

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 501

House of Representatives, March 30, 1923.

On motion by Mr. Bartlett of Waterville 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

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 relating to nominations.

Be it enacted by the people of the State of Maine as follows:

Sec. 1 Section one of Chapter Six of the Revised Statutes is hereby amended by striking out in the third line the words "at and by primary elections to be held" and by striking out from said section the following words, "nothing in this section shall be construed as preventing the nomination of candidates under section thirty-one of this chapter" and by inserting in place thereof the words, "any candidate for office not nominated at a political convention who shall, within five days thereafter, file his dissent with the secretary of state, may file a petition for nomination at a primary elec-

tion to be held according to the provisions of this chapter.
The name of the person nominated at the convention shall be
placed upon the primary ballot without filing petition and
shall be designated thereon by the words, "convention
nominee", so that said section as amended shall read as follows:

'All nominations of candidates for any state or county office, including United States senator, member of congress and member of the state legislature, shall hereafter be made in accordance with the provisions of this chapter. Every political party entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September, or at any special election for state or county officers or for members of congress or members of the legislature, shall nominate all its candidates for such offices, to be voted for at such elections, under the provisions of this chapter and not in any other manner. The term "political parties," as used in this chapter, is hereby declared to mean such political parties as the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for governor. Any candidate for office not nominated at a political convention who shall, within five days thereafter, file his dissent with the secretary of state, may file a petition for nomination at a primary election to be held according to the provisions of this chapter. The name of the person nominated at the convention shall be placed upon the prim-

22 ary ballot without filing petition and shall be designated
23 thereon by the words "convention nominee."

Sec. 2. Section five of chapter six of the Revised Stat-
22 utes is hereby amended by inserting after the word "candi-
23 date" in the fourth line thereof the words 'who shall have
4 filed his dissent as hereinbefore provided,' and by striking
5 out the words "one per cent nor more than two percent" in
6 the sixth line thereof and inserting in place thereof the
7 words 'eight per cent nor more than fifteen percent,' and by
8 striking out the words "one per cent nor more than two per
9 cent" in the tenth line thereof and inserting in place thereof
10 the words, 'eight per cent nor more than fifteen per cent' so
11 that said section as amended shall read as follows:

'Nominations for places on the ballots to be used at
2 primary elections shall be made for each of the political
3 parties entitled as aforesaid to representation thereon by
4 nomination papers signed in the aggregate for each candi-
5 date who shall have filed his dissent as hereinbefore pro-
6 vided of each political party by qualified voters within the
7 electoral division or district, wherein such candidate is to be
8 voted for, in number not less than eight per cent nor more
9 than fifteen per cent of the entire vote cast for governor in
10 the last preceding state election in the state at large, if the
11 office for which such candidate is to be voted for is to be
12 filled by the voters of the state at large or is for the office
13 of United States senator, otherwise not less than eight per
14 cent nor more than fifteen per cent of such gubernatorial

15 vote within the electoral division or district wherein such
16 proposed candidate is to be voted for. All such nomination
17 papers shall besides containing the names of the proposed
18 candidates specify as to each, first, the name of the office
19 for which he is proposed as a candidate; second, the politi-
20 cal party which he represents; third, his place of residence.
21 There shall not be in any nomination paper the name of
22 more than one candidate proposed for nomination.
23 Nomination papers shall be signed by members of the
24 political party named therein for which the nomination is
25 made. Each voter signing a nomination paper shall make
26 his signature in person and add to it his place of residence.
27 Each voter may subscribe his name to one nomination for a
28 candidate for each office to be filled, and no more, except
29 in cases where the office is to be filled by more than one per-
30 son, and in such cases only to the extent of such number.
31 One of the signers to each such separate paper, or the per-
32 son circulating the same, shall make oath thereon, or by
33 certificate of oath annexed thereto, that he believes the
34 signatures are genuine and that the persons signing are
35 members of the political party named therein and that they re-
36 side within the electoral division or district for which the
37 nomination is proposed. The state at large shall be con-
38 sidered an electoral division within the meaning of this
39 section; provided, that nothing herein shall make it neces-
40 sary for nomination papers for any candidate to be signed
41 in the aggregate by qualified voters greater in number than

42 ten per cent of the last gubernational vote cast by the party
43 of such candidate within the electoral division or district
44 wherein such candidate is to be voted for.'

Sect. 3. Section six of Chapter Six of the Revised Statutes is hereby amended by striking out the words, "no such nomination papers shall be signed before the first day of 4 January in the year in which such primary election is to be 5 held and all such nomination papers shall be filed with the 6 secretary of state on or before the first Monday of May of 7 said year" and inserting in place thereof the words, 'all such 8 nomination papers shall be filed with the secretary of state 9 on or before the first Monday of June of the year in which 10 such primary election is to be held' so that said section as 11 amended shall read as follows:

