

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 17

STATE OF MAINE.

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

AN ACT to provide for Nomination of Candidates of Political
Parties by Primary Elections.

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

Section 1. All nominations of candidates for any State or
2 county office, including United States senator, member of
3 Congress and member of the State legislature, or for any
4 district office comprising more than one incorporated town;
5 also for any town or city office for which candidates are to
6 be nominated by political parties entitled by law to nominate
7 candidates for election to public office, in this State, shall
8 hereafter be made by caucuses or primary elections to be held
9 in accordance with the provisions of this act. Political
10 parties, as used in this act, are hereby declared to mean such

11 as are entitled in accordance with Revised Statutes, chapter
12 6, section 3, to nominate candidates to be voted for at the
13 biennial elections held in September. But nothing in this
14 act shall be construed as preventing the nomination of candi-
15 dates by petition as provided by chapter 6, section 4, Revised
16 Statutes, as hereinafter amended.

Sect. 2. The caucuses or primary elections of all political
2 parties entitled under this act to nominate candidates for
3 public office, shall be held simultaneously at the regular poll-
4 ing places in each town, ward or precinct, on the fourth
5 Tuesday of June preceding the biennial election in Septem-
6 ber, in the manner hereinafter described and not otherwise.

Sect. 3. Primary caucuses shall be in charge of the same
2 officials and be conducted in substantially the same manner
3 as elections are by law required to be conducted, except that
4 at each polling place each political party may have not more
5 than three clerks or challengers in attendance, with the same
6 rights and powers as at regular elections, to assist in the
7 correct enrollment and checking of voters. Such clerks or
8 challengers, may be selected by the party committee and shall
9 be divided as nearly as practicable among the supporters of
10 the principal contesting candidates, within their party.

Sect. 4. Not less than seven days before the fourth Tues-
2 day of June preceding a biennial election, the selectmen of
3 every town, by their warrant, shall notify and warn all legally
4 registered voters to attend at the regular voting places on the

5 date of the fourth Tuesday of June, for the purpose of voting
6 for persons to be nominated by their respective political
7 parties as candidates to be voted for on the second Monday
8 in September ensuing. Said notice shall be in substance as
9 follows:

10 Primary Election Notice.

11 State of Maine.

12 County ofss.

13 To the duly registered voters of the (town, precinct, ward:)

14 You are hereby notified that the regular primary caucus in
15 this precinct, of all political parties entitled by law to nomi-
16 nate candidates to be voted for at the next election will be
17 held at, on Tuesday, June, next, for the
18 purpose of nominating candidate for the following offices,
19 to be voted for at the election to be held on the second Mon-
20 day in September, next, viz.:

The polls will be open at 12 M. and continue open until 9
22 P. M., when they will close.

Voters not enrolled as members of a political party nominat-
24 ing candidates at the caucuses will not be permitted to vote
25 therein. But voters entitled to enrollment may cause them-
26 selves to be enrolled at the polling places during the caucus,
27 on taking and subscribing the oath required by law.

Enrollment blanks will be furnished by the town clerk on
29 application.

Dated at.....this.....day of June.....190...

31

32

33

34 Selectmen of

35 Such notices shall be posted in not less than five conspicuous
36 places on the highways of each voting precinct.

Appended to each notice, in the form of a sample ballot,
38 shall be a list of all candidates to be voted for at said caucus.

Sect. 5. Names of persons to be placed upon the primary
2 ballot as candidates for any office to which this law applied
3 shall be filed with the secretary of State not later than the
4 first Tuesday of June preceding the date of any primary
5 caucus, together with a statement signed by the candidate,
6 addressed to the secretary of State, and to the members of
7 the political party whose nomination he seeks. Such state-
8 ment shall contain the name and residence of the candidate,
9 ward residence, in city caucuses, the office for which he seeks
10 nomination; where and when he was enrolled and as a mem-
11 ber of what party; and that, if elected, he will accept the
12 office. He may also include therein a declaration not exceed-
13 ing 20 words of any special matter, measure, or proposition
14 which he avowedly advocates. The statement shall contain
15 a petition requesting that the name of the candidate be
16 entered on the official nominating ballots as a candidate for
17 the office, intended, and shall be signed by not less than one

18 nor more than two per cent of the party vote cast for this
19 office at the last regular election. A separate leaf of the
20 petition shall be devoted to each voting precinct and when
21 completed bear the certificate verified by oath of the person
22 circulating the same; or other qualified person having suffi-
23 cient knowledge to make such oath that the signatures are
24 genuine and that the persons signing are qualified members
25 of the political party named in the petition and reside within
26 the town, ward or precinct.

