

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 2

House of Representatives, Jan. 18, 1923.

Referred to Committee on Legal Affairs, 500 copies ordered printed and sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Cummings of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Amend Chapter Six of the Revised Statutes of
Nineteen Hundred and Sixteen and Amendments Thereto,
Relating to the Primary and Caucus Law.

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

Section 1. Section eleven of the Revised Statutes of nine-
2 teen hundred and sixteen is hereby amended by striking out
3 of said section the words: "But voters entitled to enrolment
4 may cause themselves to be enrolled at the polling places
5 during the primary election on taking and subscribing the
6 oath required by law. Enrolment blanks will be furnished
7 by the town clerk on application. Dated at, this
8 day of June, 19 . ." Also by striking out in

9 the same section eleven the words: "In plantations and towns
10 of two thousand inhabitants or less the provisions as to
11 enrolled voters and enrolment shall be omitted," so that as
12 amended said section eleven shall read as follows:

'Sect. 11. Not less than seven days before the third Mon-
2 day of June preceding a biennial state election, the select-
3 men of every town, by their warrant, shall notify and warn
4 all legally qualified voters to attend at the regular voting
5 places on the third Monday in June for the purpose of
6 voting for persons to be nominated by their respective politi-
7 cal parties as candidates to be voted for on the second Mon-
8 day in September then next ensuing. Said warrant shall
9 be in substance as follows:

PRIMARY ELECTION WARRANT

State of Maine:

ss.

County of

To the legal voters of the town of

You are hereby notified that the primary election in this
2 town, of all political parties, entitled by law to nominate
3 candidates for the next election, will be held at
4 on Monday, June next, for the purpose of nom-
5 inating candidates for the election to be held on the second
6 Monday in September next, viz.:

(Here follow the officers to be nominated.)

The polls will be open at twelve o'clock, noon, and con-
2 tinue open until nine o'clock in the afternoon, when they
3 will close.

Voters not enrolled as members of a political party entitled
2 to nominate candidates will not be permitted to vote.

.....
.....
.....

Selectmen of

'Such warrants shall be posted in the manner required by
2 law for warrants for the state election. Like warrants shall
3 be issued by the mayor and aldermen of cities and assessors
4 of plantations, with appropriate changes and posted in like
5 manner. The meetings shall be opened and closed as stated
6 in the form of the warrant foregoing. In all such warrants
7 appropriate provisions shall be inserted calling the attention
8 of voters to opportunities for correction of lists of voters
9 by selectmen, municipal officers or boards of registration
10 in the manner required by law. The same method pursued
11 in calling primary elections, issuing and posting warrants,
12 and opening and closing of the polls, shall be followed by
13 the mayor and aldermen of cities and the selectmen of towns
14 in calling caucuses for nominating candidates for public
15 office, and such warrants for the holding of a caucus shall
16 be posted not less than seven days before the day of the
17 caucus, and the caucus so held shall be held not less than
18 seventeen days nor more than twenty-one days before the
19 date of the election at which candidates so nominated are
20 to be voted for. Printed ballots for use in caucuses in
21 cities shall be delivered by the city clerk, in due season to

22 the officials whose duty it is to enroll and register voters
23 and prepare check lists, and the officials receiving these
24 ballots from the city clerk shall deliver them in due season
25 to the wardens, who shall receipt for them. Said wardens
26 shall, after the votes in any caucus have been counted, de-
27 liver the same to the officials from whom they received
28 them, together with all unused ballots, and these ballots shall
29 be preserved for six months.'

Sect. 2. Section twelve of the Revised Statutes of 1916
2 is hereby amended by striking out all of said section and
3 inserting in place thereof the following words:

'Sect. 12. In all caucuses and primary elections the quali-
2 fication of voters shall be determined by the provisions of
3 sections thirty-seven, thirty-eight and forty-six as amended
4 by this act.'

