

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 685

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*House of Representatives, March 20, 1911.*

*Reported by Messrs. Williamson, Bogue, Staples, Goodwin, Chase, Trafton from committee on Judiciary and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT concerning Corrupt Practices at Elections, Caucuses,  
and Primaries.

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

Section 1. The provisions of this act shall apply to the  
2 election of all officers for whom ballots shall be cast pursuant  
3 to the provisions of Chapter 6 of the Revised Statutes and  
4 to the elections of all officers to be voted for by the legisla-  
5 ture or either branch thereof, the board of aldermen, mu-  
6 nicipal officers, common council or city council of any city,  
7 to all caucuses and primary elections preliminary to any such  
8 other elections and to all candidates to be voted for at such  
9 elections, caucuses and primary elections. The term "cau-  
10 cuses and primary elections" shall include: (a) all meetings  
11 held to nominate a candidate for office or to elect delegates

12 to a nominating convention; (b) nominating conventions of  
13 such delegates; and (c) caucuses of members of the legis-  
14 lature or either branch thereof, of the board of aldermen,  
15 common council or city council of any city. Any person  
16 shall be deemed to be a candidate for the office of senator of  
17 the United States for whom ten or more votes shall have  
18 been cast either at a legislative caucus, or at a regular elec-  
19 tion by the legislature.

Sect. 2. The term "political committee" shall include every  
2 committee or combination of three or more persons to aid  
3 or promote the success or defeat of any political party or  
4 principle in any such election, or to aid or take part in the  
5 nomination or election of any candidate for public office.  
6 The term "treasurer" shall include all persons appointed by  
7 any political committee to receive or disburse moneys to aid  
8 or promote the success or defeat of any such party, principle,  
9 or candidate. The term "political agent" shall include all  
10 persons appointed by any candidate before any such election,  
11 caucus, or primary election to assist him in his candidacy.  
12 No person shall act as any such treasurer or political agent  
13 unless, after his appointment and before the election for  
14 which he is appointed, a writing designating him as such  
15 treasurer or political agent shall be filed with the secretary  
16 of the state, except that, in case the duties of such treasurer  
17 or political agent shall relate to any town, city or ward elec-  
18 tion exclusively, or to any caucus or primary election prelimi-  
19 nary thereto, such writing shall be filed with the town clerk

20 of the town within which such candidate resides instead of  
21 with said secretary of the state. Every such writing shall des-  
22 ignate the particular period, election, caucus or primary elec-  
23 tion during which such treasurership or political agency  
24 shall continue. Nothing in this act shall prevent the treas-  
25 urer or political agent of any organization or candidate from  
26 being the treasurer or political agent of any other organiza-  
27 tion or candidate, and any candidate for public office may  
28 designate himself as his own political agent.

Sect. 3. Any person nominated as a candidate for public  
2 office may make a voluntary payment of money to any treas-  
3 urer or political agent; provided, however, that no person  
4 other than such a candidate shall, to aid or promote the  
5 success or defeat of any political party or principle, or of any  
6 candidate for public office, within six months prior to any  
7 such election make a contribution of money or property to  
8 any person other than to a treasurer or political agent.  
9 Nothing contained in this act shall limit or affect the right  
10 of any person to expend money for proper legal expenses in  
11 maintaining or contesting the results of any such election.

Sect. 4. No person other than a treasurer or political agent  
2 shall pay any of the expenses of any election, caucus, or  
3 primary election, except that a candidate may pay his own  
4 expenses for postage, telegrams, telephones, stationery, print-  
5 ing, express, and travelling; but the provisions of this section  
6 shall not apply to non-partisan election and ante-election ex-

7 penses paid for out of the public moneys of the state, or of  
8 any town, city, or other municipality.

Sect. 5. Subject to the foregoing limitations, it shall be  
2 lawful for any treasurer or political agent, in connection  
3 with any election, caucus, or primary election, to pay the  
4 following expenses: (a) of hiring public halls and music  
5 for conventions, public meetings, and public primaries, and  
6 for advertising the same by posters or otherwise; (b) of  
7 printing and circulating political newspapers, pamphlets, and  
8 books; (c) of printing and distributing ballots and pasters;  
9 (d) of renting rooms to be used by political committees; (e)  
10 of compensating clerks and other persons employed in com-  
11 mittee rooms and at the polls; (f) of traveling expenses of  
12 political agents, committees and public speakers; (g) of  
13 necessary postage, telegrams, telephones, printing, express,  
14 and conveyance charges. No treasurer or political agent  
15 shall incur any expense for any purpose not authorized by  
16 this section.

