

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 478

In Senate, March 13, 1913.

Reported by Senator Bailey from Committee on Legal Affairs, and ordered printed under joint rules.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT amend chapter 122 of the Public Laws of 1911 relating to Corrupt Practices at Elections.

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

Section 1. Section 1 of chapter 122 of the Public Laws 2 of 1911 is hereby amended by striking out the last sentence 3 thereof, so that said section, as amended, shall read as follows: 4

‘Section 1. The provisions of this act shall apply to the 6 election of all officers for whom ballots shall be cast pursuant to the provisions of chapter six of the Revised Statutes and to the elections of all officers to be voted for by 9 the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of 10

11 any city, to all caucuses and primary elections preliminary
12 to any such other elections and to all candidates to be voted
13 for at such elections, caucuses and primary elections. The
14 term "caucuses and primary elections" shall include: (a) all
15 meetings held to nominate a candidate for office or to elect
16 delegates to a nominating convention; (b) nominating con-
17 ventions of such delegates; and (c) caucuses of members
18 of the legislature or either branch thereof, of the board of
19 aldermen, common council, or city council of any city.'

Sect. 2. Section 2 of said act is hereby amended by insert-
2 ing between the sentence ending "secretary of the state" and
3 the sentence beginning "Every such writing," the fol-
4 lowing: 'The treasurer of a representative-class committee
5 shall file such writing with the town clerk of the town
6 within which he resides,' so that said section, as amended,
7 shall read as follows:

'Sect. 2. The term "political committee" shall include
9 every committee or combination of three or more persons
10 to aid or promote the success or defeat of any political party
11 or principle in any such election, or to aid or take part in
12 the nomination or election of any candidate for public office.
13 The term "treasurer" shall include all persons appointed
14 by any political committee to receive or disburse moneys
15 to aid or promote the success or defeat of any such party,
16 principle, or candidate. The term "political agent" shall
17 include all persons appointed by any candidate before any
18 such election, caucus, or primary election to assist him in

19 his candidacy. No person shall act as any such treasurer
20 or political agent unless, after his appointment and before
21 the election for which he is appointed, a writing designating
22 him as such treasurer or political agent shall be filed with
23 the secretary of the state, except that, in case the duties of
24 such treasurer or political agent shall relate to any town,
25 city or ward election exclusively, or to any caucus or pri-
26 mary election preliminary thereto, such writing shall be filed
27 with the town clerk of the town within which such candi-
28 date resides instead of with said secretary of the state. The
29 treasurer of a representative-class committee shall file such
30 writing with the town clerk of the town within which he
31 resides. Every such writing shall designate the particular
32 period, election, caucus, or primary election during which
33 such treasurership or political agency shall continue. Noth-
34 ing in this act shall prevent the treasurer or political agent
35 of any organization or candidate from being the treasurer
36 or political agent of any other organization or candidate,
37 and any candidate for public office may designate himself
38 as his own political agent.'

Sect. 3. Section 3 of said act is hereby amended so as to
2 read as follows:

'Sect. 3. Any person nominated as a candidate for public
4 office, or a candidate for such nomination, may make a vol-
5 untary payment of money to any treasurer or political agent
6 for any of the purposes permitted by this act; provided, how-
7 ever, that no person other than such a candidate shall, to

8 aid or promote the success or defeat of any political party
9 or principle, or of any candidate for public office, within
10 six months prior to any such election make a contribution
11 of money or property to any person other than to a treas-
12 urer or political agent. Nothing contained in this act shall
13 limit or affect the right of any person to expend money for
14 proper legal expenses in maintaining or contesting the
15 results of any such election.'

Sect. 4. Section 4 of said act is hereby amended so as to
2 read as follows:

'Sect. 4. No person other than a treasurer or political
4 agent shall pay any of the expenses of any election, caucus,
5 or primary election, except that a candidate may pay his
6 actual personal expenses for postage, telegrams, telephones,
7 stationery, express, and traveling; but the provisions of this
8 section shall not apply to non-partisan election and ante-
9 election expenses paid for out of the public moneys of the
10 state, or of any town, city or other municipality.'

Sect. 5. Section 5 of said act is hereby amended so as to
2 read as follows:

'Sect. 5. Subject to the foregoing limitations, it shall be
4 lawful for any treasurer or political agent, in connection
5 with any election, caucus, or primary election, to pay the
6 following expenses; (a) of hiring public halls and music
7 for conventions, public meetings, and public primaries, and
8 for advertising the same by posters or otherwise; (b) of
9 printing and circulating political newspapers, pamphlets,

10 and books; (c) of printing and distributing ballots and
11 pasters; (d) of renting and furnishing rooms to be used by
12 political committees, and for the reasonable entertainment
13 and refreshment, exclusive of alcoholic beverages, of the
14 members of such committees; (e) of compensating clerks
15 and other persons employed in committee rooms and at the
16 polls; (f) of traveling expenses of political agents, com-
17 mittees and public speakers, and reasonable compensation
18 to public speakers; (g) of necessary postage, telegrams,
19 telephones, printing, newspaper advertising, express and
20 conveyance charges. The term "conveyance charges" shall
21 include the conveyance of electors to the polls. No treas-
22 urer or political agent shall incur any expense for any pur-
23 pose not authorized by this section.

Sect. 6. Section 6 of said act is hereby amended so as to
2 read as follows:

'Sect. 6. Within fifteen days after any such election, every
4 treasurer and every political agent shall file an itemized
5 sworn statement with the officer with whom his designation
6 was filed as aforesaid, which statement shall include the
7 amount of money or property in each case received or prom-
8 ised, the name of the person from whom it was received or
9 by whom it was promised, the amount of every expenditure
10 made or liability incurred, (other than the actual personal
11 expenses of candidates enumerated in section 4, which need
12 not be returned), the name of the person to whom such
13 expenditure or promise was made, and shall clearly state

14 the purpose for which such money or property was so ex-
15 pended or promised. Any treasurer or political agent who
16 shall fail to file such a statement within the time required,
17 shall be fined twenty-five dollars for each day on which he
18 is in default, unless he shall be excused by the court. This
19 section shall not apply to primary elections held under the
20 provisions of the act adopted by the qualified voters of this
21 state at the special election held September 11, 1911.'