Sect. 3. Section thirteen of chapter six of the Revised
2 Statutes of 1916 as amended by chapter one hundred and
3 sixty-five of the Public Laws of 1919 is hereby amended
4 by substituting in place of the present wording of said sec-
5 tion the following words:

'Sect. 13. No person shall vote at any primary election
2 or participate or vote in any political caucus unless a legally
3 qualified voter at such voting place. No ballot shall be
4 received containing any distinguishing mark or figures there-
5 on other than such as are expressly permitted by law. The
6 selectmen of towns and the wardens of wards in cities shall
7 be seasonably furnished by the officials whose duty it is

8 to register and enroll voters and prepare check lists for
9 use in caucuses, primaries or elections, with duly certified
10 copies of all voting lists, with the names of voters thereon
11 arranged alphabetically and each name marked with the
12 letter indicative of the party to which he belongs. No per-
13 son shall be allowed to vote in any caucus unless his name
14 appears on the check list with such party designation. At
15 the polling places in cities and towns each person applying
16 to vote shall give his name, and if enrolled in the precinct
17 he shall be given a ballot of his party, his name shall be
18 checked on the voting list, and he shall be permitted to vote.
19 The officials whose duty it is to enroll and register voters
20 and prepare check lists shall be allowed sufficient time, after
21 the close of the enrolment period, and before any caucus,
22 primary or election, which in no case shall exceed thirty
23 days, to prepare check lists for use in caucuses, primaries
24 or elections. These officials shall be the custodians of these
25 check lists and shall deliver them to the wardens in cities,
26 taking their receipt therefor. Check lists similar to those
27 prepared for use in wardrooms may be furnished to politi-
28 cal committees. The caucus of all political parties held for
29 the purpose of the nomination of candidates for any public
30 office shall be held at the same time and be called in the
31 same manner as primary elections are now called, and the
32 same officials that have charge of conducting primary elec-
33 tions shall have charge of conducting such caucuses. Every
34 city, town or plantation clerk, every official whose duty it

35 is to enroll or register voters, or prepare check lists, every
36 ward or election officer, or person voting, who shall wilfully
37 violate any of the provisions of this section, shall be pun-
38 ished for each offense by a fine not exceeding five hundred
39 dollars, or by imprisonment in the county jail not exceed-
40 ing six months, or by both such fines and imprisonment.'

Sect. 4. Section thirty-seven of chapter six of the Revised
2 Statutes of 1916 is hereby amended by inserting after the
3 word "shall" in the first line of said section the words 'vote
5 in any primary or,' so that as amended said section shall
6 read as follows:

'Sect. 37. No person shall vote in any primary election
2 or take part or vote in any caucus of any political party
3 unless qualified therefor by enrolment as hereinafter pro-
4 vided, except that voters already enrolled shall retain such
5 enrolment until they change it in the manner provided in
6 sections thirty-eight and forty-six as amended by this act.'

Sect. 5. Section thirty-eight of chapter six of the Revised
2 Statutes of 1916 is hereby amended by striking out all of
3 said section and inserting in place thereof the following
4 words:

'Sect. 38. All enrolments shall be made by the boards
2 of registration or other officials authorized by law to regis-
3 ter or enroll voters, and every voter who desires to be en-
4 rolled as a member of any political party, or to change his
5 party enrolment, shall appear in person before the board
6 of registration in cities or towns where there is a board of

7 registration, and in towns where the law makes enrolment
8 the duty of selectmen or assessors before such selectmen
9 or assessors, who shall enroll the applicant, if he is legally
10 entitled to be enrolled, as a member of the party of his
11 choice. A legal voter may enroll or change his or her en-
12 rolment at any time that a board of registration or other
13 officials authorized by law to make or change enrolments
14 are in session, but officials who prepare check lists for use
15 in any caucus or primary shall not place the name of any
16 person on said check list until a period of eight months
17 from the date of changing his party affiliation has elapsed.
18 Each applicant for enrolment, or for changing enrolment
19 shall sign a statement substantially as follows: "I
20 being a legal voter of
21 as a member of the party. The following state-
22 ment of name, residence, place of last enrolment if any, and
23 party of last enrolment if any, is true."

Sect. 6. Section thirty-nine of the Revised Statutes is
2 hereby amended by striking out all of said section and in-
3 serting in place thereof the following words:

'Sect. 39. The officials whose duty it is to register and
2 enroll voters and prepare check lists under the provisions
3 of section thirteen and section thirty-eight as amended by
4 this act, shall file all enrolments, recording the date of filing
5 the same, residence and place of last previous enrolment
6 of each one so enrolled, in a separate book or on a card
7 index provided for the enrolment of members of each politi-

8 cal party, entering the names alphabetically. Suitable blanks
9 shall be provided by said officials, and the records kept shall
10 be public records and shall at all times be open to public
11 inspection.'

