

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 3

H. D. No. 1

House of Representatives, Jan. 13, 1925.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent up for Concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Oakes of Portland.

STATE OF MAINE

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

AN ACT to amend Chapter Six of the Revised Statutes re-
lating to nominations.

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

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

10 of state, may file a petition for nomination at a primary
11 election to be held according to the provisions of this chap-
12 ter. The name of the person nominated at the convention
13 shall be placed upon the primary ballot without filing petition
14 and shall be designated thereon by the words, 'convention
15 nominee'"; so that said section as amended shall read as
16 follows:

 'All nominations of candidates for any state or county
2 office, including United States senator, member of congress
3 and member of the state legislature, shall hereafter be made
4 in accordance with the provisions of this chapter. Every
5 political party entitled by law to representation upon the
6 official ballot at state elections held biennially on the second
7 Monday in September, or at any special election for state
8 or county officers or for members of congress or members
9 of the legislature, shall nominate all its candidates for such
10 offices, to be voted for at such elections, under the provi-
11 sions of this chapter and not in any other manner. The
12 term "political parties," as used in this chapter, is hereby
13 declared to mean such political parties as the gubernatorial
14 election next preceding any such primary election polled at
15 least one percent of the entire vote cast in the state for
16 governor. Any candidate for office not nominated at a
17 political convention who shall, within five days thereafter,
18 file his dissent with the secretary of state, may file a petition
19 for nomination at a primary election to be held according to
20 the provisions of this chapter. The name of the person
21 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.'

Section 2. Section five of Chapter Six of the Revised
2 Statutes is hereby amended by inserting after the word
3 "candidate" in the fourth line thereof the words, "for
4 United States senator and each candidate who shall have
5 filed his dissent as hereinbefore provided" and by striking
6 out the words "one per cent nor more than two per cent" in
7 the tenth line thereof and inserting in place thereof the
8 words, "fifteen per cent nor more than twenty-five per cent"
9 so that said section as amended shall read as follows:

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

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

Section 3. Section six of Chapter Six of the Revised

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

‘All such nomination papers shall be filed with the secre-
2 tary 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 con-
5 sent in writing of the persons so proposed thereby as candi-
6 dates, agreeing to accept the nomination if nominated at
7 the 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 in
11 apparent conformity, they may be seasonably amended under
12 oath. In case any person who has been duly proposed as a
13 candidate under the provisions hereof shall die before the
14 day of the primary election, or shall withdraw in writing,
15 so that the nominations shall be less than the number of the
16 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 or
21 representative class by which such candidate is to be elected.
22 Certificates for supplying the vacancy and the manner of
23 placing the name of the nominee upon the ballots shall con-
24 form to the provisions of section thirty-five. All nomina-
25 tion papers when filed shall forthwith be opened and kept
26 open under proper regulations to public inspection and the
27 secretary of state shall preserve the same in his office not
28 less than one year.'

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

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

Section 5. 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 there-
4 of the word "hereof" so that said section as amended shall
5 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 nomi-
6 nation; or, if the time is insufficient therefor, then the va-
7 cancy 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 accompanied
19 by the withdrawal, if any, and shall be signed and sworn to
20 by the presiding officer or secretary of the convention or
21 caucus, or by the chairman or secretary of the duly author-
22 ized committee, as the case may be. The name so supplied
23 for the vacancy shall, if the ballots have not been printed
24 for the office already, be placed on the ballots, instead of
25 the original nomination; or, if the ballots have been printed,
26 new ballots containing the new nomination shall, whenever
27 practicable, be furnished, or, slips containing the new nomi-
28 nation shall, be printed under the direction of the secretary
29 of state, which may be pasted in proper place upon the
30 ballots and thereafter shall become part and parcel of said
31 ballots as if originally printed thereon.

Section 6. Sections nineteen and twenty-one of Chapter
2 Six of the Revised Statutes shall apply to nominations
3 under section twenty-nine as herein amended.

Section 7. 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.

REFERENDUM. DATE OF MEETING. FORM OF
QUESTION. PROCEDURE.

Section 8. This act shall be submitted for approval or
2 rejection to the qualified voters of the State at an election
3 to be held on the second Monday in September, A. D. nine-
4 teen hundred and twenty-five, and warrants shall be issued
5 by the municipal officers of cities, towns, and plantations,
6 notifying and warning the inhabitants of their respective
7 cities, towns, and plantations to meet in the manner pre-
8 scribed by law for calling and holding biennial meetings of
9 said inhabitants for election of state and county officers,
10 there to cast their ballots for the approval or rejection of
11 this act. The question proposed on said ballot shall be
12 substantially in the following form: "Shall an act passed
13 by the Legislature in the year nineteen hundred and twenty-
14 five approved (insert date) entitled 'An Act to Amend
15 Chapter Six of the Revised Statutes Relating to Nomina-

16 tions,' be accepted," otherwise said ballot shall be in form
17 provided by law when a constitutional amendment is sub-
18 mitted to the vote of the people. The provisions of law
19 relating to the preparation of voting lists for state elections
20 shall apply to such election and said election shall in all
21 other respects be conducted as state elections are now con-
22 ducted by law and the results thereof be determined in the
23 manner now provided by law for the determination in state
24 elections. If a majority of the ballots deposited as afore-
25 said shall reject, this act shall not go into effect, but if a
26 majority of the electors throughout the state voting in said
27 election shall approve, then this act shall take effect as of
28 the date of its adoption by the electors.