

# MAINE STATE LEGISLATURE

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



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

---

---

# EIGHTY-FIFTH LEGISLATURE

---

---

**Legislative Document**

**No. 49**

---

---

S. P. 72

In Senate, Jan. 21, 1931.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Murchie of Washington.

---

---

## STATE OF MAINE

---

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

---

AN ACT to Amend the Primary Election Law as Contained in Chapter Seven of the Revised Statutes of Nineteen Hundred and Thirty Providing for the Nomination of Candidates for County Office by Convention.

---

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

Section 1. Section one of chapter seven of the revised statutes is hereby amended by striking out said section and substituting in place thereof the following:

‘Sect. 1. The term “political parties,” as used in this chapter, is hereby declared to mean such political parties as at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for governor. The terms “majority party” and “ranking minority party,” as used in this chapter, are hereby declared to mean respectively such political parties as at such election cast the largest and next to the largest popular vote for governor.

All nominations of candidates for governor, state auditor, United States senator, member of congress and representative to the legislature shall hereafter be made at and by primary elections to be held in accordance with the provisions of this chapter.

All nominations of candidates for county offices, including state senators shall be made in county conventions to be held by the political parties entitled by law to representation upon the official ballot at state elections in accordance with the provisions of this chapter.

Nothing in this section shall be construed as preventing the nomination of candidates under section thirty-two.'

Sect. 2. Section two of said chapter seven of the revised statutes is hereby amended by striking out said section and substituting in place thereof the following:

'Sect. 2. State conventions of the several political parties entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September shall be held at such places, subject to the provisions of this chapter, and with such requisites as to call thereof and notice therefor as the several state committees of such parties may determine. The state convention of the majority party shall be held on the first Wednesday in April of each year in which a state election is held biennially, that of the ranking minority party shall be held on the Thursday next following said first Wednesday in April and all state conventions of other parties shall be held on the Friday next following said first Wednesday in April.

At any state convention held in accordance with the foregoing provisions, the political party so represented shall formulate and adopt its declaration of principles, or platform for the state election then next ensuing and elect a state committee and a district committee for each congressional district. The state committee of each political party shall be made up of two members from each party from each county, one of whom shall be a man and the other a woman, and each congressional district committee shall be made up of four members from each county divided in the same manner.

The chairman and secretary of a state convention shall upon the adjournment of the convention forthwith certify to the secretary of state the platform so adopted and the names of the members of the committees so elected.

Such committees shall thereafterwards as soon as reasonably practicable organize by the choice of a chairman and secretary and certify such organization to the secretary of state; they may elect all other officers deemed needful, hold

office until the next state convention hereunder and perform such duties as may be imposed upon them by their respective state conventions. All vacancies for unexpired terms of members of either state or district committees shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof made to the secretary of state. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this chapter.

The basis of representation at state conventions shall be as follows: each voting precinct in the state shall be entitled to one delegate and each such precinct where in the preceding state election more than two hundred votes were cast for the party candidate for governor shall be entitled to one additional delegate for each two hundred votes or major fraction thereof cast for such candidate therein in excess of two hundred.

County conventions of the several political parties entitled to representation on the official ballot as aforesaid shall be held at such places, subject to the provisions of this chapter, and with such requisites as to call thereof and notice therefor as the several county committees of such parties may determine. The county conventions of the majority party shall be held on the second Wednesday in April, those of the ranking minority party shall be held on the Thursday next following said second Wednesday in April and all county conventions of other parties shall be held on the Friday next following said second Wednesday in April.

At any county convention held in accordance with the foregoing provisions, the political party so represented shall by majority vote nominate candidates for all county officers, including members of the state senate while the senatorial districts continue to be made up by counties. Such convention shall also elect a county committee to be made up of two members from each voting precinct in the county or in such other manner as the convention may determine.

The chairman and secretary of such convention shall, upon the adjournment of the convention, forthwith certify to the secretary of state the names of the candidates so nominated, the name of the office for which each person so nominated is a candidate, the political party represented by such candidate and his place of residence, the platform so adopted and the names of the members of the committees so elected.

Such committees shall thereafterwards as soon as reasonably practicable organize by the choice of a chairman and secretary and certify such organization to the secretary of state; they may elect all other officers deemed needful, hold office until their next county convention hereunder and perform such duties as may be imposed upon them by their respective county conventions. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof made to the secretary of state. All such county conventions may transact such other business as shall not be inconsistent with the provisions of this chapter.

The basis of representation at county conventions shall be the same as hereinbefore provided for state conventions.

Sect. 3. Section forty-six of said chapter seven of the revised statutes is hereby amended by inserting as a first paragraph in said section the following: 'Caucuses of the several political parties for the election of delegates to all state and county conventions shall be held in each voting precinct at the polling place for the time being in each such precinct at seven thirty o'clock in the afternoon, as follows: those of the majority party shall be held on the Wednesday next preceding the first Wednesday in April of each year in which conventions are required to be held in accordance with the provisions of section two, those of the ranking minority party shall be held on the Thursday next so preceding and those of other parties on the Friday next so preceding,' so that said section as amended shall read as follows:

'Sect. 46. Caucuses of the several political parties for the election of delegates to all state and county conventions shall be held in each voting precinct at the polling place for the time being in each such precinct at seven thirty o'clock in the afternoon, as follows: those of the majority party shall be held on the Wednesday next preceding the first Wednesday in April of each year in which conventions are required to be held in accordance with the provisions of section two, those of the ranking minority party shall be held on the Thursday next so preceding and those of other parties on the Friday next so preceding.

