

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

SENATE

No. 269

In Senate, March 27, 1925.

On motion by Senator Hinckley of Cumberland, laid on the table for printing.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

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

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

Section 1. *Nominations shall be made by party conven-*
tions. "Political parties" defined. All nominations of can-
3 didates for any state or county office, including United States
4 senator, member of congress, and member of the legisla-
5 ture, shall, except as hereinafter specified, be henceforth
6 made in and by party conventions to be held in accordance
7 with the provisions of this chapter. Every political party
8 entitled by law to representation upon the official ballot at

9 state elections, held biennially on the second Monday in
10 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 here-
2 by declared to mean such political parties as at the guber-
3 natorial election next preceding any such party convention
4 polled at least one per cent of the entire vote cast in the
5 state for governor. Nothing in this section shall be con-
6 strued as preventing the nominations of candidates under
7 section thirty-three of this chapter.

Sect. 2. *Municipal officers shall issue warrants; posting*
2 *of warrants.* Not less than seven days before the second
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 second
7 Monday of May for the purpose of voting for delegates
8 of their respective political parties to meet in state, district
9 and county conventions, which said conventions shall nom-
10 inate candidates of their respective political parties to be
11 voted for on the second Monday of September then next
12 ensuing. 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.....

2 You are hereby notified that a caucus in this town of all
3 political parties entitled by law to nominate candidates for
4 the next election will be held at.....
5 on Monday, May.....next, for the purpose of electing
6 delegates to state, district, county and legislative conven-
7 tions, which said conventions shall nominate candidates for
8 the following offices:

(Here follow the officers to be nominated)

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

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

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

Selectmen.

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 voters
5 by the municipal officers or boards of registration in the
6 manner required by law.

Sect. 3. *Apportionment of delegates to conventions.* The
2 number of delegates to the state, district, county and legis-
3 lative conventions respectively, to which each city, town,
4 plantation or other voting precinct shall be entitled, shall
5 be severally determined by the state, county, district, city
6 and town committees of the political parties, and official
7 public notice thereof given by the chairman or secretary
8 of said several committees, not less than eight weeks prior
9 to said second Monday of May.

Sect. 4. *City and town committees; election and tenure.*
2 All the city, town and plantation committees of the parties
3 aforesaid shall be chosen in such manner and with such
4 tenure of office and duties as the appropriate political party
5 within such city, town or plantation may from time to time
6 determine. Every such committee shall fill all vacancies
7 in its membership. The secretary of every such commit-
8 tee shall file a list of the officers thereof, with the town or
9 city clerk of the town or city in which such committee shall
10 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 second Monday of
7 May, file his name with the city, town or plantation clerk,
8 and designate the convention to which he desires to be

9 elected as a delegate. Such list shall be a public record
10 and open to public inspection until sixty days after said
11 second Monday of May.

Sect. 6. *Printing caucus ballots.* Each town, plantation
2 or city clerk shall cause to be prepared and printed the
3 official ballot to be used by members of the political par-
4 ties in each city, town or other voting precinct, and shall
5 place thereon all names duly filed as provided in section
6 five, and no other names whatsoever. On the ballot shall
7 be printed words to aid the voter to vote correctly as "Vote
8 for One," "Vote for Two," and the like. At the top of
9 the ballot, there shall be written in capital letters, "MAKE
10 A CROSS (X) IN THE SQUARE AT THE RIGHT
11 OF THE NAME OF THE PERSON YOU WISH TO
12 VOTE FOR. FOLLOW DIRECTIONS AS TO THE
13 NUMBER OF DELEGATES TO BE MARKED FOR
14 EACH CONVENTION."

Any candidate for any office, nomination for which is to
2 be made by the party conventions, may, at his own expense,
3 prepare his own ballot containing the list of delegates favor-
4 able to him, using, however, only names of delegates filed
5 with the city or town clerk as provided in section five.
6 Said ballot shall be in no way an imitation of the official
7 ballot, but shall be so marked on its face as to designate
8 plainly its meaning and intent, the candidate favored by the
9 said list of delegates, his political party, and the office sought
10 by said candidate.

