

MAINE STATE LEGISLATURE

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EIGHTY - SIXTH LEGISLATURE

Legislative Document

No. 14

S. P. 40

In Senate, Jan. 11, 1933.

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-THREE

AN ACT to Provide for the Nomination of Candidates for
Elective Office.

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

Section 1. **Definitions.** The term "political parties," as used in this act, 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 act, 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.

Sec. 2. **Candidates to be nominated by conventions.** All nominations of candidates by political parties for any state or county office including United States senator, presidential elector, member of congress or member of the senate or house of representatives of the state legislature shall hereafter be made at conventions of the several political parties in accordance with the provisions of this act. Every political party entitled by law to representation upon the official ballot at national elections or at state elections held biennially on the second Monday in September or at any special election for state or county officers or for members of congress or members of the legislature shall nominate all its candidates for such offices to

be voted for at such elections under the provisions of this act and not in any other manner.

Nothing in this section shall be construed as preventing the nomination of candidates under section 32 of chapter 7 of the revised statutes.

Sec. 3. State conventions, when held; platforms; certification of names of candidates; organization of committees. 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 act, 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 August 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 August and all state conventions of other parties shall be held on the Friday next following said first Wednesday in August.

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 200 votes were cast for the party candidate for governor shall be entitled to one additional delegate for each 200 votes or major fraction thereof cast for such candidate therein in excess of 200.

At any state convention held in accordance with the foregoing provisions, the political party so represented shall nominate candidates for public office to be voted for in the state at large at the general election next to be held or at the national election next ensuing and 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 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, 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 the next state convention hereunder and perform such duties as may be imposed upon them by their respective state conventions.

State conventions may transact such other business as shall not be inconsistent with the provisions of this act.

Sec. 4. County conventions, when held; certification of names of candidates; organization of committees. 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 act, 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 August, those of the ranking minority party shall be held on the Thursday next following said second Wednesday in August and all county conventions of other parties shall be held on the Friday next following said second Wednesday in August.

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

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, his place of residence 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.

County conventions may transact such other business as shall not be inconsistent with the provisions of this act.

Sec. 5. **Caucuses, when held.** 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 three, 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.

Sec. 6. Section 48 of chapter 7 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 10th and 11th lines and substituting in place thereof the words 'any such voter,' so that said section as amended shall read as follows:

'Sec. 48. **Check lists, use of.** 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.'

Sec. 7. Place of convention; election of delegates. After the 1st day of January, 1933, 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 10th 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 24 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 10 o'clock in the forenoon of the day hereinbefore fixed.

Sec. 8. **Voting regulations.** 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.

Sec. 9. **Penalty.** Whoever, not being a duly elected delegate or alternate to any state or county convention held under the provisions of this act 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 \$500 or by imprisonment for not more than 6 months.

Sec. 10. **R. S. c. 7, § 50, amended.** Section 50 of chapter 7 of the revised statutes is hereby amended by striking out the words "towns of less than 2000 inhabitants, nor to" in the 2nd and 3rd lines so that said section as amended shall read as follows:

'Sec. 50. **Exceptions.** The provisions of the 11 preceding sections shall not apply to cities wherein the calling and holding of caucuses is regulated by special law.'

Sec. 11. **Time of district conventions.** At state conventions held in accordance with the provisions of section 3 of this act arrangements shall be made by the proper political committee for the holding of conventions of the congressional districts and such district conventions shall nominate candidates for

representative to congress except that any time when a congressman at large is to be elected in the state the party candidate for congressman at large shall be nominated in the state conventions.

Sec. 12. **Class district conventions, time of.** At county conventions held in accordance with the provisions of section 3 of this act arrangements shall be made by the proper political committee for the holding of conventions of the legislative class districts except in those cases where a single city or town is entitled to one or more representatives in the state legislature and such class district conventions shall nominate the party candidates for representative to the legislature.