Sect. 7. Section 7 of said act is hereby amended so as to
2 read as follows:

'Sect. 7. Every candidate for public office, including can-
4 didates for the office of senator of the United States, shall,
5 within fifteen days after the election at which he was a can-
6 didate, file with the secretary of the state, if a candidate
7 for a senator of the United States, representative in Con-
8 gress, or for any state or county office, state senator or
9 representative in the legislature, but with the town clerk of
10 the town in which he resides, if he was a candidate for a
11 town, city or ward office, an itemized, sworn statement set-
12 ting forth in detail all the moneys contributed, expended,
13 or promised by him to aid and promote his nomination or
14 election, or both, as the case may be, and all existing unful-
15 filled promises, or liabilities remaining uncanceled and in
16 force at the time such statement is made, whether such ex-
17 penditures, promises, and liabilities were made or incurred
18 before, during or after such election, excepting, however,
19 his actual personal expenses enumerated in section 4, which

20 he need not return. If no money or other valuable thing
21 was given, paid, expended, contributed, or promised, and
22 no unfulfilled liabilities were incurred by a candidate for
23 public office to aid or promote his nomination or election,
24 (other than said actual personal expenses), he shall file a
25 statement to that effect within fifteen days after the election
26 at which he was a candidate. Any candidate who shall
27 fail to file such a statement shall be fined twenty-five dollars
28 for every day on which he is in default, unless he shall be
29 excused by the court. Fifteen days after any such election
30 the secretary of the state or the town clerk, as the case may
31 be, shall notify the proper prosecuting officer of any failure
32 to file such a statement on the part of any candidate, and
33 within ten days thereafter such prosecuting officer shall
34 proceed to prosecute such candidate for such offense. This
35 section shall not apply to primary elections held under the
36 provisions of the act adopted by the qualified voters of this
37 state at the special election held September 11, 1911.'

Section 8. Section 9 of said act is hereby amended so as
2 to read as follows:

'The secretary of the state shall, at the expense of the state,
4 provide every town clerk with blank forms suitable for the
5 statements required to be returned to the secretary of state.'

Sect. 9. Section 11 of said act is hereby amended, in sub-
2 sections (c) and (d) thereof, so that, as amended, said sec-
3 tion shall read as follows:

'Sect. 11. The following persons shall be guilty of corrupt

5 practices and shall be punished by a fine of not less than
6 fifty nor more than two thousand dollars or by imprison-
7 ment for not less than thirty days, nor more than two years,
8 or by both. (a) Every person who shall directly or indi-
9 rectly receive, accept, request, or solicit from any person,
10 committee, association, organization or corporation any
11 money, gift, advantage, preferment, aid, emolument or any
12 other valuable thing whatsoever, for the purpose of induc-
13 ing or procuring any person to vote or refrain from voting
14 for or against any person, or for or against any
14a measure at any such election, caucus, or primary
15 election. (b) Every person who, in consideration
16 of any money, gift, advantage, preferment, aid, emolument,
17 or any valuable thing whatsoever, paid, received, accepted,
18 or promised to the advantage of himself or any other per-
19 son, shall vote or refrain from voting for or against any
20 person, or for or against any measure at any such election,
21 caucus, or primary election. (c) Every person, other than
22 political committees, treasurers, and political agents, as de-
23 fined in section 2, who shall solicit from any candidate for
24 the office of elector of president and vice-president of the
25 United States, of senator of the United States, or representa-
26 tive in Congress, or of any state, county, town, city, or ward
27 office, any money, gift, contribution, emolument, or other
28 valuable thing for the purpose of using the same for the
29 support, assistance, benefit, or expenses of any club, com-
30 pany, or organization, or for the purpose of defraying the

31 cost or expenses of any political campaign or election. But
32 this subsection shall not be construed to permit political
33 agents of candidates for the legislature to solicit contribu-
34 tions from candidates for the office of United States senator.

35 (d) Every person who shall, directly or indirectly, pay,
36 give, contribute, or promise any money or other valuable
37 thing, to defray, or towards defraying, the cost or expenses
38 of any campaign or election to any person, committee, com-
39 pany, club, organization, or association other than to a treas-
40 urer or political agent; but this subsection shall not apply
41 to the actual personal expenses for postage, telegrams,
42 telephones, stationery, express, or traveling incurred by any
43 candidate for office or for nomination thereto. (e) Every

44 person who, in order to secure or promote his own nomin-
45 ation or election as a candidate for public office, shall,
46 directly or indirectly, promise to appoint or promise to
47 secure or assist in securing the appointment, nomination,
48 or election of any other person to any public position, or to
49 any position of honor, trust, or emolument, provided, how-
50 ever, that any person may publicly announce his own choice
51 or purpose in relation to any appointment, nomination, or
52 election in which he may be called to take part, if he shall

53 be nominated for or elected to any public office. (f) Every
54 person who shall, directly or indirectly by himself or
55 through another person, make a payment or promise of
56 payment to a treasurer or political agent, in any other name
57 than his own, and every treasurer or political agent who

58 shall knowingly receive a payment or promise of payment,
59 or enter or cause the same to be entered in his accounts, in
60 any other name than that of the person by whom such pay-
61 ment or promise of payment is made.'

Sect. 10. Section 12 of said act is hereby repealed.