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

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

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

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

Sect. 7. *Qualification of voters; how determined.* In all such caucus elections, the qualification of voters in all towns, cities, plantations or voting precincts of any description shall be determined, except as hereinafter provided, by the lists of voters used at municipal elections in said towns, cities, plantations or voting precincts, next preceding the caucus election, corrected in accordance with the provisions

8 of chapter five of the revised statutes and acts amendatory
9 thereof and in addition thereto.

10 Sect. 8. *Enrollment required.* No person shall take part
11 or vote in any caucus or primary election of any political
12 **3 party unless qualified** therefor by enrollment as hereinafter
13 provided, and this clause shall be construed as mandatory.
14 All enrollments existing at the time this act becomes ef-
15 fective are hereby cancelled and made void.

16 Sect. 9. *Enrollment; new enrollment.* Any person who
17 is a legal voter may enroll himself as a member of any
18 political party by filing personally with the clerk or any
19 deputy legally appointed therefor, of the city, town or plan-
20 tation in which he is a legal voter a declaration in writing
21 signed by him substantially as follows:

22 "I....., being a legal voter in the town or city
23 of....., hereby elect to be enrolled as a member
24 of the.....party. The following statement of
25 my residence, place of last enrollment if any, and party of
26 last enrollment if any, is true."

27 No enrollment may be made within thirty days prior to
28 the second Monday of May of each year in which the bien-
29 nial election is to be held, except that new voters who, under
30 the provisions of chapter five, revised statutes, are regis-
31 tered during the said thirty-day period, may make their
32 initial party enrollment at the time of registration. No per-
33 son enrolling in a different political party from that named
34 by him in any preceding enrollment shall vote at any politi-

cal caucus within six months after such new enrollment.

Sect. 10. *Clerk shall record enrollments; records shall be open to public.* The clerk of the city, town or plantation where the enrollment is made as provided in section nine, shall receive and file the same, endorsing thereon the date of filing and shall record the name, residence and place of last enrollment, and the date of filing in a separate book for the enrollment of the members of each political party, entering the names alphabetically, which before being used as provided in sections eleven and twenty-six as herein after provided, shall be corrected to conform to the voting list. Suitable blanks for such enrollment shall be provided by the town, city and plantation clerks, and in addition thereto, they shall provide books with the proper headings, embodying the enrollment statements above provided; which any voter desiring to enroll may fill out and sign, thereby enrolling himself with the same effect as by filing such enrollment paper. Such book shall be a public record and shall at all times be open to public inspection.

Sect. 11. *Caucus elections; how conducted.* No person shall vote at any caucus election unless a legally qualified voter at such voting place as required by the preceding sections, duly enrolled as a member of a political party not less than thirty days prior to said caucus, as provided by the preceding sections. The selectmen of towns and the wardens of city wards, and the proper officials in other voting precincts hereinbefore specified, shall be seasonably

9 furnished by the town or city clerk or any deputy legally
10 appointed therefor or other officials charged with the duty
11 of preserving the same, with duly certified copies of all
12 enrollment lists, arranging each political party separately,
13 on separate printed lists, and the names of voters therein
14 alphabetically. At the polling places in the cities and towns
15 aforesaid, each person applying to vote shall give his name,
16 residence, party affiliation and place of last enrollment, if
17 any; if properly enrolled in the precinct, he shall be given
18 a ballot of his party. He may use a ballot prepared by
19 any candidate of his party as provided in section six. His
20 name shall be checked on the enrollment list, and he shall
21 be admitted to 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
3 of each delegate that he desires to vote for; if he desires
4 to vote for any person whose name is not printed on the
5 ballot, he may do so by writing or pasting such name or
6 names in the blank spaces left therefor, and mark a cross
7 (X) at the 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 seven,
3 revised statutes, and acts amendatory thereof and in addi-
4 tion thereto, shall apply to all caucus elections. Delegates

5 chosen at such caucus elections shall be deemed to be “offi-
6 cers” 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
4 or plantation clerks, and certified by said officers within
5 three days after the election and forwarded by mail to the
6 secretaries of the respective town or city committees. Such
7 record and certification shall be made and forwarded within
8 three days after the aforesaid caucus election.

