

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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S. P. No. 2

S. D. No. 4

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In Senate, Jan. 14, 1925.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Anthoine of Cumberland.

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STATE OF MAINE

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

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AN ACT to Provide the Method of Nominating Candidates  
for Office.

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

Sections 1 to 53 inclusive of Chapter Six of the Revised  
2 Statutes, are hereby repealed and in place thereof are sub-  
3 stituted the following:

Section 1. *Nominations Shall Be Made by Party Con-*  
2 *ventions. "Political Parties" Defined.*—All nominations of  
3 candidates for any state or county office, including United  
4 States Senator, member of Congress, and member of the  
5 Legislature, shall, except as hereinafter specified, be hence-  
6 forth made in and by party conventions to be held in accord-  
7 ance with the provisions of this chapter. Every political

8 party entitled by law to representation upon the official  
9 ballot at state elections, held biennially on the second Monday  
10 in September or at any special election for state or county  
11 officers, or for members of Congress or members of the  
12 Legislature, shall nominate all its candidates for such offices  
13 to be voted for at such elections under provisions of this  
14 chapter, and not in any other manner.

The term "political parties" as used in this chapter is  
2 hereby declared to mean such political parties as at the  
3 gubernatorial election next preceding any such party con-  
4 vention polled at least one per cent of the entire vote cast  
5 in the state for governor. Nothing in this section shall be  
6 construed as preventing the nominations of candidates under  
7 Section 33 of this chapter.

Sect. 2. *Municipal Officers Shall Issue Warrants; Posting*  
2 *of Warrants.*—Not less than seven days before the third  
3 Monday of May preceding a biennial state election, the  
4 municipal officers of every city, town and plantation, by  
5 their warrant, shall notify and warn all legally qualified  
6 voters to attend at the regular voting places on the third  
7 Monday of May for the purpose of voting for delegates of  
8 their respective political parties to meet in state, district and  
9 county conventions, which said conventions shall nominate  
10 candidates of their respective political parties to be voted  
11 for on the second Monday of September then next ensuing.  
12 Said warrant shall be, in substance, as follows:

CAUCUS WARRANT

State of Maine, ss

County of..... (Date).....

To the legal voters of the Town of.....  
You are hereby notified that a caucus in this town of  
all political parties entitled by law to nominate candi-  
dates for the next election will be held at.....  
on Monday, May. . . . next, for the purpose of electing  
delegates to state, district, county and legislative con-  
ventions, which said conventions shall nominate candi-  
dates for the following offices :

(Here follow the officers to be nominated)

The polls will be open at six o'clock in the morning,  
and continue open until six o'clock in the afternoon,  
when they will close.

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

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

Selectmen.

Such warrant shall be posted in the manner required by  
2 law for warrants for state elections. In all such warrants,  
3 appropriate provisions shall be inserted, calling the attention  
4 of the voters to opportunities for correction of lists of  
5 voters by the municipal officers or boards of registration in  
6 the manner required by law.

Sect. 3. *Apportionment of Delegates to Conventions.*—  
2 The number of delegates to the state, district, county and  
3 legislative conventions respectively to which each city, town,

4 plantation or other voting precinct shall be entitled, shall be  
5 severally determined by the state, county, district, city and  
6 town committees of the political parties, and official public  
7 notice thereof given by the chairman or secretary of said  
8 several committees, not less than eight weeks prior to said  
9 third Monday of May.

Sect. 4. *City and Town Committees; Election and*  
2 *Tenure.*—All the city, county, town and plantation com-  
3 mittees of the parties aforesaid shall be chosen in such  
4 manner and with such tenure of office and duties as the  
5 appropriate political party within such city, town or planta-  
6 tion may from time to time determine. Every such com-  
7 mittee shall fill all vacancies in its membership. The sec-  
8 retary of every such committee shall file a list of the officers  
9 thereof, with the town or city clerk of the town or city in  
10 which such committee shall act.

Sect. 5. *Lists of Candidates for Delegates.*—Any member  
2 of any “political party” desiring to be voted for as a dele-  
3 gate from the city, town or precinct where such voter is  
4 enrolled, to the state, district, county or legislative conven-  
5 tion of his party, shall not less than fifteen days nor more  
6 than twenty-eight days prior to said third Monday of May,  
7 file his name with the city, town or plantation clerk, and  
8 designate the convention to which he desires to be elected  
9 as a delegate. Such list shall be a public record and open  
10 to public inspection until sixty days after said third Monday  
11 of May.

Sect. 6. *Printing Caucus Ballots. Candidate May Pre-*

2 *pare His Own Ballots.*—Each town, plantation or city clerk  
3 shall cause to be prepared and printed the official ballot to  
4 be used by members of the political parties in each city,  
5 town or other voting precinct, and shall place thereon all  
6 names duly filed as provided in Section 5, and no other  
7 names whatsoever. On the ballot shall be printed words to  
8 aid the voter to vote correctly as “Vote for One” “Vote  
9 for Two,” and the like. At the top of the ballot, there shall  
10 be written in capital letters, “MAKE A CROSS (X) IN  
11 THE SQUARE AT THE RIGHT OF THE NAME OF  
12 THE PERSON YOU WISH TO VOTE FOR. FOL-  
13 LOW DIRECTIONS AS TO THE NUMBER OF  
14 CANDIDATES TO BE MARKED FOR EACH OF-  
15 FICE.” Any candidate for any office, nomination for which  
16 is to be made by the party conventions, may, at his own  
17 expense, prepare his own ballot containing the list of dele-  
18 gates favorable to him, using, however, only names of dele-  
19 gates filed with the city or town clerk as provided in Section  
20 5. Said ballot shall be in no way an imitation of the official  
21 ballot, but shall be so marked on its face as to designate  
22 plainly its meaning and intent, the candidate favored by the  
23 said list of delegates, his political party, and the office sought  
24 by said candidate.

If the said ballot shall not have printed thereon the official  
2 list of all candidates for delegates to the several conventions  
3 of his party, other than the convention in which he is to be  
4 a candidate, the said ballot shall be so constructed as to be  
5 used as a sticker to adhere to the official ballot and so  
6 used only.

Such city, town or plantation clerk shall provide for each  
2 voting place or precinct at which the caucus is to be held,  
3 not less than sixty of each party ballots for every fifty votes  
4 and fraction of fifty votes cast by that party in said voting  
5 place or precinct at the next preceding election (city, county,  
6 state or national).