Sect. 7. Section forty of the Revised Statutes of 1916
2 is hereby amended by striking out all of said section and
3 inserting in place thereof the following words:

'Sect. 40. Caucuses and primaries held for the purpose
2 of nominating candidates for any public office unless held
3 under the provisions of section thirteen as amended by this
4 act are hereby declared unlawful, provided that this act
5 shall not be construed as preventing citizens' caucuses.'

Sect. 8. Section forty-two of chapter six of the Revised
2 Statutes of 1916 is hereby amended by inserting the words
3 'or primary' after the word "caucus" in the third line
4 of said section; also by inserting the words 'or primary'
5 after the word "caucus" at the end of the third line of said
6 section; also by inserting the words 'or primary' after the
7 word "caucus" in the fourth line of said section; also by
8 inserting the words 'or primary' after the word "caucus"
9 in the fifth line of said section; also by striking out the
10 word "six" in the seventh line of said section and inserting
11 in place thereof the word 'eight,' so that as amended said
12 section forty-two shall read as follows:

'Sect. 42. No person shall vote or offer to vote more
2 than once for any candidate or delegate or set of delegates
3 in any one caucus or primary, nor shall he vote or offer to

4 vote in any caucus or primary held in any caucus or primary
5 district in which he shall not at the same time be a legal
6 voter. No person shall vote or offer to vote in any caucus
7 or primary where candidates or delegates are to be chosen,
8 if he has already voted at the caucus or primary of any
9 other political party in the past eight months.'

Sect. 9. Chapter six of the Revised Statutes is hereby
2 amended by striking out all of section forty-three of said
3 chapter.

Sect. 10. Section forty-six of chapter six of the Revised
2 Statutes of 1916 is hereby amended by inserting after the
3 word "caucus" in the second line of said section the words
4 'or primary, corrected according to law'; also by inserting
5 the words 'or primaries' after the word "caucuses" in the
6 third line of said section forty-six, striking out the remain-
7 der of the third line, all of the fourth, fifth, sixth, seventh,
8 eighth and ninth lines, and the word "States" in the tenth
9 line; also by striking out the last five words in the eleventh
10 line and the first word in the twelfth line; also by inserting
11 after the word "caucuses" in the eleventh line of said sec-
12 tion forty-six the words 'or primaries'; also by striking out
13 the last five words in the eleventh line and the first word
14 in the twelfth line; also by inserting after the word "paid"
15 in the thirteenth line the words 'and such check lists shall,
16 after the close of any caucus, primary or election, be forth-
17 with returned by the wardens to the officials from whom
18 they were received, which officials shall preserve said lists

19 for one year'; also by striking out, beginning with the word
20 "No" in the thirteenth line of said section forty-six, the
21 remainder of said section, so that as amended said section
22 forty-six shall read as follows:

'Sect. 46. Voting lists as used in the last election next
2 preceding any caucus or primary, corrected according to
3 law, shall be used as check lists at such caucuses or prima-
4 ries. The officials having charge of such voting lists shall
5 furnish certified copies thereof for use in caucuses or pri-
6 maries, the expense thereof to be paid as other expenses of
7 registration are now paid, and such check lists shall, after
8 the close of any caucus, primary or election, be forthwith
9 returned by the wardens to the officials from whom they
10 were received, which officials shall preserve said lists for
11 one year.'

Sect. 11. Chapter six of the Revised Statutes of 1916
2 is hereby amended by striking out all of section forty-eight.

Sect. 12. Chapter six of the Revised Statutes of 1916
2 is hereby amended by striking out all of sections fifty, fifty-
3 one, fifty-two and fifty-three of said chapter.

Sect. 13. Nothing in this act shall be construed as affect-
2 ing the provisions of sections seventy-five, seventy-six, sev-
3 enty-eight and seventy-nine of chapter seven relating to
4 plantations.

Sect. 14. All acts or parts of acts which are inconsistent
2 with this act are hereby repealed.