Sect. 14. *State, district and county conventions.* Not less
2 than forty-two nor more than forty-nine days prior to the
3 second Monday of July of each year in which a biennial
4 election is to be held, each political party shall hold state,
5 district and county conventions, with the basis of repre-
6 sentation determined as hereinbefore prescribed, and at
7 such time and place as its state, district, and county com-
8 mittee shall determine. Appropriate call thereof shall be
9 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 second 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 state

3 convention, held in accordance with the provisions of the
4 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 ensu-
10 ing, elect a state committee of such number and elected in
11 such manner as the convention may determine. The said
12 committee shall thereafter be organized by the choice of
13 a chairman and secretary and such other officers as they
14 deem necessary, who shall hold office until the next state
15 convention, or until their successors are duly chosen.

All vacancies for unexpired terms of state committeemen
2 shall be filled by the county committee of the county where-
3 in 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, and
2 in years when an election for United States senator is to
3 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
6 said nominations.

Any defeated candidate who shall receive twenty per cent
2 of the total number of ballots cast for all candidates for
3 the nomination for which he was a candidate, may appeal
4 to a popular primary of the voters of his party throughout
5 the state, in accordance with the provisions hereinafter set
6 forth. No vote of the convention, without his consent, shall
7 in any way impair the right of appeal of any defeated can-
8 didate who shall have received the said twenty per cent vote.

Sect. 16. *District conventions; their powers, 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
6 proceed to elect their own chairman, secretary and such
7 other officials as they desire. They shall elect a district
8 committee of such number and elected in such manner as
9 the convention shall determine. The said district commit-
10 tee shall thereafter be organized by the choice of a chair-
11 man and secretary and such other officers they deem nec-
12 essary, who shall hold office until the next district conven-
13 tion called hereunder, or until their successors are duly
14 chosen. All vacancies arising in the district committee
15 shall be filled for the unexpired terms by the remaining
16 members of the district committee. In years in which a
17 presidential election is to be held, the district convention
18 shall elect the district delegates and alternates from their
19 party to the next national convention of their party.

The party nomination for representative to congress shall
2 be made by the district convention. Such nomination shall
3 be by majority vote of all duly accredited delegates voting
4 for nominees for such representative. Any undefeated
5 candidate for such representative who shall receive twenty
6 per cent of the total number of ballots cast for all can-
7 didates for said nomination, may appeal to a popular primary
18 of the voters of his party throughout the district, in accord-
9 ance with the provisions hereinafter set forth. No vote
10 of the convention without his consent shall in any way im-
11 pair the right of appeal of any defeated candidate who shall
12 have received the said twenty per cent vote.

Sect. 17. *County conventions; their powers, organization*
of committees, nomination of candidates. The county con-
3 ventions of each county held in accordance with the pro-
4 visions of section fourteen shall be called to order and or-
5 ganized by the county committee. The duly elected dele-
6 gates of said conventions shall then proceed to elect their
7 own chairman, secretary and such other officials as they
8 may desire. They shall elect a county committee of such
9 number and elected in such manner as the convention may
10 determine. The said committee shall thereafter be organ-
11 ized by the choice of a chairman and a secretary and such
12 other officers as they deem necessary, who shall hold office
13 until the next county convention called hereunder, or until
14 their successors are duly chosen. All vacancies arising in

15 a county committee shall be filled for the unexpired term
16 by said county committee.

Party nominations for all county offices, including state
2 senators, shall be made by the county conventions. Except
3 where two or more nominations of a class are to be made,
4 all nominations for each office shall be by majority vote
5 of all duly accredited delegates voting for said nominations.
6 In all cases except where two or more of a class are to
7 be chosen, any defeated candidate who shall receive twenty
8 per cent of the total number of ballots cast for all candi-
9 dates for the nomination for which he was a candidate,
10 may appeal to a popular primary of the voters of his party
11 throughout the county, in accordance with the provisions
12 hereinafter set forth. No vote of the convention, without
13 his consent, shall in any way impair the right of appeal of
14 any defeated candidate who shall have received the said
15 twenty per cent vote.

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. Any defeated candidate who shall receive
4 the votes of twenty per cent of the delegates voting for all
5 candidates for the nomination for which he was a candi-
6 date may appeal to a popular primary of the voters of his
7 party throughout the county, in accordance with the pro-
8 visions hereinafter set forth. No vote of the convention,
9 without his consent, shall in any way impair the right of
10 appeal of any defeated candidate who shall have received

11 the said twenty per cent vote.