Sect. 6. The ballots to be used at the caucuses shall be
2 printed on tinted paper, of a separate tint for each political
3 party, white for Republican, yellow for Democrats, blue and
4 green for third and fourth parties, brown for sample ballots,
5 and shall be known as nominating ballots. They shall be of
6 uniform size for all parties and folded before distribution in
7 marked creases so as to be of uniform length and width, and
8 conceal the interior contents. On the back shall be printed,
9 so as to be visible when folded, "Official Nominating Ballot,"
10 followed by the designation of the polling place, date of the
11 primary caucus, and facsimile signature of the secretary of
12 State or city clerk who causes the ballot to be printed. All
13 ballots, printed notices, sample ballots, and instructions shall
14 be furnished by the secretary of State, in the same manner
15 as in the case of regular elections. The secretary of State
16 shall arrange the official primary ballots from the petition
17 duly filed. Candidates of the several political parties shall
18 be arranged on separate ballots in the same order as in the

19 regular September election, candidates of the same party for
20 the same office grouped together under the name of the office,
21 with a square for the voter's X, or mark, preceding each
22 name, and on the same line; appropriate instructions to
23 guide the voters may be inserted as "Vote — times."
24 "Make a cross (X) in the square in front of the name of the
25 person you wish to vote for," "Vote for one," "Vote for
26 two," "Vote for three," etc., as the case may require. In
27 printing and distributing the ballots, the names of the candi-
28 dates under the headings designating the respective offices
29 shall be alternated on the ballot in such a manner that each
30 name may occupy each successive place under the heading as
31 nearly as practicable, an equal number of times. Under each
32 name in not exceeding two lines may be placed the declara-
33 tion, proposition or measure avowedly advocated by the can-
34 didate, in language chosen by him. At the bottom of each
35 ballot shall be blank spaces in which may be written or pasted
36 by the voter, the names of three persons for the office of
37 precinct or town committee.

Sect. 7. The polls shall open on the day of the caucus at
2 twelve o'clock noon, and continue open until nine o'clock in
3 the evening, during which time two or more of the selectmen
4 or special judges appointed by them for the purpose shall be
5 constantly in attendance. The town clerk shall be secretary
6 or clerk of the caucus, and, in towns or cities having more
7 than one polling place, deputy clerks may be appointed.
8 Special judges and deputy clerks before entering on their

9 duties shall be sworn to perform their duties according to
10 law. Such judges and deputy clerks and wardens pro tem-
11 pore in cities shall have the same powers and duties in their
12 respective places as selectmen and towns clerks.

Sect. 8. At the polling place each person applying to vote
2 shall give his name, residence, party affiliation, and place of
3 last enrollment if any; if already enrolled in the precinct he
4 shall be given a ballot of his party, his name checked off the
5 enrollment register, and he shall be admitted to the voting
6 booth and vote. If not enrolled for the year, he may be
7 enrolled after subscribing and making oath to the statement
8 as required by chapter 6, section 103, Revised Statutes, after
9 which he shall be given a ballot of his party, his name checked
10 off the enrollment register and he may vote. But no person
11 shall be enrolled nor permitted to take part in the caucus
12 unless he is a legal voter of the town or precinct, and shall
13 be entitled by law to vote at the regular election to nominate
14 candidates for which the caucus is being held. Boards of
15 registration wherever the same exist, according to chapter 5,
16 Revised Statutes, shall be in session at the several polling
17 places to receive and register the names of all voters applying
18 for enrollment or registration not already registered. But
19 this act shall not be construed as relieving such board from
20 any of the duties imposed upon them by Revised Statutes,
21 chapter 5.

Sect. 9. When special elections are to be held, and when
2 candidates for elective offices in city elections are to be nom-

3 inated by political parties, such nominations shall be made in
4 accordance with the provisions of this act. Such primary
5 caucuses for special or for city elections shall be held after
6 seven days' notice as herein provided, and at least thirty days
7 before the election. But petitions for nomination to city
8 offices instead of being filed with the secretary of State, shall
9 be filed with the city clerk. And it shall be the duty of the
10 city clerk to compile, print and distribute the ballots, printed
11 notices, sample ballots, instructions to voters, and return
12 blanks. In like manner the returns of such city primary
13 elections caucuses shall be made to the mayor and council.