The expense of printing the ballots, calling and holding the  
2 caucus, and the making and forwarding of the returns  
3 therefor shall be paid for by the municipalities.

The official ballots prepared by the town, plantation or  
2 city clerks as above provided, shall be plainly marked with  
3 party designations. Duly enrolled members of a party shall  
4 use the ballot of that party.

Sect. 7. *Qualification of Voters; How Determined.*—In  
2 all such caucus elections, the qualification of voters in all  
3 towns, cities, plantations or voting precincts of any descrip-  
4 tion shall be determined, except as hereinafter provided, by  
5 the lists of voters used at municipal elections in said towns,  
6 cities, plantations or voting precincts, next preceding the  
7 caucus election, corrected in accordance with the provisions  
8 of Chapter Five of the Revised Statutes and Acts Amend-  
9 tory Thereof and In Addition Thereto.

Sect. 8. *Enrollment Required.*—No person shall take part  
2 or vote in any caucus of any political party unless qualified  
3 therefor by enrollment as hereinafter provided.

Sect. 9. *Enrollment; New Enrollment.*—Any person who  
2 is a legal voter may enroll himself as a member of any  
3 political party by filing personally with the clerk of the city,

4 town or plantation in which he is a legal voter a declaration  
5 in writing signed by him substantially as follows:

“I....., being a legal voter in the  
town or city of....., hereby elect to be en-  
rolled as a member of the..... party.  
The following statement of my residence, place of  
last enrollment if any, and party of last enrollment  
if any, is true.

6 No new enrollment may be made within thirty days of the  
7 third Monday of May of each year in which the biennial  
8 election is to be held; except that new voters who may,  
9 under the provisions of Chapter Five, Revised Statutes, be  
10 registered during the said thirty day period, may make their  
11 initial party enrollment during said period. No person  
12 making a new enrollment shall vote at any political caucus  
13 within six months thereafter, if he designates in such en-  
14 rollment a different political party from that named by him  
15 in the preceding enrollment.

Sect. 10. *Clerk Shall Record Enrollments; Records Shall*  
2 *Be Open to Public.*—The clerk of the city, town or planta-  
3 tion where the enrollment is made as provided in Section 9,  
4 shall receive and file the same, endorsing thereon the date  
5 of filing and shall record the name, residence and place of  
6 last enrollment, and the date of filing in a separate book  
7 for the enrollment of the members of each political party,  
8 entering the names alphabetically, which before being used  
9 as provided in Sections 11 and 26 as herein after provided,  
10 shall be corrected to conform to the voting list. Suitable  
11 blanks for such enrollment shall be provided by the town,



12 city and plantation clerks, and in addition thereto, they shall  
13 provide books with the proper headings, embodying the en-  
14 rollment statements above provided; which any voter de-  
15 siring to enroll may fill out and sign, thereby enrolling him-  
16 self with the same effect as by filing such enrollment paper.  
17 Such book shall be a public record and shall at all times be  
18 open to public inspection.

Sect. 11. *Caucus Elections; How Conducted.*—No person  
2 shall vote at any caucus election unless a legally qualified  
3 voter at such voting place as required by the preceding  
4 sections, duly enrolled as a member of a political party not  
5 less than thirty days prior to said caucus, as provided by the  
6 preceding sections. The selectmen of towns and the ward-  
7 ens of city wards, and the proper officials in other voting  
8 precincts hereinbefore specified, shall be seasonably furn-  
9 ished by the town or city clerk or other officials charged with  
10 the duty of preserving the same, with duly certified copies  
11 of all enrollment lists, arranging each political party sepa-  
12 rately, and the names of voters therein alphabetically. At  
13 the polling places in the cities and towns aforesaid, each  
14 person applying to vote shall give his name, residence, party  
15 affiliation and place of last enrollment, if any; if properly  
16 enrolled in the precinct, he shall be given a ballot of his  
17 party. He may use a ballot prepared by any candidate of  
18 his party as provided in Section 6. His name shall be  
19 checked on the enrollment list, and he shall be admitted to  
20 the voting booth and vote.

Sect. 12. *Method of Marking Ballots.*—The voter shall

2 mark a cross (x) in the square at the right of the name of  
3 each delegate that he desires to vote for; if he desires to  
4 vote for any person whose name is not printed on the ballot,  
5 may do so by writing or pasting such name or names in the  
6 blank spaces left therefor, and mark a cross (x) at the  
7 right of such name or names.

Election of delegates shall be by plurality vote, the re-  
2 quired number having the highest votes, shall be deemed  
3 duly elected.

Except as herein modified or superseded, the provisions  
2 of Sections Fifteen to Twenty, both inclusive, Chapter  
3 Seven, Revised Statutes and Acts Amendatory thereof and  
4 in addition thereto, shall apply to all caucus elections. Dele-  
5 gates chosen at such caucus elections shall be deemed to be  
6 "officers" within the meaning of said sections.

Sect. 13. *Returns of Elections; How Made.*—A record of  
2 the delegates to the several conventions, elected by the re-  
3 spective political parties, shall be made by the town, city or  
4 plantation clerks, and certified by said officers and forwarded  
5 by mail to the secretaries of the several town or city com-  
6 mittees. Such record and certification shall be made and  
7 forwarded within three days after the aforesaid caucus  
8 election.

Sect. 14. *State, District and County Conventions.*—Not  
2 less than thirty-five nor more than forty-nine days prior to  
3 the third Wednesday of July of each year in which a  
4 biennial election is to be held, each political party shall hold  
5 state, district and county conventions, with the basis of

6 representation determined as hereinbefore prescribed, and  
7 at such time and place as its state, district, and county  
8 committee shall determine. Appropriate call thereof shall  
9 be issued and signed by the chairman and secretaries of the  
10 several state, district and county committees, setting forth  
11 the time and place of holding the several conventions and  
12 the basis of representation therein, not less than seven days  
13 prior to said third Monday of May of each year in which  
14 a biennial state election is to be held. All nominations in  
15 all said conventions shall be by written ballot.