Sect. 18. *Nomination of members of legislature; how
2 made.* In all cities and towns entitled to two or more
3 representatives 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 chairman of the
8 town or city committees of the several political parties shall,
9 not less than seven days prior to the proposed meeting of
10 their legislative convention,* which shall be held not less
11 than forty-two nor more than forty-nine days prior to said
12 second Monday of July, give to each duly elected delegate
13 thereto notice of the time and place for holding said con-
14 vention. The conventions shall be called to order and or-
15 ganized by the town or city committees. The duly elected
16 delegates of the convention shall then proceed to elect their
17 own chairman, secretary and such other officials as they
18 may desire; and shall thereupon proceed to nominate their
19 party candidates for representatives to the legislature. All
20 nominations shall be by plurality vote. Any defeated can-
21 didate who shall receive the votes of twenty per cent of
22 the delegates voting for all candidates for the nomination
23 for which he was a candidate may appeal to a popular pri-
24 mary of the voters of his party in his city or town, in ac-
25 cordance with the provisions hereinafter set forth. No vote
26 of the convention, without his consent, shall in any way

27 impair the right of appeal of any defeated candidate who
28 shall have received the said twenty per cent vote.

In all cities and towns where but one candidate for rep-
2 resentative to the legislature is to be nominated, nominations
3 shall be made by party caucus held not less than forty-two
4 days nor more than forty-nine days prior to the second
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 in
13 the state caucus of his party as hereinbefore set forth, shall
14 be entitled to vote in such caucus. Nomination shall be by
15 written ballot and shall be by plurality vote. Proposals for
16 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 larg-
19 est number of votes at such caucus shall be the duly nom-
20 inated candidate of his party for representative to the leg-
21 islature. The name of said candidate shall be forthwith
22 certified to the secretary of state by the secretary of the
23 town, city or plantation committee.

Where two or more towns are joined in a legislative class
2 and entitled jointly to elect a 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 forty-two nor more than
8 forty-nine days prior to said second 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, unless
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
18 canvass and record the vote of the caucus and certify the
19 same, under oath, to the clerk of the town in which the
20 caucus is held. Nominations shall be by plurality vote, and
21 the candidate who shall receive the largest number of votes
22 in the combined vote of all caucuses of his party in all said
23 class towns shall be the nominee of his party for said repre-
24 sentative.

When only one town of the class shall have candidates for
2 representative, the caucus of any other town of the class
3 may, by majority vote, endorse the nominee of said town.
4 The several clerks of the towns included in the class shall
5 canvass the returns made to them by the secretaries of the

6 caucuses, and the name of the candidate of each party who
7 has been duly nominated as provided above, shall be certi-
8 fied by any one of said clerks to the secretary of state as the
9 nominee of that class.

Sect. 19. *Secretaries to certify names of convention nom-
2 inees to secretary of state; secretary of state to notify nom-
3 inees.* No defeated candidate for any nomination made by
4 any of the conventions provided for in sections fifteen, six-
5 teen, seventeen and eighteen, who shall have failed to re-
6 ceive the percentage of votes for his office requisite to the
7 appeal to a popular primary provided in said sections, shall
8 have the right of appeal. The secretaries of the several
9 conventions shall, within five days after their adjournment,
10 certify to the secretary of state the names of all candidates
11 and the votes received by each. In cases where no appeal
12 is taken the secretary of state shall enter in a register of
13 nominations, to be kept by him for that purpose, the nom-
14 inations for each party so ascertained. He shall at the ex-
15 piration of five days notify by registered mail each person
16 who is so nominated, of his nomination and of the appeals
17 if any taken thereto.

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 his written demand therefor with the secretary of state with-
6 in five days after the adjournment of the convention, in

7 which he was a candidate. Said demand shall set forth
8 the name of the candidate, his party, his residence, the of-
9 fice for which he is a candidate, and the percentage of the
10 total vote which he received in his party convention.