In all cases where any single town is entitled to 1 or more representatives in the state legislature the candidate for such office shall be nominated in the caucus where the delegates from such town to the state convention are elected.

Sec. 13. **Local provisions.** All city, ward, precinct, town, plantation and representative class committees of the political parties aforesaid shall be elected in such manner and with such tenure of office and duties as the appropriate political party within such city, ward, precinct, town, plantation or representative class may from time to time determine.

Sec. 14. **Definition of "committees"; vacancies, how filled.** All committees created, elected or recognized under the provisions of this act shall be deemed to be the regularly elected general or executive committees within the meaning of section 36 of chapter 7 of the revised statutes or of any other provisions of this act or of said chapter.

All vacancies for unexpired terms on any political committee, either general or executive, shall be filled by the committee wherein such vacancy occurs and where the original selection of the committee is required to be certified to the secretary of state, due certificate of the filling of any vacancy shall be made to the secretary of state within 7 days after such vacancy is filled.

Sec. 15. **Acceptance of nominations.** Every candidate nominated in accordance with the terms of this act shall within 7 days after the date of his nomination 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 theconvention of the.....political party held....., 19 .

.....

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the election for which the nomination was made, and failure to file such acceptance within said 7 days shall be deemed to be a refusal thereof.

Sec. 16. Provisions in case of death of candidate. In case a candidate who has been duly nominated under the provisions of this act shall die before the day of election, or shall withdraw in writing, or shall either fail to file an acceptance of his nomination or forfeit such nomination in any manner, the vacancy may be supplied by the political party making the original nomination, by a special convention of delegates or appropriate caucus ; or, if the time is insufficient therefor, then the vacancy may be supplied in such manner as the convention or caucus wherein the nomination was made has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party of persons holding such convention or caucus. The certificates of nomination made for supplying a vacancy, shall state, in addition to the other facts required by this act the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy ; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination ; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or, slips containing the new nomination shall be printed under the direction of the secretary of state, which may be pasted in proper place upon the ballots

and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Sec. 17. **Provisions for special elections.** When special elections are to be held for any office as required or permitted by law, special conventions for the nomination of candidates to be voted for thereat shall be held at such time as shall be ordered by the governor by proclamation and he shall therein fix the time within which the certificates of nomination shall be filed with the secretary of state. If the time is insufficient for the holding of a convention, the nomination may be supplied by the appropriate political committee. Candidates nominated under this section shall file acceptances and returns as if nominated in regular political conventions or caucuses.

Sec. 18. c. 7, §§ 19 and 22 made applicable. All the provisions of sections 19 and 22 of chapter 7 of the revised statutes shall apply to nominations made in convention or caucuses under the terms of this act.

Sec. 19. Section 34 of chapter 7 of the revised statutes is hereby amended by striking out the words "the tenth day of July" in the 4th line of said section and inserting in place thereof the words 'before the 20th day of August', so that said section as amended shall read as follows:

'Sec. 34. **Filing of certificates of nomination and nomination papers.** Certificates of nomination under section 31 and nomination papers for the nomination of candidates for state and county officers and representatives to the legislature shall be filed with the secretary of state on or before the 20th day of August of each year in which such election is held, and for candidates for electors of president and vice-president on or before the 10th day of September in each year when such election is held. Such certificates and papers for the nomination of candidates for the office of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least 14 days, exclusive of Sundays, previous to the day of such election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of United States senators, representatives to congress, or members of the legislature shall be filed with the secretary of state at least 14 days, exclusive of Sundays, previous to the day of election. With nomination papers and cer-

tificates shall also be filed the consent in writing of the person nominated.'

Sec. 20. **Approval and payment of state expenses.** 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 draw their warrant against any money in the treasury, not otherwise appropriated, in payment thereof.

Sec. 21. **Repealing clause.** Sections 1 to 18 inclusive of chapter 7 of the revised statutes, sections 20 and 21 of said chapter and sections 23 to 29 of said chapter are hereby repealed.