Sect. 15. *State Convention; Its Powers, Organization of  
2 Committees, Nomination of Candidates; Vacancies.*—The  
3 state convention, held in accordance with the provisions of  
4 the preceding section shall be called to order and organized  
5 by the state committee. The duly elected delegates of the  
6 said convention shall then proceed to elect their own chair-  
7 man, secretary and such other officials as they desire. They  
8 shall formulate and adopt a declaration of principles or  
9 platform for their party for the state election next ensuing,  
10 elect a state committee of such number and elected in such  
11 manner as the convention may determine. The said com-  
12 mittee shall thereafter be organized by the choice of a chair-  
13 man and secretary and such other officers as they deem  
14 necessary, who shall hold office until the next state conven-  
15 tion called hereunder, or until their successors are duly  
16 chosen.

All vacancies for unexpired terms of state committeemen  
2 shall be filled by the county committee of the county wherein  
3 such vacancy occurs.

In years in which a presidential election is to be held, the  
2 state convention shall select the delegates and alternates at  
3 large of their party to the national convention of their party,  
4 and shall choose their party's electors of President and Vice  
5 President.

The party nominations for governor and state auditor,  
2 and in years when an election for United States Senator is  
3 to be held, for United States Senator, shall be made by the  
4 state convention. Nominations for each office shall be by  
5 majority vote of all duly accredited delegates voting for said  
6 nominations. In the event that the successful candidate  
7 for nomination for governor, United States Senator or state  
8 auditor shall fail to receive three-fifths of the total num-  
9 ber of ballots cast for all candidates for each respective  
10 nomination by said delegates, then in that event, any candi-  
11 date who shall have received two-fifths of the total number  
12 of votes cast for all said candidates for each respective nom-  
13 ination, may demand a referendum to the voters of his party  
14 throughout the state, in accordance with the provisions here-  
15 inafter set forth. No vote of the convention thereafterward  
16 shall, without his consent, in any way impair the said right  
17 of appeal of any defeated candidate who shall have received  
18 the said two-fifths vote.

Sect. 16. *District Conventions; Their Power, Organization*  
2 *of Committees.*—The Congressional district conventions held  
3 in accordance with the provisions of section fourteen shall  
4 be called to order and organized by the district committee.  
5 The duly elected delegates of said convention shall then pro-

6 ceed to elect their own chairman, secretary and such other  
7 officials as they desire. They shall elect a district committee  
8 of such number and elected in such manner as the convention  
9 shall determine. The said district committee shall there-  
10 after be organized by the choice of a chairman and secretary  
11 and such other officers they deem necessary, who shall hold  
12 office until the next district convention called hereunder or  
13 until their successors are duly chosen. All vacancies of  
14 unexpired terms of the district committeemen shall be filled  
15 by the remaining members of the district committee wherein  
16 such vacancies occur. In years in which a presidential elec-  
17 tion is to be held, the district convention shall elect the dis-  
18 trict delegates and alternates from their party to the next  
19 national convention of their party. The party nomination  
20 for Representative to Congress shall be made by the district  
21 convention.

Such nomination shall be by majority vote of all duly ac-  
2 credited delegates voting for nominees for such Representa-  
3 tive. In the event that the successful candidate for such  
4 Representative shall fail to receive three-fifths of the total  
5 number of ballots cast for all candidates for said nomina-  
6 tions, then in that event, any defeated candidate who shall  
7 have received two-fifths of the total number of votes cast  
8 for all said candidates for said nominations for Representa-  
9 tive to Congress may demand a referendum to the voters  
10 of his party throughout the district in accordance with the  
11 provisions hereinafter set forth. No vote of the convention  
12 thereafter shall, without his consent, in any way impair

13 the said right of appeal of any defeated candidate who shall  
14 have received the said two-fifths vote.

Sect. 17. *County Conventions; Their Powers, Organization of Committees, Nomination of Candidates.*—The county  
2 conventions of each county held in accordance with the pro-  
3 visions of section fourteen shall be called to order and organ-  
4 ized by the county committee. The duly elected delegates  
5 of said conventions shall then proceed to elect their own  
6 chairman, secretary and such other officials as they may  
7 desire. They shall elect a county committee of such num-  
8 ber and elected in such manner as the convention may de-  
9 termine. The said committee shall thereafter be organized  
10 by the choice of a chairman and a secretary and such other  
11 officers as they deem necessary, who shall hold office until  
12 the next county convention called hereunder, or until their  
13 successors are duly chosen. All vacancies for unexpired  
14 terms for county committeemen shall be filled by the county  
15 committee of the county wherein such vacancies occur. Par-  
16 ty nominations for all county offices, including state senators,  
17 shall be made by the county conventions. Except where  
18 two or more nominations of a class are to be made, all nom-  
19 inations for each office shall be by majority vote of all duly  
20 accredited delegates voting for said nominations. In the  
21 event that the successful candidate for nomination for the  
22 several county offices, except where two or more of a class  
23 are to be chosen, shall fail to receive three-fifths of the total  
24 number of ballots cast for all candidates for each said nom-  
25 ination by the said delegates, then in that event, any candi-

27 date who shall have received two-fifths of the total number  
28 of votes cast for all said candidates for each said nomina-  
29 tion may demand a referendum to the voters of his party  
30 throughout the county in accordance with the provisions  
31 hereinafter set forth.

Where two or more nominations of a class are to be made,  
2 as in the case of state senator, all nominations shall be by  
3 plurality vote. When two only are to be made, any defeated  
4 candidate who shall have received twenty-three per cent of  
5 the total votes cast for all candidates of that class may de-  
6 mand a referendum to the voters of his party throughout  
7 the county in accordance with the provisions hereinafter  
8 set forth; when three nominations are to be made, any de-  
9 feated candidate who shall have received fifteen per cent  
10 of the total votes cast for all candidates of that class may  
11 demand a referendum to the voters of his party as above  
12 set forth; where four candidates are to be nominated, any  
13 defeated candidate who shall have received eleven per cent  
14 of the total votes cast for all candidates of that class may  
15 demand a referendum as above set forth. No vote of the  
16 convention thereafterward shall, without his consent in any  
17 way impair the said right of appeal of any defeated candi-  
18 date who shall have received the percentages above set forth.