In order to perfect his appeal he shall thereafter not later
2 than twenty-one days prior to the said second Monday of
3 July, file with the secretary of state a petition for nomina-
4 tion at a primary election to be held according to the pro-
5 visions of this chapter. Said petition shall contain names
6 not less than ten per cent in number of the gubernatorial
7 vote of his political party cast at the election next preced-
8 ing such convention, within the electoral district or division
9 for which he is a candidate. Suitable blanks for the same
10 shall be furnished by the secretary of state to the defeated
11 convention candidates.

Each voter signing a nomination paper shall make his sig-
2 nature in person and add to it his place of residence. Each
3 voter may subscribe his name to one nomination for a can-
4 didate for each office to be filled, and no more, except in
5 cases where the office is to be filled by more than one per-
6 son, and in such cases only to the extent of such number.
7 One of the signers to each such separate paper, or the per-
8 son circulating the same, shall make oath thereon, or by
9 certificate of oath annexed thereto, that he believes the sig-
10 natures are genuine and that the persons signing are mem-
11 bers of the political party named therein and that they re-
12 side within the electoral division or district for which the

13 nomination is proposed. The state at large shall be con-
14 sidered an electoral division within the meaning of this sec-
15 tion.

All nomination papers when filed shall forthwith be opened
2 and kept open under proper regulations to public inspection
3 and the secretary of state shall preserve the same in his office
4 not less than one year.

Sect. 21. *Secretary of state to transmit lists.* The secre-
2 tary of state shall, within seven days after the filing of said
3 primary petitions transmit the list of names of those can-
4 didates demanding said referendum to the town, plantation
5 or city clerks of the political divisions in which said referen-
6 dum is to be held. The names of all candidates for the sev-
7 eral offices shall be separately listed, and shall include the
8 name of the convention nominee for the said office and all
9 defeated candidates entitled to a referendum who shall have
10 so filed their notice of demand and primary petitions 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 provided for regular elections. The
6 ballot shall contain the names of all candidates to be voted
7 for at the primary to be held within the political division
8 where such ballot is to be used. The names of the candi-
9 dates for nomination to each office shall be arranged under

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

Sect. 23. *Number of ballots to be furnished.* The secretary of state shall provide and furnish for each voting place or precinct at which an election is to be held, not less than sixty of each party primary nominating ballots for every fifty votes or fraction of fifty votes cast by that party in the said voting place or precinct at the caucus election next preceding. The expense of calling and holding of the primary elections, and marking and forwarding of the returns thereof shall be paid for by the municipalities. All other expenses hereunder shall be borne by the state.

Sect. 24. *State expenditures; how approved and paid.* All accounts for expenditures by the state hereunder shall be approved in the manner required by law, and, after approval, the governor and council shall endorse their warrant against any money in the treasury, not otherwise appropriated, in payment thereof.

Sect. 25. *Primary election; issuing and posting of warrants.* Not less than seven days before the second Monday of July, preceding a biennial state election, the municipal officers of every city, town or plantation in which voters shall be entitled to vote at the primary election as provided in section twenty-three shall by their warranty notify and warn all legally qualified voters (or if the primary is to be held by the voters of one party only, then the members of that party only) to attend at their regular voting place on the second Monday of July for the purpose of voting for persons to be nominated by their respective political parties

12 for the several offices, with respect to which appeal to said
13 voters has been demanded, as candidates to be voted for
14 on the second Monday of September then next ensuing. Said
15 warrant 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 polit-
ical parties, will be held at..... on Mon-
day, 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 second Monday of
September following, viz:

(Here follow the list of officers to be nominated
by each party, or if by only one party, then that
party only.)

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

Voters not enrolled as members of their political
party entitled to nominate candidates, will not be per-
mitted 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 deter-*
2 *mined.* In all such primary elections, the qualification to
3 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 provi-
6 sions of chapter five of revised statutes, be registered after
7 the caucus day and before the said primary day, may be
8 registered and make their initial party enrollment during
9 said period and shall be entitled to vote at the said primary
10 election.

Sect. 27. *Method of conducting primary election; marking*
2 *of ballots.* Except as herein modified, the provisions of
3 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 distinguishing
7 mark or figure thereon, other than as herein expressly per-
8 mitted.