Sect. 10. Delegates to any political convention may be
2 chosen at the primary caucus, provided their names be printed
3 upon a separate ballot and the same deposited in a different
4 box from that used for nomination of candidates to other
5 offices. In so voting a check list shall be used. Party com-
6 mittees may make rules governing the counting, canvassing,
7 and returns of such ballots and may issue a certificate of
8 election of such delegates.

Sect. 11. There may be chosen biennially at the primary
2 caucus, by each political party nominating candidates therein,
3 three persons in each town or ward to constitute a town or
4 ward committee. Such committee shall choose one person to
5 be a member of the legislative district committee. In like
6 manner the legislative district committee shall choose one
7 member of a county committee. The county committees shall
8 each choose one member of the congressional district com-

9 mittee, and a member of the State committee. Such com-
10 mittee, within their several jurisdictions may make rules for
11 the government of their party, and fill vacancies occurring
12 among the candidates of the city or county officers caused by
13 death or removal, but not otherwise. State committees may
14 likewise frame resolutions concerning national or State
15 issues to be submitted to a vote of the people at primary
16 elections. But such resolutions shall not exceed six in num-
17 ber and shall be framed in the form of a question of not over
18 forty words each, which may be answered by the words "yes"
19 or "no" by making a cross X, in one of the squares below
20 each question. Such resolutions or questions shall be printed
21 all on one ballot to be known as the question ballot, separate
22 from the ballot containing the names of candidates and with-
23 out distinction as to party. Special questions not matters
24 of party issue may be referred in the same manner provided
25 a petition therefor signed by not less than five per cent of the
26 party voters be presented to the secretary of State.

Sect. 12. In compiling question ballots the secretary of
2 State with the assistance of the several State committees of
3 the parties presenting questions shall endeavor to harmonize
4 substantially similar propositions so that the same may
5 appear but once in said platform ballot. Where the same
6 cannot be harmonized agreeably to the majority members of
7 each committee, they shall be worded so as to sharply dif-

8 ferentiate between them, without becoming contrary or incon-
9 sistent.

Sect. 13. Question ballots shall be not less than four inches
2 wide and six inches long, folded before distribution in marked
3 creases so as to be of uniform length and width and to con-
4 ceal the interior contents. On the back and outside when
5 folded shall be printed "Official Platform Ballot;" followed
6 by designation of the polling place, date of the primary
7 caucus and a facsimile of the signature of the secretary of
8 State, who has caused the ballot to be printed.

Sect. 14. Returns: The secretary of State shall furnish
2 blanks to the caucus officials on which to make their returns
3 of the primary caucuses. The names of the candidates shall
4 be printed thereon substantially as in the nominating ballot,
5 and in the space made for the purpose following each name
6 shall be there entered the number of votes received, in that
7 polling district by each candidate.

In like manner the "yes" or "no" votes on questions sub-
9 mitted at such primary caucus shall be entered on forms
10 furnished by the secretary of State for the purpose.

Sect. 15. Counting: As soon as the polls are closed and
2 before the ballot box is opened the election officers shall
3 count the number of persons in each party whose names
4 appear on the register as voting at the caucus, and enter them
5 on the return blanks furnished by the secretary of State.
6 The ballots shall then be removed from the box and counted
7 in the manner provided by section 25 of chapter 6, Revised

8 Statutes. In counting nominating ballots if more names are
9 marked for any office than can be elected to such office, or if
10 for any reason it be impossible to determine the vote's choice
11 for any office, none of such marks shall be counted. In
12 counting platform ballots all crosses or marks shall be
13 counted; a copy of the returns shall be furnished the several
14 committees and each candidate named in the ballot on ten
15 days demand and tender of the regular fee of twenty-five
16 cents.

Sect. 16. For all purposes mentioned in this act the inhab-
2 itants of cities shall meet in ward caucuses to be notified and
3 warned as caucuses in towns for similar purposes are. The
4 warden shall preside, and the clerk shall be clerk of said
5 caucus. But wardens pro tempore, and deputy clerks may
6 be chosen in the event of their absence as provided by section
7 seven in the case of towns. The canvass and return of votes
8 shall proceed in the manner provided by this act for towns.