Sect. 6. Within fifteen days after any such election, every  
2 treasurer and every political agent shall file an itemized  
3 sworn statement with the officer with whom his designation  
4 was filed as aforesaid, which statement shall include the  
5 amount of money or property in each case received or prom-  
6 ised, the name of the person from whom it was received or  
7 by whom it was promised, the amount of every expenditure  
8 made or liability incurred, the name of the person to whom  
9 such expenditure or promise was made, and shall clearly

10 state the purpose for which such money or property was so  
11 expended or promised.

Sect. 7. Every candidate for public office, including can-  
2 didates for the office of senator of the United States, shall,  
3 within fifteen days after the election at which he was a can-  
4 didate, file with the secretary of the state, if a candidate for  
5 senator of the United States, representative in Congress, or  
6 for any state or county office, state senator, or representative  
7 in the legislature, but with the town clerk of the town in  
8 which he resides if he was a candidate for a town, city or  
9 ward office, an itemized, sworn statement setting forth in  
10 detail all moneys contributed, expended, or promised by  
11 him to aid and promote his nomination or election, or both,  
12 as the case may be, and all existing unfulfilled promises or  
13 liabilities remaining uncanceled and in force at the time such  
14 statement is made, whether such expenditures, promises, and  
15 liabilities were made or incurred before, during, or after such  
16 election. If no money or other valuable thing was given,  
17 paid, expended, contributed, or promised, and no unfulfilled  
18 liabilities were incurred by a candidate for public office to  
19 aid or promote his nomination or election, he shall file a  
20 statement to that effect within fifteen days after the election  
21 at which he was a candidate. Any candidate who shall fail  
22 to file such a statement shall be fined twenty-five dollars for  
23 every day on which he is in default, unless he shall be ex-  
24 cused by the court. Fifteen days after any such election the  
25 the secretary of the state or the town clerk, as the case may

26 be, shall notify the proper prosecuting officer of any failure  
27 to file such a statement on the part of any candidate, and  
28 within ten days thereafter such prosecuting officer shall pro-  
29 ceed to prosecute such candidate for such offense.

Sect. 8. All statements filed in accordance with the pro-  
2 visions of this act shall be preserved for fifteen months after  
3 the election to which they relate, and shall, during said  
4 period, be open to public inspection.

Sect. 9. The secretary of the state shall, at the expense of  
2 the state, provide every town clerk with blank forms suit-  
3 able for such statements.

Sect. 10. No person elected to any office established by the  
2 constitution or laws of this state shall receive any salary or  
3 emolument for the period during which he shall have failed  
4 to file such statement.

Sect. 11. The following persons shall be guilty of corrupt  
2 practices and shall be punished by a fine of not less than  
3 fifty, nor more than two thousand dollars or by imprison-  
4 ment for not less than thirty days nor more than two years,  
5 or by both. (a) Every person who shall directly or indi-  
6 rectly receive, accept, request, or solicit from any person,  
7 committee, association, organization, or corporation any  
8 money, gift, advantage, preferment, aid, emolument, or any  
9 valuable thing whatsoever for the purpose of inducing or  
10 procuring any person to vote or refrain from voting for or  
11 against any person, or for or against any measure at any  
12 such election, caucus, or primary election. (b) Every per-

13 son who, in consideration of any money, gift, advantage,  
14 preferment, aid emolument, or any valuable thing whatso-  
15 ever, paid, received, accepted or promised to the advantage  
16 of himself or any other person, shall vote or refrain from  
17 voting for or against any person, or for or against any meas-  
18 ure at any such election, caucus, or primary election. (c)  
19 Every person, other than the political committees known as  
20 the national, congressional, state, town, city, or ward, who  
21 shall solicit from any candidate for the office of elector of  
22 president and vice-president of the United States, of senator  
23 of the United States, or representative in Congress, or of  
24 any state, county, town, city, or ward office, any money, gift,  
25 contribution, emolument, or other valuable thing for the  
26 purpose of using the same for the support, assistance, benefit,  
27 or expenses of any club, company, or organization, or for the  
28 purpose of defraying the cost or expenses of any political  
29 campaign or election. (d) Every person who shall, directly  
30 or indirectly, pay, give, contribute, or promise any money or  
31 other valuable thing to defray, or towards defraying, the  
32 cost or expenses of any campaign or election to any person,  
33 committee, company, club, organization, or association other  
34 than to a treasurer or a political agent; but this sub-section  
35 shall not apply to any expenses for postage, telegrams, tele-  
36 phones, stationery, printing, express, or traveling incurred  
37 by any candidate for office or for nominating thereto. (e)  
38 Every person who, in order to secure or promote his own  
39 nomination or election as a candiate for public office, shall,