Sect. 28. *Returns of primary election; how made.* The
2 secretary of state shall seasonably furnish blanks for each
3 voting place 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 substantial-
6 ly as in the nominating ballot, and in the space made for
7 the purpose following each name shall be there entered the

8 number of votes received in that polling place by each can-
9 didate. The ballots shall be sorted and the result declared
10 in open meeting. Such record shall be separately made for
11 the political parties respectively having proposed nominees
12 upon the ballot and shall give the number of votes lawfully
13 cast for each of the nominees thereon, following as near as
14 practicable the order of the political parties, officers and
15 nominees thereon, so as to give the detailed result of such
16 voting. Returns thereof shall be attested by the municipal
17 officers in like manner as at the biennial election for gov-
18 ernor. Such municipal officers shall cause the returns afore-
19 said to be delivered at the office of the secretary of state,
20 by mail or otherwise, within five days after such primary
21 election. If not so delivered within said five days like pro-
22 ceedings shall follow as provided by section forty-six and
23 sections forty-nine to fifty-two, both inclusive, of chapter
24 seven, revised statutes. In cities, the warden shall preside,
25 as required by law at state elections, receive the votes of
26 all qualified voters, and as herein required in case of town
27 meetings, sort, count and declare the results in open ward
28 meeting, and in the presence of the ward clerk, who shall
29 make return and a record thereof, as in towns, and a fair
30 copy of the record shall be attested by the warden and the
31 ward clerk, sealed up in open ward meeting and delivered
32 to the city clerk, within twenty-four hours after the closing
33 of the polls. The aldermen of each city shall be in session
34 within twenty-four hours after the close of the polls in such

35 meetings, and in the presence of the city clerk shall open,
36 examine and compare the copies from the lists of votes given
37 in in the several wards of which the city clerk shall make a
38 record; and a return thereof shall be made into the office
39 of the secretary of state in the same manner as selectmen
40 of towns are required to do hereunder. Any candidate
41 shall have the right to inspect the ballots and returns as
42 provided in chapter two hundred and thirty-three of the
43 laws of nineteen hundred and nineteen, except that the ap-
44 plication for inspection shall be filed within five days after
45 the opening and tabulating of the returns.

Sect. 29. *Governor and council shall tabulate returns.* The
2 governor and council by the third Tuesday of July in each
3 year in which a primary election is held shall open and
4 compare the votes so returned, and have the same tabu-
5 lated, and forthwith have forwarded to each candidate a
6 copy of the tabulations of his precinct or district, and may
7 receive testimony on oath to prove that the return from any
8 city, town or plantation does not agree with the record of
9 the vote of such city, town or plantation, in the number of
10 votes or the names of the persons voted for, and to prove
11 which of them is correct; and the return, when found to
12 be erroneous, may be corrected by the record. No such cor-
13 rection shall be made without application made within seven
14 days after the returns are opened and tabulated, stating
15 the error alleged, nor without reasonable notice thereof
16 given to the person affected by such correction, and during

17 said seven days any person voted for may personally and
18 by or with counsel, examine said returns in the presence
19 of the governor and council, or either of them, or any
20 member of the council, or the secretary of state. The per-
21 son receiving the highest number of votes for nomination
22 to any office shall be deemed the nominee of his political
23 party for that office, provided that when two or more per-
24 sons competing for the same party nomination have an
25 equal and the highest number of votes for said nomination,
26 the secretary of state shall give notice to the several per-
27 sons so having the highest and equal number of votes to
28 attend at the office of the secretary of state at a time to be
29 appointed by said secretary, who shall then and there pro-
30 ceed publicly to decide by lot which of said persons shall
31 be declared the nominee of his party with like effect as if
32 there had been no such tie. To ascertain who has received
33 the highest number of votes, the governor and council shall
34 count and declare for any person all votes which appear
35 by said returns to have been intentionally cast for him,
36 although his name upon the return is misspelled or written
37 with only the initial or initials of his christian name or
38 names, or with wrong initials or otherwise as the case may
39 be; and they may hear testimony upon oath, in relation to
40 such returns, in order to ascertain the intention of the voters
41 and shall decide accordingly. When a return is defective
42 by reason of any informality, an attested copy of the record
43 may be substituted therefor.

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

The returns may be corrected in accordance with the provisions of chapter two hundred and thirty-three of the laws of nineteen hundred and nineteen, except as modified by section twenty-eight of this chapter.