Sect. 17. Section 4, of chapter six, Revised Statutes, is
2 hereby amended by inserting before the word "candidate" in
3 the first line, the words 'non partisan, or independent,' also
4 by inserting the word 'such' before the word "candidates," in
5 line four. So that said section as amended shall read as
6 follows:

'Sect. 4. Nominations of non partisan or independent can-
8 didates for any office to be filled by the voters of the State at
9 large may be made by nomination papers signed in the aggre-
10 gate for each candidate by not less than one thousand quali-

11 fied voters of the State. Nominations of such candidates for
12 electoral districts or divisions of the State or for municipal
13 or ward officers may be made by nomination papers signed
14 in the aggregate by qualified voters of such district or divi-
15 sion not less in number than one for every hundred persons
16 who voted at the next preceding gubernatorial election in
17 such district or division but in no case less than 25 in the
18 case of a first election to be held in a plantation, town or ward
19 newly established other than a plantation, the number of 25
20 shall be sufficient for the nomination of a candidate who is
21 to be voted for only in such plantation, town or ward; and in
22 the case of a first election in a district or division newly
23 established other than a plantation, town or ward, the num-
24 ber of 25 shall be sufficient. Each voter signing a nomina-
25 tion paper shall make his signature in person and add to it
26 his place of residence and each voter may subscribe to one
27 nomination for each office to be filled, and no more. The nom-
28 ination papers shall, before being filed, be respectively submit-
29 ted to the clerks of the cities, towns or plantations in which
30 the signers purport to be qualified voters, and each clerk to
31 whom the same is submitted shall forthwith certify thereupon
32 what number of the signatures are names of qualified voters
33 both in the city, town or plantation for which he is a clerk,
34 and in the district or division for which the nomination is
35 made. One of the signers to each such separate paper shall
36 swear to the truth thereof, and the certificate of such oath
37 shall be annexed to or made upon the nominating papers.'

Sect. 18. Except as modified or superceded by this Act, the provisions of the following sections of Ch. 6, R. S., shall apply to primary election viz: Secs. 10 to 13 incl; Secs. 15 to 27 incl, Secs. 29 to 33 incl; Secs. 36 to 41, inclusive; Secs. 43, 44, 46, 51, 56, 57, 58, 61, 62, 64, and Secs. 76 to 111 inclusive.

Sect. 19. Section 42 of Ch. 6, R. S., is hereby amended by inserting after the words September election in the second line, the "words: or 'any primary election:.'" Also by striking out the word twenty in line three, and inserting in place thereof the word ten. So that said section as amended shall read as follows: "Section 42, Chap. 6, R. S." Clerks of towns shall preserve the check lists used the September elections (or any primary election) for one year without alteration and shall furnish to any person a certified copy thereof within ten days after demand, payment or tender of the legal charge therefor, under the penalty provided in section seventy-eight.'

Sect. 20. Section 101 of said Ch. 6, R. S. is hereby amended so as to read as follows: Sect. 101. 'No person shall take part in any political caucus or primary election, unless enrolled in the manner hereinafter provided as a member of a party having one or more candidates therein.'

Sect. 21. Section 103 of Ch. 6, R. S. is hereby amended by substituting for the word chairman wherever it occurs in said section, the words Town Clerk. The words, "and within one week thereafter the secretary shall make return of said statement with the endorsement thereon to the clerk of the town wherein such caucus is held" shall be stricken out. So that

7 said section as amended shall read as follows: 'Sect. 103.
8 The clerk of any town where the enrollment is made as
9 above provided shall receive and file the same endorsing
10 thereon the date of filing, and shall record the name, resi-
11 dence, place of last enrollment, and date of filing in a separate
12 book for the enrollment of member of each political party en-
13 tering the names alphabetically. Suitable blanks for such en-
14 rollment shall be provided by the town clerks, and in addition
15 thereto they shall provide books with proper headings em-
16 bodying the enrollment statements above provided, which the
17 person desiring to enroll may fill out and sign, thereby en-
18 rolling himself with the same effect as by filing such enroll-
19 ment paper. Such books shall be public records and shall at all
20 times be open to public inspection. Any voter not previously
21 enrolled may enroll as aforesaid up to the day of holding any
22 caucus and may enroll himself during said caucus by sub-
23 scribing and making oath to the following statement before
24 the town clerk: "I do solemnly swear that I am a qualified
25 voter of this town or ward, and have a legal right to vote in
26 the caucus of the party. I am a member of that
27 party and intend to vote for its candidates at the election next
28 ensuing. I have not taken part or voted in the caucus of any
29 other political party in the six months last past." The secre-
30 tary of the caucus shall indorse thereon whether the person
31 subscribing and swearing to the same voted in said caucus,
32 and said statement shall be preserved as public records and
33 shall be prima facie evidence in any court that said person
34 took said oath and voted in said caucus.'