Sect. 18. *Nomination of Members of Legislature; How*  
2 *Made.*—In all cities and towns entitled to two or more rep-  
3 resentatives to the Legislature, nominations shall be made  
4 by separate conventions of delegates chosen by the political  
5 parties at the same time and in the same manner provided

6 for the nomination and election of delegates to the state,  
7 district and county conventions. The chairmen of the town  
8 or city committees shall, not less than seven days prior to  
9 the proposed meeting of the Legislative convention, which  
10 shall be held not less than thirty-five nor more than forty-  
11 nine days prior to said third Monday of July, give to each  
12 duly elected Legislative delegate notice of the time and place  
13 for holding the Legislative convention. The conventions  
14 shall be called to order and organized by the town or city  
15 committees. The duly elected delegates of the convention  
16 shall then proceed to elect their own chairman, secretary  
17 and such other officials as they may desire; and shall there-  
18 upon proceed to nominate their party candidates for Repre-  
19 sentatives to the Legislature. All nominations shall be by  
20 plurality vote.

Where two nominations are to be made, any defeated can-  
2 didate who shall have received twenty-three per cent of the  
3 total vote cast for all candidates may demand a referendum  
4 to the voters of his party in his town or city in accordance  
5 with the provisions hereinafter set forth. When three nom-  
6 inations are to be made, any defeated candidate who shall  
7 have received fifteen per cent of the total vote cast for all  
8 candidates may demand a referendum to the voters of his  
9 party as above set forth. Where four nominations are to  
10 be made, any defeated candidate who shall have received  
11 eleven per cent of the total votes cast for all candidates may  
12 demand a referendum to the voters of his party as above  
13 set forth. Where five nominations are to be made, any de-



14 feated candidate who shall have received nine per cent of  
15 the total votes cast for all candidates may demand a referen-  
16 dum to the voters of his party as above set forth. Where  
17 six nominations are to be made, any defeated candidate who  
18 shall have received eight per cent of the total votes cast for  
19 all candidates may demand a referendum to the voters of  
20 his party as above set forth. Where seven nominations are  
21 to be made, any defeated candidate who shall have received  
22 seven per cent of the total votes cast for all candidates may  
23 demand a referendum to the voters of his party as above  
24 set forth. To the extent heretofore provided, no vote of  
25 the convention shall impair said right of appeal.

In all cities and towns where but one candidate for rep-  
2 resentative to the Legislature is to be nominated, nomina-  
3 tions shall be made by party caucus held not less than thirty-  
4 five days nor more than forty-nine days prior to the third  
5 Monday of July of each year in which a biennial state elec-  
6 tion is to be held. The time and place of holding the said  
7 caucus shall be determined by the town or city or plantation  
8 committee of each party, and due public notice thereof given  
9 by the chairman and secretary thereof at least seven days  
10 prior to the date of holding said caucuses. The parties may  
11 hold the said caucuses on separate days and at separate  
12 places. No person, except registered and qualified to vote  
13 in the state caucus of his party as hereinbefore set forth,  
14 shall be entitled to vote in such caucus. Nomination shall  
15 be by written ballot and shall be by plurality vote. Proposals  
16 for nominations may be made either at the time of the caucus

17 or by filing names with the chairman of the town, plantation  
18 or city committee. The person who shall receive the largest  
19 number of votes at such caucus shall be the duly nominated  
20 candidate of his party for Representative to the Legislature.  
21 The name of said candidate shall be forthwith certified to  
22 the secretary of state by the secretary of the town, city, or  
23 plantation committee.

Where two or more towns are joined in a Legislative Class  
2 and entitled jointly to elect one Representative to the Legis-  
3 lature, nomination of the party candidate for such Repre-  
4 sentative, who shall reside in one of the towns of the class,  
5 shall be made by caucus held in each town in the class. Such  
6 caucus shall be held on call of the chairmen of the several  
7 town committees not less than thirty-five nor more than  
8 forty-nine days prior to said third Monday of July. At  
9 least seven days' public notice of the time and place of hold-  
10 ing such caucus shall be given, signed by the chairmen and  
11 secretaries of the several committees. No person, except  
12 registered and qualified to vote in the state caucus of his  
13 party as hereinbefore set forth, shall be entitled to vote in  
14 such caucus. Proposals for nominations may be made either  
15 at the time of the caucus or by filing names with the chair-  
16 men of the several town committees. Each caucus shall  
17 choose a chairman and a secretary. The secretary shall can-  
18 vass and record the vote of the caucus and certify the same,  
19 under oath, to the clerk of the town in which the caucus is  
20 held. Nominations shall be by plurality vote, and the can-  
21 didate who shall receive the largest number of votes in the

22 combined vote of all caucuses of his party in all said class  
23 towns shall be the nominee of his party for said Representa-  
24 tive.

When only one town of the class shall have candidates  
2 for Representative, the caucus of any other town of the  
3 class may, by majority vote, endorse the nominee of said  
4 town. The several clerks of the towns included in the class  
5 shall canvass the returns made to them by the secretaries of  
6 the caucuses, and the name of the candidate of each party  
7 who has been duly nominated as provided above, shall be  
8 certified by any one of said clerks to the secretary of state  
9 as the nominee of that class.

Sect. 19. *Secretaries to Certify Names of Convention*  
2 *Nominees to Secretary of State; Secretary of State to No-*  
3 *tify Nominees.*—No defeated candidate for any nomination  
4 made by any of the conventions provided for in sections fif-  
5 teen, sixteen, seventeen and eighteen, who shall have failed  
6 to receive the percentage of votes for his office requisite to  
7 the demand for referendum provided in said sections, shall  
8 have the right of appeal; but the secretaries of the several  
9 conventions shall, within seven days after their adjourn-  
10 ment, for all such nominations in which there is no right of  
11 appeal, certify to the secretary of state the names of the  
12 successful candidates and the offices for which they have  
13 been respectively nominated. The secretary of state shall  
14 enter in a register of nominations, to be kept by him for  
15 that purpose, the nominations for each party so ascertained,  
16 and shall forthwith notify by registered mail each person  
17 who is so nominated.

Sect. 20. *Appeal to Primary Vote.*—Any candidate who  
2 shall be entitled to appeal to a popular primary under the  
3 provisions of sections fifteen, sixteen, seventeen and eighteen  
4 of this chapter, shall if he elects to make such appeal, file  
5 written notice of his intention with the secretary of state  
6 within seven days after the adjournment of the convention,  
7 in which he was a candidate. Said notice shall set forth the  
8 name of the candidate, his party, his residence, the office for  
9 which he is a candidate, and the percentage of the total vote  
10 which he received in his party convention.