Sect. 30. *Acceptance of nominee shall be filed.* When no appeal has been taken from nominations made by party conventions as provided in sections fifteen, sixteen, seventeen and eighteen, the candidate so nominated shall, within seven days after the receipt of notification, send the secretary of state by registered mail the following acceptance:

I,, of,
 hereby accept the nomination to the office of
 made at the party
 convention

The name of any candidate failing to file such acceptance shall not be used on the official ballot to be used at the election; and failure to file such acceptance within said seven days shall be deemed to be a refusal of nomination.

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

To the Secretary of State:

I,, of,
 hereby accept 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
 3 the state election, and failure to file such acceptance with-
 4 in said seven days shall be deemed to be a refusal
 5 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
 17 committee. The name so supplied for the vacancy, shall,

18 if the ballots have not been printed for the office already,
19 be printed on the ballots instead of the original nomination.
20 If the ballots have been printed, new ballots containing the
21 new nomination shall, whenever practicable, be furnished;
22 or slips, containing the new nominations, shall be printed
23 under the direction of the secretary of state and may be
24 pasted in proper place upon the ballots, and shall thereafter
25 become part and parcel of said ballots as if originally printed
26 thereon.

Sect. 32. *Caucus elections and primary elections to be*
2 *considered as separate elections for each political party.* In
3 construing the provisions of this chapter and of all sections
4 of the revised statutes hereby made applicable as aforesaid
5 to the caucus and primary elections to be held hereunder,
6 and to all matters herein contained before and after such
7 caucus and primary elections material to the purpose there-
8 of, they shall, as to the duties of officers, forms, blanks,
9 ballots, elections, warrants, returns and all other matters,
10 so far as necessary for accomplishing the purpose of this
11 chapter, be understood and interpreted as though said cau-
12 cus and primary elections are separate elections for each
13 political party making its nominations hereunder, and to be
14 conducted as to that party, as nearly as practicable, the
15 same as the regular biennial state election in September is
16 conducted for all of the elections, except insofar as modi-
17 fied by the provisions of this chapter, and except insofar
18 as the manner of proceeding before and after said Septem-

ber election may be modified or changed by this chapter for the purpose of said caucus and primary elections.

Sect. 33. *Nominations of independent candidates; how made.* Nominations of candidates other than of “political parties” as defined in the terms of this act, may be made as follows: Nomination of such candidate for any office to be filled by the voters of the state at large may be made by nomination papers signed in the aggregate for each candidate, by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts, counties or state legislative districts may be made by nomination papers signed in the aggregate for each candidate, by qualified voters of such district or division, not less in number than one for every hundred persons who voted at the next preceding gubernatorial election in said district, county or legislative division, but in no case less than twenty-five. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence, and each voter may subscribe for only one person for each office to be filled, and no more. The nomination papers shall, before being filed, be respectively submitted to the clerks of the cities, towns or plantations in which the signers purport to be qualified voters; and each clerk to whom the same is committed shall forthwith certify thereon what number of the signatures are names of qualified voters, both in the city, town or plantation for which he is clerk, and in the district, county or legislative division for which

26 the nomination is made. One of the signers to each such
27 separate paper shall swear to the truth thereof, and the
28 certificate of such oath shall be annexed to or made upon
29 the nomination paper.

Sect. 34. *Contents of certificates and nomination papers.*

2 All certificates of nomination and nomination papers shall,
3 besides containing the name of the candidates, specify as
4 to each: first, the office for which he is nominated; second,
5 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
8 Vice-President of the United States, the names of the can-
9 didates for President and Vice-President may be added to
10 the party 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 third Monday of July of each year in
7 which such election is held, and for candidates for electors
8 of Presidents and Vice-Presidents on or before the tenth
9 day of September in each year when such election is held.
10 Such certificates and papers for the nomination of candi-
11 dates to be voted for at any special election to be held for
12 the choice of United States senators, representatives to
13 congress or members of the legislature shall be filed with

