

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 183

House of Representatives, Feb. 23, 1923.

Referred to Committee on Legal Affairs and one thousand copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Curtis of Brewer.

STATE OF MAINE

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

AN ACT to Provide for the Nomination of Candidates for
Office by Political Parties.

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

Section 1. All nominations of candidates for any state
2 or county office, including United States senator, member
3 of congress and member of state legislature, shall hereafter
4 be made at, and by primary elections to be held in accord-
5 ance with the provisions of this act except as otherwise
6 herein provided. Every political party entitled by law to
7 representation on the official ballot at a state election, or
8 at any special election for a state or county officer or for
9 United States senator, member of congress or member of

10 the legislature, shall nominate all its candidates for such
11 offices in accordance with the provisions of this act and
12 not in any other manner. The term "political party" as
13 used in this act is hereby declared to mean such political
14 party as at the gubernatorial election next preceding any
15 such primary election polled at least one per cent of the
16 entire vote cast in the state for governor. Nothing in this
17 section shall be construed as preventing the nomination of
18 candidates under section thirty-one of chapter six of the
19 revised statutes of 1916.

Sect. 2. The first Monday of March in each year in
2 which a state election is held shall be designated as Caucus
3 day. At least seven days prior to each caucus day the town
4 committees of each political party shall post notices stating
5 where and at what hour on caucus day a caucus shall be
6 held at which delegates shall be chosen to represent the
7 party at a state convention, a district convention, a county
8 convention, and in towns belonging to a representative class
9 delegates to a representative class convention shall be
10 chosen, and such notice shall state the number of delegates
11 which the caucus is entitled to select to attend each of said
12 conventions. Such caucus shall also choose a town com-
13 mittee. The word "town" in this act includes plantations
14 and cities.

Sect. 3. Prior to the first day of April following each
2 caucus day, each political party shall hold a state conven-
3 tion with such basis of representation and at such time and

4 place and with such requisites as to call therefor and notice
5 thereof as the state committee of each political party shall
6 determine. At such state convention the delegates shall by
7 majority vote nominate candidates for governor and state
8 auditor, and in appropriate years a candidate for United
9 States senator; shall formulate a platform, elect a state
10 committee, and in years when a president of the United
11 States is to be elected, shall select delegates at large to
12 attend the national convention of their party, and nominate
13 two candidates for presidential electors.

Sect. 4. Prior to the first day of April following each
2 caucus day, each political party shall hold a district con-
3 vention in each of the congressional districts in the state
4 with such basis of representation and at such time and
5 place and with such requisites as to call therefor and notice
6 thereof as the respective district committees of each politi-
7 cal party shall determine. At such convention, the dele-
8 gates shall by majority vote nominate a candidate for
9 congress, choose a district committee, and, in years when
10 a president of the United States is to be elected, select dis-
11 trict delegates to the national convention of their party,
12 and nominate one candidate for presidential elector.

Sect. 5. Prior to the fifteenth day of April following each
2 caucus day, each political party shall hold a county con-
3 vention in each of the counties of the state with such basis
4 of representation and at such time and place and with such
5 requisites as to call therefor and notice thereof as the

6 respective county committees of each political party shall
7 determine. At each county convention the delegates shall
8 by majority vote nominate candidates for county officers
9 and state senator or senators for the county and select a
10 county committee.

Sect. 6. Prior to the fifteenth day of April following
2 each caucus day, each political party shall hold a class
3 convention in each of the representative classes in the
4 state with such basis of representation and at such time
5 and place and with such requisites as to call therefor and
6 notice thereof as the respective class committees of each
7 political party shall determine. At each class convention
8 the delegates shall by majority vote nominate a candidate
9 for member of the house of representatives and select a class
10 committee. Provided, however, that if any city or town
11 is entitled to one or more representatives in the legislature
12 without combination with any other city or town the nomi-
13 nation of the one or more representatives from that city or
14 town may be made in a general caucus held for that pur-
15 pose if the town committee so directs. All nominations
16 made in accordance with this and the four preceding sec-
17 tions shall be filed with the secretary of state forthwith.

