of voters so posted as cor-
8 rected, and of the names of all voters on said list who were
9 present and voted at said election which shall be attested by
10 the assessors and the clerk in open plantation meeting, and he
11 shall cause a copy of the said lists of voters and of the record
12 of the results of said election to be transmitted to the Secre-
13 tary of State, as in case of towns.

Sect. 38. If it does not appear by the return of the lists of
2 voters so posted, and of the names of the voters on said lists
3 who were present and voted at such election, and by the re-
4 turn of its organization duly signed and made to the office of
5 the Secretary of State within the time required by law, that
6 the plantation has been duly organized and that section thirty-
7 seven hereof has been complied with, such votes shall not be
8 counted. The Secretary of State shall furnish to the clerks
9 of such plantations suitable blanks for the returns herein
10 required.

Sect. 39. The Governor and Council, by the third Monday
2 of July in each year in which an election is held hereunder,
3 shall open and compare the votes so returned hereunder, and
4 have the same tabulated, and may receive testimony on oath
5 to prove that the return from any city, town or plantation
6 does not agree with the record of the vote of such city, town,
7 or plantation in the number of votes or the names of the per-
8 sons voted for, and to prove which of them is correct; and the
9 return, when found to be erroneous, may be corrected by the
10 record. No such correction can be made without application
11 within seven days after the returns are opened and tabulated,
12 stating the error alleged, nor without reasonable notice

13 thereof given to the person affected by such correction, and
14 during said seven days any person voted for may personally,
15 and by or with counsel, examine said returns in the presence
16 of the Governor and Council, or either of them, or any mem-
17 ber of the Council. The person having the highest number of
18 votes for nomination to any office shall be deemed to have
19 been nominated by his political party for that office, provided,
20 that when a tie shall exist between two or more persons for
21 the same nomination by reason of said two or more persons
22 having an equal and the highest number of votes for nomina-
23 tion by one party to one and the same office, the Secretary of
24 State shall give notice to the several persons so having the
25 highest and equal number of votes to attend at the office of
26 the Secretary of State at a time to be appointed by said Sec-
27 retary, who shall then and there proceed publicly to decide by
28 lot which of the persons so having an equal number of votes
29 shall be declared nominated by his party with like effect as if
30 there had been no such tie. To ascertain what persons have
31 received the highest number of votes, the Governor and
32 Council shall count and declare for any person all votes ap-
33 pearing by said returns to have been intentionally cast for
34 him, although his name upon the return is misspelled or writ-
35 ten with only the initial or initials of his christian name or
36 names, or with wrong initials or otherwise as the case may
37 be; and they may hear testimony upon oath, in relation to
38 such returns, in order to get at the intention of the voters and
39 shall decide accordingly. When a return is defective by reason
40 of any informality, an attested copy of the record may be sub-
41 stituted therefor.

Sect. 40. The Secretary of State shall enter in a register of
2 nominations, to be kept by him for the purpose, the nomina-
3 tions for each party, so ascertained, and shall forthwith notify
4 by mail each person who is so nominated.

Sect. 41. In case a candidate, who has been duly nominated
2 as the result of any direct nominating election held under the

3 provisions of the act, shall die before the day of the gubernatorial
4 election, or shall withdraw in writing, the vacancy may
5 be supplied by the political party of such nominee by any con-
6 vention of delegates or appropriate caucus, under the provi-
7 sions of sections two, three and seven of chapter six of the
8 Revised Statutes or, if the time is insufficient therefor, then
9 the vacancy may be supplied by the regularly elected state,
10 congressional district, county, town, city, plantation or repre-
11 sentative class committee, as the case may be, of such political
12 party. The certificate of nomination, made for supplying such
13 vacancy, shall state, in addition to the other facts required by
14 this section, the name of the original nominee, the facts caus-
15 ing the vacancy, and the measures taken in accordance with
16 the above requirements for filling the vacancy; said certificate
17 shall be accompanied by the withdrawal, if any, and shall be
18 signed and sworn to by the presiding officer or secretary of
19 the convention or caucus, or by the chairman or secretary of
20 the duly authorized committee, as the case may be. The name
21 so supplied for the vacancy shall, if the ballots have not been
22 printed for the office already, be placed on the ballots instead
23 of the original nomination; or, if the ballots have been
24 printed, new ballots containing the new nomination shall,
25 whenever practicable, be furnished, or, slips containing the
26 new nomination shall be printed under the direction of the
27 Secretary of State, which may be pasted in proper place upon
28 the ballots and thereafter shall become part and parcel of said
29 ballots as if originally printed thereon.

30 Sect. 42. Sections seventy-five, seventy-six, seventy-eight,
31 seventy-nine, eighty and eighty-one of chapter six of the
32 Revised Statutes are hereby made applicable to all meetings
33 and elections to be held under this act.

34 Sect. 43. If selectmen of a town or assessors of a planta-
35 tion wilfully neglect to deposit a list of voters with the town
36 or plantation clerk and to post such lists, as hereinbefore
37 required, they each forfeit not less than fifty nor more than

5 one hundred dollars; and for each day's neglect after the
6 eleventh day of May and until the direct nominating election
7 next ensuing they each forfeit thirty dollars.