14 the secretary of state at least forty days, exclusive of Sun-
15 days, previous to the day of election. With nomination
16 papers and certificates shall also be filed the consent in writ-
17 ing of the person 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-
6 three, thirty-four and thirty-five shall die before the day of
7 election, or shall withdraw in writing, the vacancy may
8 be supplied by the regularly elected general or executive
9 committee representing the political organization to which
10 such candidate belonged. Certificate of nomination made
11 for supplying any such vacancy shall state, in addition to
12 the other facts required by this chapter, the name of the
13 candidate proposed or the original nominee, and the facts
14 causing the vacancy. Said certificate shall be accompanied
15 by the withdrawal, if any, and shall be filed and sworn to
16 by the chairman or secretary of the duly authorized com-
17 mittee, as the case may be. The name so supplied for the
18 vacancy shall, if the ballots have not been printed already,
19 be printed on the ballots instead of the original nominee.
20 If the ballots have been printed, new ballots containing the
21 new nomination shall, whenever practicable, be furnished.
22 On slips containing the new nomination shall be printed
23 under the direction of the secretary of state, which may

24 be pasted in proper place upon the ballots and thereafter
25 shall become part and parcel of said ballot as if originally
26 printed thereon.

Sect. 37. *Returns of expenditures; false statements in
2 returns; perjury; penalty for failure to make return.* Every
3 candidate for nomination in any of the conventions speci-
4 fied in sections fifteen, sixteen, seventeen and eighteen, and
5 in the primary provided in section twenty-five, shall within
6 fifteen days after the adjournment of the convention in
7 which he was a candidate, and if a candidate in the primary,
8 within fifteen days from the date of holding the primary,
9 send to the secretary of state, a return of all expenditures
10 by him made or liabilities by him incurred for any purpose
11 whatever in connection with his candidacy in the said con-
12 ventions or primary. There shall be included in said re-
13 turn all expenditures made or liabilities incurred for any
14 purpose whatever in connection with his said candidacy by
15 any political agent, person, firm, club, group or corporation
16 in any way assisting or promoting the same. There shall
17 also be included in said return, a full and complete list of
18 all subscribers or contributors and the amount subscribed
19 and contributed by each of them to any fund or funds used
20 in any way in aid or promotion of the candidacy of any
21 said candidate.

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 candidate 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
2 return within the time required, shall be fined twenty-five
3 dollars for each day on which he is in default unless he
4 shall be excused by the court. The failure of any nominee
5 to 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 expenditures;*
3 *penalty for bribery and failure to file return.* No political
4 agent, person, firm, club, group or corporation shall directly
5 or indirectly or by any device pay any sum or incur any lia-
6 bility to procure or aid in the procurement of the nomina-
7 tion of any candidate, or to aid in any way the candidacy
8 of any candidate to be voted for at any convention or
9 primary election, or collect any sums to be used in aiding
10 the candidacy of any said candidate without the knowledge
11 or consent of such candidate; and any political agent, per-
12 son, firm, club, group or corporation so aiding in the pro-
13 curement of the nomination of any candidate or aiding in
14 the candidacy of any candidate, or collecting sums in aid
15 of any said candidate, shall file with the secretary of state
16 the name of any person representing himself or any firm,
17 club, group or corporation in the soliciting and raising of

18 sums in aid of any said candidate. All such political
19 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 na-
22 ture and description in assisting or promoting his candi-
23 dacy, and a full and complete list of all subscribers or con-
24 tributors, and the amount subscribed and contributed by
25 them to any fund or funds used in any way in aid or pro-
26 motion of his candidacy. So that said candidate may in-
27 clude the same in his return as provided in section thirty-
28 seven. Whoever violates the provisions of this section for-
29 feits five hundred dollars to be recovered by indictment.

Sect. 39. *Nomination for municipal officers.* 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.

STATE OF MAINE

The Committee on Judiciary, to which was referred the Bill, entitled "An Act to Provide the Method of Nominating Candidates for Office," have had the same under consideration, and ask leave to Report that the same ought not to pass, and to report further that a joint order relating to an act entitled "An Act to Provide the Method of Nominating Candidates for Office," reported herewith, have a passage.

Per Order.

MAHER,
OAKES,
WING,
HALE,
NICHOLS,
MARTIN,
HOLMES.

STATE OF MAINE

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Per Order.

HINCKLEY,
HUSSEY,
HAMILTON.