Sect. 7. Each of the nominees referred to in the five pre-
2 ceding sections shall be entitled to a place on the primary
3 ballot and there also shall be placed on said ballot the name
4 of any other candidate for any office who shall have filed,
5 with the secretary of state at his office in Augusta, on or

6 before the first Monday in May following the caucus day,
7 nomination papers signed in the aggregate, for each candi-
8 date of each political party, by qualified voters within the
9 electoral division or district wherein such candidate is to
10 be voted for, in number not less than ten per cent of the
11 vote cast for his party candidate for governor in the last
12 preceding state election within such electoral division or
13 district. All such nomination papers shall, besides con-
14 taining the names of the proposed candidates, specify as to
15 each, (1) the name of the office for which he is proposed
16 as a candidate, (2) the political party which he represents,
17 (3) his place of residence. There shall not be in any nomi-
18 nation paper the name of more than one candidate proposed
19 for nomination. Nomination papers shall be signed by
20 members of the political party named therein for which
21 the nomination is made. Each voter signing a nomination
22 paper shall make his signature in person and add to it his
23 place of residence. Each voter may subscribe his name to
24 one nomination for a candidate for each office to be filled
25 and no more. One of the signers to each separate paper,
26 or the person circulating the same, shall make oath thereon
27 or by certificate of oath annexed thereto, that he believes
28 the signatures to be genuine and that the persons signing
29 are members of the political party named therein and that
30 they reside within the division or district for which the
31 nomination is proposed. The state at large shall be con-

32 sidered an electoral division within the meaning of this
33 section.

Sect. 8. No such nomination papers shall be signed be-
2 fore the first day of March of the year in which such
3 primary election is to be held. With such nomination
4 papers there shall also be filed the consent in writing of
5 each person so proposed, thereby as candidate agreeing to
6 accept the nomination if nominated at the primary election,
7 not to withdraw, and if elected at the state election to
8 qualify as such officer. Such nomination papers so filed
9 and being in apparent conformity with the provisions here-
10 of shall be deemed to be valid, and if not in apparent con-
11 formity they may be seasonably amended under oath.

Sect. 9. On the second Monday of May in each year
2 when a primary election is to be held the secretary of state
3 shall furnish to the governor and council a list of candi-
4 dates for office who are to be voted for at the state election
5 following and who have been nominated in conventions as
6 aforesaid and against whom no opposition has appeared by
7 reason of the filing of nomination papers by any candidate
8 in the same political party for the same office and, after
9 verification of said list by the governor and council, shall
10 notify each of said candidates of his nomination and of the
11 fact that he is entitled to a place on the official ballot in the
12 coming election.

Sect. 10. The third Monday in June preceding each bien-
2 nial state election shall be known as primary election day,

3 and whenever the nomination of a candidate named by a
4 convention is opposed by one or more candidates who have
5 filed nomination papers, as provided herein, the party can-
6 didate for such office shall be chosen by ballot at a primary
7 election held on said day. The secretary of state shall,
8 when necessary under the provisions of this act, prepare
9 ballots for use at said primary election which shall con-
10 tain the names and residences of all candidates whose nomi-
11 nations have been duly proposed hereunder and the office
12 for which they have been proposed. The order of offices
13 shall be the same as in the regular September election, the
14 names of the candidates for nomination to each office shall
15 be arranged under the designation of the office in alpha-
16 betical order according to surnames. There shall be left
17 at the end of each list of candidates for nomination to each
18 office a blank space or spaces, in which the voter may write
19 or paste the name or names of any person or persons not
20 printed on the ballot for whom he desires to vote as a
21 nominee or nominees for such office, the number of blank
22 spaces so left to be equal to the number of nominees to be
23 selected for such office. The ballot shall be printed so as to
24 give each voter a clear opportunity to designate his choice
25 for candidates for nomination by making a cross (x) to
26 the right of the name of each candidate he wishes to vote
27 for as a nominee for each office; and on the ballot shall
28 be printed such words as will aid the voters to do this,
29 "Vote for one," "Vote for two" and the like. At the top

30 of the ballot there shall be printed in capital letters, "Make
31 a cross (x) in the square to the right of the name of the
32 person you wish to vote for. Follow directions as to the
33 number of candidates to be marked for each office. Add
34 names by writing or pasting stickers in blank spaces and
35 mark cross (x) to right of such names. Do not erase
36 names." The ballots shall be printed on tinted paper, of a
37 separate tint for each political party, white for the party
38 casting the largest vote for governor at the last preceding
39 state election, yellow for the second largest, blue for the
40 third largest, green for the fourth largest, other colors for
41 others, if any, and brown for specimen or sample ballots.
42 They shall be of uniform size for all political parties and
43 folded before distribution in marked creases so as to be of
44 uniform length and width and conceal the interior con-
45 tents. On the back shall be printed so as to be visible
46 when folded, "Official nominating ballot," followed by the
47 designation of the polling place for which the ballot is
48 prepared, the date of the primary election and a fac-simile
49 of the signature of the secretary of state.