Sect. 21. *Secretary of State to Transmit Lists.*—The sec-  
2 retary of state shall, within seven days after the filing of  
3 said notices of demand for referendum, transmit the list of  
4 names of those candidates demanding said referendum to  
5 the town, plantation or city clerks of the political divisions  
6 in which said referendum is to be held. The names of all  
7 candidates for the several offices shall be separately listed,  
8 and shall include the name of the convention nominee for  
9 the said office and all defeated candidates entitled to a ref-  
10 erendum who shall have so filed their notice of demand with  
11 the secretary of state.

Sect. 22. *Ballots Shall Be Prepared and Furnished by the*  
2 *Secretary of State.*—All ballots, printed notices, sample bal-  
3 lots and cards of instruction for the primary shall be fur-  
4 nished by the secretary of state at the expense of the state  
5 in the same manner as for regular elections. The ballot  
6 shall contain the names of all candidates to be voted for at  
7 the primary to be held within the political division where

8 such ballot is to be used. The names of the candidates for  
9 nomination to each office shall be arranged under the desig-  
10 nation of the office in alphabetical order, according to sur-  
11 names, except that the name of the caucus nominee shall  
12 be placed first. The ballot shall be so printed as to give  
13 each voter a clear opportunity to designate his choice for  
14 candidates for nomination by marking a cross (x) at the  
15 right of each candidate he wishes to vote for as a nominee  
16 to each office; and on the ballot shall be printed such words  
17 as will aid the voter to do so, as "Vote for One," "Vote for  
18 Two," and the like. At the top of the ballot, there shall be  
19 written in capital letters, "MAKE A CROSS (X) IN THE  
20 SQUARE AT THE RIGHT OF THE NAME OF THE  
21 PERSON YOU WISH TO VOTE FOR. FOLLOW DI-  
22 RECTIONS AS TO THE NUMBER OF CANDIDATES  
23 TO BE MARKED FOR EACH OFFICE." The ballot  
24 shall be printed on tinted paper, a separate tint for each  
25 political party—white for the party casting the highest vote  
26 for governor at the last preceding election, yellow for the  
27 second highest, blue for the third highest, green for the  
28 fourth highest, other colors for others, if any, and brown  
29 for specimen or sample ballots. They shall be of uniform  
30 size for all political parties, and folded before distribution  
31 in marked creases so as to be of uniform length and width  
32 and conceal the interior contents. On the back shall be  
33 printed, so as to be visible when folded, "Official Nomina-  
34 tion Ballot," followed by the designation of the polling place  
35 for which the ballot is prepared, the time of the primary

36 election, and a facsimile of the signature of the secretary of  
37 state.

Sect. 23. *Number of Ballots to Be Furnished.*—The secre-  
2 tary of state shall provide and furnish for each voting place  
3 or precinct at which an election is to be held, not less than  
4 sixty of each party primary nominating ballots for every  
5 fifty votes or fraction of fifty votes cast by that party in  
6 the said voting place or precinct at the caucus election next  
7 preceding. The expense of calling and holding of the pri-  
8 mary elections, and making and forwarding of the returns  
9 thereof shall be paid for by the municipalities. All other  
10 expenses hereunder shall be borne by the state.

Sect. 24. *State Expenditures; How Approved and Paid.*—  
2 All accounts for expenditures by the state hereunder shall  
3 be approved in the manner required by law and, after ap-  
4 proval, the governor and council shall endorse their war-  
5 rant against any money in the treasury, not otherwise ap-  
6 propriated, in payment thereof.

Sect. 25. *Primary Election; Issuing and Posting of War-*  
2 *rants.*—Not less than seven days before the third Monday  
3 of July, preceding a biennial state election, the municipal  
4 officers of every city, town or plantation in which voters  
5 shall be entitled to vote at the primary election as provided  
6 in section twenty-three shall by their warranty notify and  
7 warn all legally qualified voters (or if the primary is to be  
8 held by the voters of one party only, then the members of  
9 that party only) to attend at the regular voting place on  
10 the third Monday of July for the purpose of voting for per-

11 sons to be nominated by their respective political parties for  
 12 the several offices, with respect to which appeal to said vot-  
 13 ers has been demanded, as candidates to be voted for on the  
 14 second Monday of September then next ensuing. Said war-  
 15 rant shall be, in substance, as follows :

PRIMARY ELECTION WARRANT

State of Maine,.....ss

To the legal voters of the Town of  
 ..... You are hereby notified that a  
 primary election in this town of the  
 ..... political party, or political par-  
 ties, will be held at ..... on Monday,  
 July .... next for the purpose of nominat-  
 ing candidates for the following office to be  
 voted for at the election to be held on the sec-  
 ond Monday of September following, viz :

(Here follow the list of offices to be nom-  
 inated by each party, or if by only one  
 party, then that party only.)

The polls will be open at six o'clock in the  
 forenoon and will continue open until six  
 o'clock in the afternoon, when they will close.

Voters not enrolled as members of their po-  
 litical party entitled to nominate candidates,  
 will not be permitted to vote.

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

Selectmen

Such warrant shall be posted in the manner required by  
 2 law for warrants for state elections.

Sect. 26. *Qualification of Voters at Primary; How De-*  
 2 *termined.*—In all such primary elections, the qualification  
 3 to vote shall be as heretofore determined in sections seven,

4 eight and nine of this act, defining qualifications for caucus  
5 elections, except that citizens who may, under the provisions  
6 of chapter five of revised statutes, be registered after the  
7 caucus day and before the said primary day, may be reg-  
8 istered and make their initial party enrollment during said  
9 period and shall be entitled to vote at the said primary elec-  
10 tion.

Sect. 27. *Method of Conducting Primary Election; Mark-*  
2 *ing of Ballots.*—Except as herein modified, the provisions  
3 of sections eleven and twelve of this act, shall apply to pri-  
4 mary elections, and shall define the conduct of the same;  
5 except that the voter shall use only the official ballot, and  
6 that no ballot shall be received containing any distinguish-  
7 ing mark or figure thereon, other than as herein expressly  
8 permitted.