Sect. 44. If such selectmen or assessors neglect to keep and
2 use a check list, as provided in section twenty-six hereof, or
3 wilfully receive any vote prohibited by section twenty-eight
4 hereof, or fraudently receive the vote of any person not quali-
5 fied to be a voter, they each forfeit not less than fifty nor
6 more than one hundred dollars, and such penalties may be
7 recovered in the manner provided in section eighty-four of
8 chapter six of the Revised Statutes.

Sect. 45. Sections eighty-five, eighty-six, eighty-seven,
2 eighty-eight, eighty-nine, ninety, ninety-one, ninety-two,
3 ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven,
4 ninety-eight, ninety-nine and one hundred of chapter six of
5 the Revised Statutes shall apply to the direct nominating
6 elections to be held hereunder and to all acts and doings
7 authorized or required relative thereto by this act.

Sect. 46. Sections one, two, three, four, five, six, seven,
2 eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, six-
3 teen, eighteen, nineteen, twenty, twenty-one, twenty-two,
4 twenty-three, twenty-four, twenty-five, twenty-six, twenty-
5 seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-
6 two, and thirty-three of chapter five of the Revised Statutes
7 shall apply to direct nominating elections to be held here-
8 under.

Sect. 47. In every town where the selectmen are not
2 assessors, the assessors on or before the first day of May of
3 each year, in which a direct nominating election is to be held
4 hereunder, shall prepare a list of the persons whom they
5 judge to be lawfully qualified to vote therein at such election,
6 and deliver it to the selectmen.

Sect. 48. The selectmen of every town, on or before the
2 eleventh day of May in every such year, shall prepare a cor-
3 rected list of persons so qualified.

Sect. 49. In every town having by a census of the United
2 States, then last taken, more than three thousand inhabitants,
3 the selectmen shall be in open session to receive evidence of
4 the qualifications of persons claiming the right to vote at any
5 such direct nominating election, and for the correction of said
6 list, for a reasonable time, on not more than two days,
7 between the eleventh and eighteenth days of May in every
8 such year, giving previous notice of the time and place of
9 each session, as their town meetings are notified.

Sect. 50. On or before the twentieth day of May in every
2 such year the selectmen shall deposit in the office of the town
3 clerk an alphabetical list of voters thus prepared and revised,
4 and post a similar list in one or more public places in the
5 town.

Sect. 51. After such lists are thus prepared, deposited with
2 the clerk, and posted, the selectmen shall not add thereto, nor
3 strike therefrom, the name of any person, except in open ses-
4 sion on one of the days prescribed herein for receiving evi-
5 dence of the qualifications of voters; nor shall they strike
6 from said list the name of any person residing in the town,
7 without notice first given him that his right to vote is ques-
8 tioned, and an opportunity for a hearing on one of such days.
9 But at any regular session for receiving such evidence, the
10 selectmen shall place on the list of voters the name of every
11 person known by or proved to them to be so qualified,
12 whether he applies therefor or not. Section thirty-nine of
13 chapter five of the revised elections shall be applicable to the
14 elections to be held hereunder.

Sect. 52. In all towns, cities not included, having five hun-
2 dred or more registered voters, and in all cities having less
3 than four thousand inhabitants, the municipal officers shall

4 receive applications of persons claiming a right to vote, on
5 the three secular days next preceding the day of any direct
6 nominating election, and no application shall be received after
7 the hour of five in the afternoon on the secular day next
8 preceding the day of such election; and no names shall be
9 added to the list of voters on the day of such election, by
10 certificate or otherwise, except such as were upon the list
11 used at the last preceding election, and have been inadvert-
12 ently omitted by the selectmen; and on that day no change
13 shall be made in names except to correct clerical errors
14 therein.

Sect. 53. In every town containing less than five hundred
2 voters the municipal officers shall be in session on the day of
3 any such direct nominating election to receive and decide on
4 such applications, at some convenient place, for so long a
5 time immediately preceding the opening of the polls as they
6 think necessary, and shall hear and determine any such
7 application at any time before the polls are closed.

Sect. 54. The municipal officers shall order notice of the
2 time and place of all their sessions required or authorized in
3 the two preceding sections to be given in the warrant for
4 calling the meetings for such direct nominating elections.

Sect. 55. In construing the provisions of this act and of
2 all sections of the Revised Statutes hereby made applicable
3 to direct nominating elections they shall, as to the duties of
4 officers, forms, blanks, ballots, elections, warrants, returns
5 and all other matters, so far as may be, be understood and
6 interpreted as though said direct nominating election is a
7 separate election for each political party making its nomina-
8 tions hereunder and to be conducted as to that party as nearly
9 as practicable the same as the regular biennial state elections
10 in September are conducted for all the electors, except in so
11 far as the manner of proceeding at said September election
12 may be modified or changed by this act for the purpose of

13 said direct nominating election. The provisions of this act
14 do not modify or in any manner control the proceedings at
15 the regular biennial state elections except in so far as they
16 may be herein expressly and directly amended.

Sect. 56. Every political party entitled by law to repre-
2 sentation upon the official ballot at state elections held bien-
3 nially on the second Monday in September shall nominate all
4 its candidates for public office, to be voted for at such state
5 elections, under the provisions of this act and not in any other
6 manner.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, January 10, 1907.

Tabled pending reference to a committee by Mr. WEEKS of Fairfield,
and ordered printed.

E. M. THOMPSON, *Clerk.*