Notice of caucuses, signed by the chairman and secretary, or by a majority of the committee, shall be issued by each

town committee not less than seven days prior to the day on which the caucuses are to be held. They shall be conspicuously posted in at least five places on the highways of each voting precinct, and shall state the place, day, and hour of holding such caucuses. In case voting is by check-list, a sufficient time shall be allowed for all to vote, and the call for the caucus shall state the hours fixed by the committee for the opening and closing of the polls.'

Sect. 4. Section forty-eight of said chapter seven of the revised statutes is hereby amended by striking out all of the first sentence following the word "caucuses" at the end of the second line and substituting in place thereof the words "at the request of any voter eligible to participate in such caucus" and by striking out the words "such party committee" in the tenth and eleventh lines and substituting in place thereof the words 'any such voter.' so that said section as amended shall read as follows:

'Sect. 48. Voting lists as used in the election next preceding any caucus shall be used as check-lists at such caucuses, at the request of any voter eligible to participate in such caucus. The officials having charge of such voting lists shall furnish certified copies thereof for use in caucuses, upon application of any such voter, the expense thereof to be paid as other expenses of registration are now paid. No person shall be deprived of his right to vote in such caucus by reason of the fact that his name does not appear on such lists if he shall have become a legally qualified voter of such precinct subsequent to the last election and shall be otherwise qualified to vote as provided in the nine preceding sections.'

Sect. 5. Section fifty of said chapter seven of the revised statutes is hereby amended by striking out the words "towns of less than two thousand inhabitants, nor to" in the second and third lines so that said section as amended shall read as follows:

'Sect. 50. The provisions of the eleven preceding sections shall not apply to cities wherein the calling and holding of caucuses is regulated by special law.'

Sect. 6. Chapter seven of the revised statutes is hereby further amended by adding thereto the following sections:

'Sect. 53. After the first day of January, nineteen hundred thirty-two, all political conventions shall be held at such places

as may be determined by the several political committees in the electoral divisions or districts for which such conventions are to be assembled except that any such convention, duly assembled, may, by majority vote of those present and voting, name the municipality in which the next convention of the party assembled representing such division or district shall be held.

No person shall be eligible to sit as a delegate in any political convention unless duly elected as such delegate in the voting precinct of which he is a resident or unless, being duly so elected as an alternate the delegate for whom he was so elected shall be absent. Separate credentials shall be prepared by the secretary of state and forwarded by him, prior to the tenth day of March in each year in which conventions are to be held as hereinbefore provided, one original and one duplicate for each delegate and alternate to which each voting precinct is entitled as above provided, to the several chairmen or secretaries of the several county committees of each political party for distribution by such chairmen or secretaries in the proper numbers to the several town, ward or precinct committees. Upon the adjournment of any caucus where a delegate or delegates to any political convention is elected the chairman or secretary thereof, or in cases where caucuses are regulated by special act the proper returning officer in each such case, shall deliver the original thereof to the duly elected delegate and mail the duplicate thereof to the secretary of state, both duly signed by said chairman or secretary. In the event that the proper forms have not been received at the time of the holding of such caucus or of the same having been lost or destroyed such officers shall prepare forms for the purpose and deliver and mail them in the same manner, reporting to the secretary of state the reason therefor.

The secretary of state shall cause rolls to be prepared showing by counties the names of all delegates and alternates so elected, with the residence and voting precinct represented by each and cause the same to be delivered to the chairman or secretary of the committee having the convention in charge twenty-four hours at least prior to the time at which the convention for which each separate roll is to be prepared is required by law to be convened which in every case shall be at ten o'clock in the forenoon of the day hereinbefore fixed.

Sect. 54. In all state conventions the voting shall be by counties and shall be by roll except that a duly elected county chairman of a county delegation may, without objection on the part of any delegate from such county, cast the county vote, one vote for each delegate or alternate entitled to vote therein and personally present at the time such vote is cast.

In all county conventions the voting shall be by towns and shall be by roll except that a duly elected chairman of either a town or precinct delegation may, without objection on the part of any delegate from such town or precinct, cast the delegation vote, one vote for each delegate or alternate entitled to vote therein and personally present at the time such vote is cast.

Sect. 55. Whoever, not being a duly elected delegate or alternate to any state or county convention held under the provisions of this chapter and entitled to vote therein, unlawfully votes or attempts to vote in any such convention or whoever knowingly permits or suffers any person so to vote shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Sect. 7. This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine at the biennial state election to be held on the second Monday in September in the year nineteen hundred and thirty-two. The aldermen of cities, the selectmen of towns, and the assessors of the several plantations in the state are hereby empowered and directed to notify the inhabitants of their respective cities, towns, and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give their votes upon this act and the question shall be: "Shall the act to amend the primary election law as contained in chapter seven of the revised statutes of nineteen hundred and thirty providing for the nomination of candidates for county office by convention, be accepted?"