Sect. 28. *Returns of Primary Election; How Made.*—  
2 The secretary of state shall seasonably furnish blanks for  
3 all voting places in which the primary election is to be held,  
4 on which to make the returns required hereunder. The  
5 names of the candidates shall be printed thereon substan-  
6 tially as in the nominating ballot, and in the space made  
7 for the purpose following each name shall be there entered  
8 the number of votes received in that polling place by each  
9 candidate. The ballots shall be sorted and the result de-  
10 clared in open meeting. Such record shall be separately  
11 made for the political parties respectively having proposed  
12 nominees upon the ballot and shall give the number of votes  
13 lawfully cast for each of the nominees thereon, following



14 as near as practicable the order of the political parties, offi-  
15 cers and nominees thereon, so as to give the detailed result  
16 of such voting. Returns thereof shall be attested by the  
17 municipal officers in like manner as at the biennial election  
18 for governor. Such municipal officers shall cause the re-  
19 turns aforesaid to be delivered at the office of the secretary  
20 of state, by mail or otherwise, within seven days after such  
21 primary election, and if not so delivered within said seven  
22 days like proceedings shall follow as provided by section  
23 forty-six and sections forty-nine to fifty-two, both inclusive,  
24 of chapter seven, revised statutes. In cities, the warden  
25 shall preside, as required by law at state elections, receive  
26 the votes of all qualified voters present, and as herein re-  
27 quired in case of town meetings, sort, count and declare  
28 the results in open ward meetings, and in the presence of  
29 the ward clerk, who shall make return and a record thereof,  
30 as in towns, and a fair copy of the record shall be attested  
31 by the warden and the ward clerk, sealed up in open ward  
32 meeting and delivered to the city clerk, within twenty-four  
33 hours after the closing of the polls. And the aldermen of  
34 each city shall be in session within twenty-four hours after  
35 the close of the polls in such meetings, and in the presence  
36 of the city clerk shall open, examine and compare the copies  
37 from the lists of votes given in in the several wards of which  
38 the city clerk shall make a record; and a return thereof  
39 shall be made into the office of the secretary of state in the  
40 same manner as selectmen of towns are required to do here-  
41 under. Any candidate shall have the right to inspect the

42 ballot and returns as provided in chapter two hundred and  
43 thirty-three of the laws of nineteen hundred and nineteen.

Sect. 29. *Governor and Council shall Tabulate Returns.*—

2 The governor and council by the first Tuesday of August  
3 in each year in which a primary election is held hereunder,  
4 shall open and compare the votes so returned hereunder,  
5 and have the same tabulated, and forthwith thereafter have  
6 forwarded to each candidate a copy of said tabulations of  
7 his precinct or district, and may receive testimony on oath  
8 to prove that the return from any city, town or plantation  
9 does not agree with the record of the vote of such city, town  
10 or plantation, in the number of votes or the names of the  
11 persons voted for, and to prove which of them is correct;  
12 and the return, when found to be erroneous, may be correct-  
13 ed by the record. No such correction can be made without  
14 application within fourteen days after the returns are opened  
15 and tabulated, stating the error alleged, nor without rea-  
16 sonable notice thereof given to the person affected by such  
17 correction, and during said fourteen days any person voted  
18 for may personally and by or with counsel, examine said  
19 returns in the presence of the governor and council, or either  
20 of them, or any member of the council, or the secretary of  
21 state. The person having the highest number of votes for  
22 nomination to any office shall be deemed to have been nom-  
23 inated by his political party for that office, provided that  
24 when a tie shall exist between two or more persons for the  
25 same nomination by reason of said two or more persons  
26 having an equal and the highest number of votes for nom-

27 ination by one party to one and the same office, the secre-  
28 tary of state shall give notice to the several persons so hav-  
29 ing the highest and equal number of votes to attend at the  
30 office of the secretary of state at a time to be appointed by  
31 said secretary, who shall then and there proceed publicly  
32 to decide by lot which of the persons so having an equal  
33 number of votes shall be declared nominated by his party  
34 with like effect as if there had been no such tie. To ascer-  
35 tain what persons have received the highest number of votes,  
36 the governor and council shall count and declare for any  
37 person all votes appearing by said returns to have been in-  
38 tentinally cast for him, although his name upon the return  
39 is misspelled or written with only the initial or initials of  
40 his christian name or names, or with wrong initials or other-  
41 wise as the case may be; and they may hear testimony upon  
42 oath, in relation to such returns, in order to get at the inten-  
43 tion of the voters and shall decide accordingly. When a  
44 return is defective by reason of any informality, an attested  
45 copy of the record may be substituted therefor. The returns  
46 may be corrected in accordance with the provisions of chap-  
47 ter two hundred thirty-three of the laws of nineteen hundred  
48 nineteen.

The secretary of state shall enter in a register of nomina-  
2 tions, to be kept by him for the purpose, the nominations  
3 for each party so ascertained, and shall forthwith notify by  
4 registered mail each person who is so nominated.

Sect. 30. *Acceptance of Nominee Shall Be Filed.*—When  
2 no appeal has been made from nominations made by party

3 conventions as provided in sections fifteen, sixteen, seven-  
 4 teen and eighteen, the candidate so nominated shall, within  
 5 seven days after the receipt of notification, send the secre-  
 6 tary of state by registered mail the following acceptance:

I, ....., of .....,  
 hereby accept the nomination to the office of .....  
 ..... made at the ..... party con-  
 vention .....

The name of any candidate failing to file such acceptance  
 2 shall not be used on the official ballot to be used at the elec-  
 3 tion; and failure to file such acceptance within said seven  
 4 days shall be deemed to be a refusal thereof.

Every candidate who shall be nominated at the primary  
 2 election as provided in sections twenty-one to twenty-seven  
 3 inclusive, shall, within seven days after receipt of notifica-  
 4 tion by the secretary of state, send to the secretary of state  
 5 by registered mail the following acceptance:

To the Secretary of State:

I, ....., of ....., hereby ac-  
 cept the nomination to the office of .....  
 made at the primary election, July .....

The name of any candidate failing to file such acceptance  
 2 shall not be printed upon the official ballot to be used at the  
 3 state election, and failure to file such acceptance within said  
 4 seven days shall be deemed to be a refusal thereof.