Sect. 22. Section 108 of said Chapter is hereby repealed.

Sect. 23. Section 110 of said chapter 6, is hereby amended
2 by striking out from the word “if” in the 2nd line to the word
3 “States” in the 9th line, both inclusive, and the words “upon
4 application of such party committee” in the 11th line. So that
5 the said section as amended shall read as follows: Sect. 110.
6 Voting lists as used in the election next preceding any caucus
7 shall be used as check lists, at such caucuses. The officials
8 having charge of such voting lists shall furnish certified
9 copies thereof for use in caucuses the expenses to be paid as
10 other expenses of registration are now paid. No person shall
11 be deprived of his right to vote in such caucus by reason of
12 the fact that his name does not appear on such lists if he shall
13 have become a legally qualified voter of such precinct subse-
14 quent to the last election, and shall be otherwise qualified to
15 vote as provided in the preceding sections.

Sect. 24. Section 112, of Chapter 6, of the Revised Stat-
2 utes is hereby repealed.

Sect. 25. In towns of more than four thousand inhabitants
2 and wards of cities the polling districts as defined by the
3 municipal officers in accordance with Section 20, Section 6,
4 for the last preceding election shall be the polling districts for
5 the primary election unless said municipal officers thirty days
6 before said primary election shall have made and defined new
7 limits and posted copies thereof in the manner provided by
8 said Section 20. And when so made and defined anew the
9 same shall not be changed before the next succeeding regular
10 biennial election after said primary election.

Sect. 26. In the event that there shall be three or more
2 candidates for the same office in the same party and at the
3 primary election no person shall receive a majority of the
4 votes cast, the meeting shall be adjourned to the same day of
5 the second week following, and to the same hour and place, at
6 which the meeting was called, and at such adjourned meeting
7 only those two candidates for an office having the highest
8 number of votes at the first meeting shall be voted for. The
9 candidates receiving a majority of the votes cast at the first
10 and at such second meeting shall be the nominees of their re-
11 spective parties, and have their names printed upon the official
12 election ballot. Provided however that candidates may agree
13 in writing before the caucus that the candidate receiving the
14 plurality of votes cast for their office shall be the nominee of
15 the party.

Sect. 27. On the second Monday in September of the years
2 in which Presidential elections occur, and at the same time
3 and places as the regular state election of such years is held,
4 there shall be furnished each voter a separate ballot contain-
5 ing the names of such persons as have duly filed petitions by
6 the tenth day of August of that year, in accordance with this
7 Act for the nomination of their respective parties for the
8 offices of presidential elector. Such petition shall state sub-
9 stantially the same facts required by Section five of this Act.
10 Ballots, printed notices, sample ballots and instructions shall
11 be furnished by the Secretary of State as required by Section
12 six, and shall be duly posted as primary election notices are.

13 In arranging such ballots the candidates of the several politi-
14 cal parties shall be arranged in rotation, in separate columns,
15 each column under its party name, with a square for the
16 voters cross, X, preceding each name. Appropriate instruc-
17 tions may be inserted as provided by section six, and after
18 the name of such candidate may be placed the word: "Favors
19 , as President of the United States," pro-
20 vided the candidate so designates in his petition. Those can-
21 didates to the number to which Maine is legally entitled re-
22 ceiving the highest number of votes shall be deemed the nom-
23 inees of their respective parties for the office of presidential
24 elector.

Sect. 28. All acts or parts of acts inconsistent or contrary
2 to the provisions of this Act are hereby repealed.

Sect. 29. This Act shall take effect when approved by the
2 Governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 22, 1909.

Tabled pending reference to a committee by Mr. DAVIES of Yarmouth and ordered printed.

E. M. THOMPSON, *Clerk.*