40 directly or indirectly, promise to appoint, or promise to se-  
41 cure or assist in securing the appointment, nomination, or  
42 election of any other person to any public position, or to any  
43 position of honor, trust, or emolument; provided, however,  
44 that any person may publicly announce his own choice or  
45 purpose in relation to any appointment, nomination, or elec-  
46 tion in which he may be called to take part, if he shall be  
47 nominated for or elected to any public office. (f) Every  
48 person who shall, directly or indirectly, by himself or through  
49 another person, make a payment or promise of payment to a  
50 treasurer or political agent in any other name than his own,  
51 and every treasurer or political agent who shall knowingly  
52 receive a payment or promise of payment, or enter or cause  
53 the same to be entered in his accounts, in any other name  
54 than that of the person by whom such payment or promise  
55 of payment is made.

Sect. 12. At any time within thirty days after such elec-  
2 tion, any elector or voter at such election may present to any  
3 judge of the supreme judicial or superior courts a petition  
4 upon oath, upon information or personal knowledge that  
5 corrupt practices, contrary to the provisions of any section  
6 of this act, were committed at or preliminary to such election,  
7 naming the successful candidate as defendant, and praying  
8 that the facts alleged may be inquired into. If such judge  
9 shall be of the opinion that the interests of public justice re-  
10 quire such proceeding, he shall order reasonable notice of  
11 such petition to be given the defendant and shall notify the

12 chief justice of the supreme judicial court of such petition.  
13 The chief justice shall designate an additional judge to hear  
14 such petition in conjunction with the judge to whom the  
15 petition was presented, and, in case of the latter's disqualifi-  
16 cation or inability, the chief justice shall appoint two judges  
17 to hear such petition. Such petition shall be tried without  
18 a jury, and the petitioner and all candidates at such election  
19 shall be entitled to appear and be heard as parties. In case  
20 such petition relates to the election of electors of president  
21 and vice-president of the United States, a senator of the  
22 United States, a representative in Congress or in the legisla-  
23 ture, the trial judges shall have no power to declare any such  
24 election to be void, but shall file their joint finding as to  
25 whether or not the successful candidate, or his political agent  
26 was so guilty of corrupt practices, with the secretary of the  
27 state, together with the transcript of the evidence. In case  
28 such petition relates to any other office, the trial judges shall  
29 file with the governor their joint decision as to whether or  
30 not the successful candidate, or his political agent, was so  
31 guilty of corrupt practices, and as to whether or not such  
32 election was void as hereinafter provided. If said judges  
33 differ as to whether any such candidate, in person or in the  
34 person of his political agent, was so guilty, or whether any  
35 such election was so void, they shall so certify to the secre-  
36 tary of the state, or to the governor, as the case may be, and  
37 they shall also file a transcript of the evidence with such  
38 certificate. In case any such joint decision so to be filed

39 with the governor shall decide that any such successful can-  
40 didate, so petitioned against, was, in person or in the person  
41 of his political agent, so guilty of corrupt practices, such  
42 election shall be void, except as hereinafter provided; and  
43 in case of any such void election, the governor shall, within  
44 ten days after the receipt of such decision, issue a writ for a  
45 new election to be held within forty days after the issuance  
46 of such writ. If any candidate shall have been so jointly  
47 found or decided to have been so guilty, in person, of corrupt  
48 practices, he shall be ineligible to election or appointment to  
49 any public office for the period of four years; but the mere  
50 finding or decision that his political agent was so guilty shall  
51 not render him ineligible to office. But where the trial  
52 judges or one of them shall decide or certify that any such  
53 successful candidate was guilty of corrupt practices only in  
54 the person of his agent, and that (a) no corrupt practice was  
55 committed by the candidate personally and the offense was  
56 committed contrary to his order and without his sanction or  
57 connivance; (b) such candidate took all reasonable means  
58 for preventing the commission of corrupt practices; (c) the  
59 offense was of a trivial, unimportant, and limited character;  
60 and (d) in all other respects such election was free from any  
61 corrupt practice on the part of such candidate, and of his  
62 political agents, then the election of such candidate shall not  
63 be void, nor shall the candidate be subject to any ineligibility  
64 therefor. Costs may be taxed as in equity, and the trial  
65 judges shall have power to tax double, treble, or quadruple

66 costs against the petitioner if they shall find that the allega-  
67 tions of his petition are materially untrue, and that his peti-  
68 tion was brought from vexatious or malicious motives. An ap-  
69 peal may be had on questions of law from any decision rela-  
70 tive to the ineligibility to public office of any such candidate,  
71 but no appeal shall lie from any decision holding that any  
72 such election was or was not void.