Sect. 31. *Vacancies; How Filled.*—In case any candidate  
 2 who has been duly nominated as a result of any caucus or  
 3 primary election hereunder, shall die before the day of the

4 gubernatorial election, or shall withdraw in writing, or shall  
5 forfeit his nomination by failure to accept or file return as  
6 provided in section thirty and section thirty-seven herein-  
7 after set forth, the vacancy may be supplied by the regu-  
8 larly elected state, congressional district, county, town, city  
9 or plantation or Representative Class committee, as the case  
10 may be, of such political party. Certificate of nomination  
11 made for supplying any vacancy shall state, in addition to  
12 the facts required by this chapter, the name of the original  
13 candidate proposed on the original nomination, and the facts  
14 causing the vacancy. Said certificate shall be acknowledged  
15 by the withdrawer, if any, and shall be signed and sworn  
16 to by the chairman or secretary of the duly authorized com-  
17 mittee. The name so supplied for the vacancy, shall, if the  
18 ballots have not been printed for the office already, be  
19 printed on the ballots instead of the original nomination. If  
20 the ballots have been printed, new ballots containing the new  
21 nomination shall, whenever practicable, be furnished; or  
22 slips, containing the new nominations, shall be printed under  
23 the direction of the secretary of state and may be pasted in  
24 proper place upon the ballots, and shall thereafter become  
25 part and parcel of said ballots as if originally printed there-  
26 on.

Sect. 32. *Caucus Elections and Primary Elections to Be  
2 Considered as Separate Elections for Each Political Party.*

3 —In construing the provisions of this chapter and of all sec-  
4 tions of the revised statutes hereby made applicable as afore-  
5 said to the caucus and primary elections to be held here-

6 under, and to all matters herein contained before and after  
7 such caucus and primary elections material to the purpose  
8 thereof, they shall, as to the duties of officers, forms, blanks,  
9 ballots, elections, warrants, returns and all other matters, so  
10 far as necessary for accomplishing the purpose of this chap-  
11 ter, be understood and interpreted as though said caucus  
12 and primary elections are separate elections for each politi-  
13 cal party making its nominations hereunder, and to be con-  
14 ducted as to that party, as nearly as practicable, the same  
15 as the regular biennial state election in September is con-  
16 ducted for all of the elections, except insofar as modified  
17 by the provisions of this chapter, and except insofar as the  
18 manner of proceeding before and after said September elec-  
19 tion may be modified or changed by this chapter for the pur-  
20 pose of said caucus and primary elections.

Sect. 33. *Nominations of Independent Candidates; How*  
2 *Made.*—Nominations of candidates other than of “political  
3 parties” as defined in the terms of this act, may be made  
4 as follows: Nomination of such candidate for any office to  
5 be filled by the voters of the state at large may be made by  
6 nomination papers signed in the aggregate for each candi-  
7 date, by not less than one thousand qualified voters of the  
8 state. Nominations of candidates for electoral districts,  
9 counties or state Legislative districts may be made by nom-  
10 ination papers signed in the aggregate for each candidate,  
11 by qualified voters of such district or division, not less in  
12 number than one for every hundred persons who voted at  
13 the next preceding gubernatorial election in said district,

14 county or legislative division, but in no case less than twenty-  
15 five. Each voter signing a nomination paper shall make  
16 his signature in person and add to it his place of residence,  
17 and each voter may subscribe for only one person for each  
18 office to be filled, and no more. The nomination papers shall,  
19 before being filed, be respectively submitted to the clerks of  
20 the cities, towns or plantations in which the signers pur-  
21 port to be qualified voters; and each clerk to whom the same  
22 is committed shall forthwith certify thereon what number  
23 of the signatures are names of qualified voters, both in the  
24 city, town or plantation for which he is clerk, and in the  
25 district, county or Legislative division for which the nom-  
26 ination is made. One of the signers to each such separate  
27 paper shall swear to the truth thereof, and the certificate  
28 of such oath shall be annexed to or made upon the nom-  
29 ination paper.

Sect. 34. *Contents of Certificates and Nomination Papers.*

2 —All certificates of nomination and nomination papers  
3 shall, besides containing the name of the candidates, specify  
4 as to each: first, the office for which he is nominated; sec-  
5 ond, the party or political principle which he represents, ex-  
6 pressed in not more than three words; third, the place of  
7 his residence. In the case of electors of President and Vice-  
8 President of the United States, the names of the candidates  
9 for President and Vice-President may be added to the party  
10 or political appellation.

Sect. 35. *Filing of Certificates of Nomination and Nom-  
2 ination Papers.*—Certificates of nomination under section

3 thirty-three and nomination papers for the nomination of  
4 candidates for state and county offices, and representatives  
5 to the Legislature shall be filed with the secretary of state  
6 on or before the first day of August of each year in which  
7 such election is held, and for candidates for electors of Pres-  
8 ident and Vice-President on or before the tenth day of Sep-  
9 tember in each year when such election is held. Such cer-  
10 tificates and papers for the nomination of candidates to be  
11 voted for at any special election to be held for the choice  
12 of United States Senators, Representatives to Congress or  
13 members of the Legislature shall be filed with the secretary  
14 of state at least fourteen days, exclusive of Sundays, previ-  
15 ous to the day of election. With nomination papers and cer-  
16 tificates shall also be filed the consent in writing of the per-  
17 son nominated.

Sect. 36. *Vacancies in Nominations of Candidates Made  
2 under Section Thirty-three.*—In case a candidate who is a  
3 member of some political organization, but not included  
4 within the meaning of “political parties,” and who has been  
5 duly nominated under the provisions of sections thirty-three,  
6 thirty-four and thirty-five shall die before the day of elec-  
7 tion, or shall withdraw in writing, the vacancy may be sup-  
8 plied by the regularly elected general or executive commit-  
9 tee representing the political organization to which such can-  
10 didate belonged. Certificate of nomination made for sup-  
11 plying any such vacancy shall state, in addition to the other  
12 facts required by this chapter, the name of the candidate  
13 proposed or the original nominee, and the facts causing the



14 vacancy. Said certificate shall be accompanied by the with-  
15 drawal, if any, and shall be filed and sworn to by the chair-  
16 man or secretary of the duly authorized committee, as the  
17 case may be. The name so supplied for the vacancy shall,  
18 if the ballots have not been printed already, be printed on  
19 the ballots instead of the original nominee. If the ballots  
20 have been printed, new ballots containing the new nomina-  
21 tion shall, whenever practicable, be furnished. Or slips con-  
22 taining the new nomination shall be printed under the di-  
23 rection of the secretary of state, which may be pasted in  
24 proper place upon the ballots and thereafter shall become  
25 part and parcel of said ballot as if originally printed thereon.