Sect. 11. All ballots, printed notices, sample ballots and
2 cards of instructions shall be furnished by the secretary of
3 state, at the expense of the state, in the manner as in the
4 case of state elections. He shall provide and furnish for
5 each voting place or precinct at which a primary election is
6 to be held for each party participating in such primary
7 election a number of ballots equal to the vote cast by that

8 party in said voting place or precinct at the next preceding
9 state election. All ballots, printed notices, sample ballots
10 and cards of instruction shall be forwarded by the secretary
11 of state to the respective city, town and plantation clerks,
12 a record thereof made and receipts therefor returned, as
13 provided in section eight of chapter seven of the revised
14 statutes; if the city, town or plantation clerk deems that
15 more than the above number of ballots may be required by
16 any party on account of an increased enrollment, he shall
17 so certify, on or before the date for filing primary nomina-
18 tion papers, to the secretary of state, who shall add the
19 number so asked for to the number of primary nominating
20 ballots sent to that city, town or plantation. The expense
21 of the calling and holding of the primary elections and the
22 making and forwarding of the returns thereof shall be
23 paid for by the municipalities. All other expenses here-
24 under shall be borne by the state.

Sect. 12. The secretary of state shall fourteen days at
2 least previous to the day of any primary election transmit
3 to the clerk in each city, town and plantation in which a
4 primary election is to be held printed lists containing the
5 names, residences and party or political appellations of all
6 candidates to be voted for at each polling place in each
7 such city, town and plantation respectively substantially in
8 the form of the ballot to be used therein; and the clerks
9 shall immediately cause the lists for each plantation, town
10 or ward, as the case may be, to be conspicuously posted in

11 one or more public places in such plantation, town or ward.
12 The secretary of state shall likewise cause to be published
13 prior to the day of any such election hereunder, in at least
14 two newspapers, if there be so many, printed or published
15 in each county, representing so far as practicable, the
16 political parties which at the preceding gubernatorial elec-
17 tion cast the largest and next largest number of votes, a
18 list of all the candidates to be voted for hereunder in such
19 county, so far as may be in the form in which they shall
20 appear upon the general ballots. New nominations pro-
21 posed as hereinbefore provided, to fill vacancies, shall be
22 transmitted, posted and published promptly, and so far as
23 practicable in the manner herein directed, and communica-
24 tions transmitted as herein directed by the secretary of
25 state to any clerk shall be duplicated on the succeeding
26 day.

Sect. 13. 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 in which a primary election is to be
4 held, by their warrant, shall notify and warn all legally
5 qualified voters to attend at the regular voting places on
6 the third Monday in June for the purpose of voting for
7 persons to be nominated by their respective political parties
8 as candidates for said nominated offices to be voted for on
9 the second Monday in September then next ensuing. Said
10 warrant shall be in substance as follows:

PRIMARY ELECTION WARRANT

State of Maine)
County of) ss

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 nominating
5 candidates for the following offices to be voted for at the
6 election to be held on the second Monday in September
7 next, viz:

8 (Here follow the officers to be nominated)

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

Voters not enrolled as members of a political party en-
2 titled to nominate candidates will not be permitted to vote.
3 But voters entitled to enrollment may cause themselves to
4 be enrolled at the polling places during the primary election
5 on taking and subscribing the oath required by law.

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

Dated at this day of June, 19 .

Selectmen of

Such warrants shall be posted in the manner required by
2 law for warrants for the state election. Like warrants
3 shall be issued by the mayor and aldermen of cities and the
4 assessors of plantations with appropriate changes and
5 posted in like manner. The meetings shall be opened and
6 closed as stated in the foregoing form of the warrant. In
7 all such warrants appropriate provisions shall be inserted
8 calling the attention of voters to opportunities for correc-
9 tion of lists of voters by selectmen, municipal officers or
10 boards of registration in the manner specified by law.

Sect. 14. In the event of a special election becoming
2 necessary in order to fill a vacancy caused by the death or
3 resignation of any of the officials for whose nomination
4 provision is made herein, candidates to be voted for at such
5 special election shall be nominated in the manner herein
6 provided excepting that the dates for holding caucuses and
7 conventions and the date for filing nomination papers shall
8 be designated by the governor in his proclamation calling
9 for such special election.

Sect. 15. Sections one, two, three, four, five, six, seven,
2 eight, nine, ten and eleven of chapter six of the revised
3 statutes and all acts amendatory thereto are hereby repealed
4 together with all acts or parts of acts inconsistent herewith.

Sect. 16. This act shall not take effect until ratified and
2 adopted by the people and shall be submitted for their
3 approval or rejection at the next general or special state
4 election.