'All such nomination papers shall be filed with the secretary of state on or before the first Monday of June of the 3 year in which such primary election is to be held. With 4 such nomination papers there shall also be filed the consent 5 in writing of the persons so proposed thereby as candidates, 6 agreeing to accept the nomination if nominated at the 7 primary election, not to withdraw, and, if elected at the 8 state election, to qualify as such officer. Such nomination 9 papers so filed, and being in apparent conformity with the 10 provisions hereof, shall be deemed to be valid; and, if not 11 in apparent conformity, they may be seasonably amended 12 under oath. In case any person who has been duly proposed 13 as a candidate under the provisions hereof shall die before

14 the day of the primary election, or shall withdraw in writ-
15 ing, so that the nominations shall be less than the number of
16 the candidates required to be voted for by law, the vacancy
17 may be supplied in the manner herein provided for such
18 original nomination; or, if the time is insufficient therefor,
19 then the vacancy may be supplied by the appropriate com-
20 mittee of the state, district, county, city, town, plantation
21 or representative class by which such candidate is to be
22 elected. Certificates for supplying the vacancy and the
23 manner of placing the name of the nominee upon the ballots
24 shall conform to the provisions of section thirty-five. All
25 nomination papers when filed shall forthwith be opened and
26 kept open under proper regulations to public inspection and
27 the secretary of state shall preserve the same in his office
28 not less than one year.'

Sect. 4. Section seven of chapter six of the Revised
2 Statutes is hereby amended by adding at the first of said
3 section the words 'In case of the filing of a dissent and
4 nomination papers by a United States senator as hereinbe-
5 fore provided,' so that said section as amended shall read as
6 follows:

'In case of the filing of a dissent and nomination papers by
2 a United States senator as hereinbefore provided whenever
3 one or more United States senators are to be elected at the
4 biennial state election held on the second Monday of
5 September, the nominee or nominees for such office or
6 offices, of each political party, shall be chosen at the primary

7 election held on the third Monday in June preceding.
8 Nominations therefor shall be made and filed as hereinbe-
9 fore provided. Where but one United States senator is so
10 to be elected, the nomination papers and official ballot shall
11 specify simply the office of United States senator. When,
12 however, two United States senators are so to be elected,
13 the nomination papers and ballots shall by apt words
14 designate the respective terms for which they are to be
15 nominated.'

Sect. 5. Section twenty-nine of Chapter Six of the Re-
2 vised Statutes is hereby amended by striking out the words,
3 "for the purpose of filling vacancies as provided in section
4 twenty-two of this chapter, and for nominating candidates
5 not included in section one of this chapter" so that said sec-
6 tion as amended shall read as follows :

'Any convention of delegates, any caucus or meeting of
2 qualified voters, as hereinafter defined, may nominate
3 candidates for public office in the manner provided in the
4 following section, whose names shall be placed upon the bol-
5 lots to be furnished as herein provided.'

Sect. 6. Section thirty-five of Chapter Six of the Re-
2 vised Statutes is hereby amended by striking out the words,
3 "sections thirty and thirty-one" and inserting in place
4 thereof the word 'hereof' so that said section as amended
5 shall read as follows :

'In case a candidate who has been duly nominated under
2 the provisions hereof shall die before the day of election,

3 or shall withdraw in writing, the vacancy may be supplied
4 by the political party or other persons making the original
5 nomination, in the manner herein provided for such
6 nomination; or, if the time is insufficient therefor, then the
7 vacancy may be supplied, if the nomination was made by a
8 convention or caucus in such manner as the convention or
9 caucus has previously provided for the purpose, or in case
10 of no such previous provision, then by a regularly elected
11 general or executive committee representing the political
12 party or persons holding such convention or caucus. The
13 certificates of nomination made for supplying any vacancy,
14 shall state, in addition to the other facts required by this
15 chapter the name of the original candidate proposed or the
16 original nominee, the facts causing the vacancy, and the
17 measures taken in accordance with the above requirements
18 for filling the vacancy; said certificate shall be accom-
19 panied by the withdrawal, if any, and shall be signed and
20 sworn to by the presiding officer or secretary of the con-
21 vention or caucus, or by the chairman or secretary of the
22 duly authorized committee, as the case may be. The name
23 so supplied for the vacancy shall, if the ballots have not
24 been printed for the office already, be placed on the ballots,
25 instead of the original nomination; or, if the ballots have
26 been printed, new ballots containing the new nomination
27 shall, whenever practicable, be furnished, or, slips contain-
28 ing the new nomination shall be printed under the direction
29 of the secretary of state, which may be pasted in proper

30 place upon the ballots and thereafter shall become part and
31 parcel of said ballots as if originally printed thereon.'

Sect. 7. Sections nineteen and twenty-one of Chapter Six
2 of the Revised Statutes shall apply to nominations under
3 section twenty-nine as herein amended.

Sect. 8. The voting in all state and county conventions
2 shall be by the Australian system as now used in the present
3 primary elections. The polls shall be open from twelve
4 noon to four o'clock in the afternoon. The enclosure and
5 booths shall be the same as now used. There shall not be
6 less than four booths in the state convention, one for each
7 district plainly marked so the voters of each district will
8 readily know the booth they are to vote in.

Sect. 9. This Act shall be submitted for the approval or
2 rejection of the people of the state at the next general or
3 special state election. It shall not take effect unless so ap-
4 proved by the people.