Sect. 37. *Returns of Expenditures; False Statements in*  
2 *Returns; Perjury; Penalty for Failure to Make Return.*—  
3 Every candidate for nomination in any of the conventions  
4 specified in sections fifteen, sixteen, seventeen and eighteen,  
5 and in the primary provided in section twenty-five, shall  
6 within fifteen days after the adjournment of the convention  
7 in which he was a candidate, and if a candidate in the pri-  
8 mary, within fifteen days from the date of holding the pri-  
9 mary, send to the secretary of state, a return of all expendi-  
10 tures by him made or liabilities by him incurred for any  
11 purpose whatever in connection with his candidacy in the  
12 said conventions or primary. There shall be included in  
13 said return all expenditures made or liabilities incurred for  
14 any purpose whatever in connection with his said candidacy  
15 by any political agent, person, firm, club, group or corpora-  
16 tion in any way assisting or promoting the same. There

17 shall also be included in said return, a full and complete list  
18 of all subscribers or contributors and the amount subscribed  
19 and contributed by them to any fund or funds used in any  
20 way in aid or promotion of the candidacy of any said can-  
21 didate.

If any statement in said return is wilfully false, it shall  
2 be deemed to be perjury, and shall be punished accordingly.

The secretary of state shall furnish the candidates with  
2 suitable blanks on which to make such return. The return  
3 shall be subscribed and sworn to by the said candidates and,  
4 after filing, shall be open to public inspection for one year  
5 and then destroyed.

Any candidate other than a nominee failing to make a re-  
2 turn within the time required, shall be fined twenty-five dol-  
3 lars for each day on which he is in default unless he shall  
4 be excused by the court. The failure of any nominee to  
5 file his return within the time required, shall render his  
6 nomination void.

Sect. 38. *All Parties Aiding a Candidate to File Returns of*  
2 *Amounts Raised and Expended, and Nature of Expendi-*  
3 *tures; Penalty for Bribery and Failure to File Return.—*

4 No political agent, person, firm, club, group or corporation  
5 shall directly or indirectly or by any device pay any sum or  
6 incur any liability to procure or aid in the procurement of  
7 the nomination of any candidate, or to aid in any way the  
8 candidacy of any candidate to be voted for at any conven-  
9 tion or primary election, or collect any sums to be used in  
10 aiding the candidacy of any said candidate without the

11 knowledge or consent of such candidate; and any political  
12 agent, person, firm, club, group or corporation so aiding  
13 in the procurement of the nomination of any candidate or  
14 aiding in the candidacy of any candidate, or collecting sums  
15 in aid of any said candidate, shall file with the secretary  
16 of state the name of any person representing himself or  
17 any firm, club, group or corporation in the soliciting and  
18 raising of sums in aid of any said candidate. All such politi-  
19 cal agents, persons, firms, clubs, groups or corporations shall  
20 seasonably file with the said candidate a full and complete  
21 return of all sums paid or liabilities incurred of every nature  
22 and description in assisting or promoting his candidacy, and  
23 a full and complete list of all subscribers or contributors,  
24 and the amount subscribed and contributed by them to any  
25 fund or funds used in any way in aid or promotion of his  
26 candidacy, so that said candidate may include the same in  
27 his return as provided in section thirty-seven. Whoever  
28 violates the provisions of this section forfeits five hundred  
29 dollars to be recovered by indictment.

Sect. 39. *Nomination for Municipal Offices.*—Nothing in  
2 this act shall be construed to modify, alter or in any way  
3 affect the method now legally in effect for nominating mu-  
4 nicipal officers of cities or towns.

Sect. 40. *Penalty for Disturbing Political Meeting.*—Who-  
2 ever by rude or indecent behavior, or in any way wilfully  
3 or unlawfully disturbs or interrupts any political meeting,  
4 caucus or public convention or public primary lawfully held  
5 in any hall or other place of meeting for the purpose of

6 choosing delegates to conventions, or meetings called for  
7 such purposes for nominating or proposing candidates for  
8 any public office, or who creates a disturbance in any hall,  
9 walk or corridor adjacent or leading to such room where  
10 such caucus, convention or meeting or primary is held, shall  
11 be punished by imprisonment for not less than thirty days  
12 or by fine of not less than ten dollars nor more than twenty-  
13 five dollars.

Sect. 41. *Inconsistent Acts Repealed.*—All acts and parts  
2 of acts inconsistent herewith are hereby repealed.

Sect. 42. *Referendum. Date of Meeting. Form of Ques-*  
2 *tion. Procedure.* This act shall be submitted for approval  
3 or rejection to the qualified voters of the State at an elec-  
4 tion to be held on the second Monday in September, A. D.  
5 nineteen hundred and twenty-five, and warrants shall be  
6 issued by the municipal officers of cities, towns, and planta-  
7 tions, notifying and warning the inhabitants of their respec-  
8 tive cities, towns, and plantations to meet in the manner  
9 prescribed by law for calling and holding biennial meetings  
10 of said inhabitants for election of state and county officers,  
11 there to cast their ballots for the approval or rejection of  
12 this act. The question proposed on said ballot shall be sub-  
13 stantially in the following form: "Shall an act passed by  
14 the Legislature in the year nineteen hundred and twenty-  
15 five approved (insert date) entitled 'An Act to Provide the  
16 Method of Nominating Candidates for Office' and repeal-  
17 ing the present direct primary, be accepted," otherwise said  
18 ballot shall be in form provided by law when a constitu-

19 tional amendment is submitted to the vote of the people.  
20 The provisions of law relating to the preparation of voting  
21 lists for state elections shall apply to such election and said  
22 election shall in all other respects be conducted as state elec-  
23 tions are now conducted by law and the results thereof be  
24 determined in the manner now provided by law for the de-  
25 termination in state elections. If a majority of the ballots  
26 deposited as aforesaid shall reject, this act shall not go into  
27 effect, but if a majority of the electors throughout the state  
28 voting in said election shall approve, then this act shall take  
29 effect as of the date of its adoption by the electors.