

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 123

H. P. 219

House of Representatives, Jan. 26, 1933.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Stern of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT Relating to Elections in the City of Biddeford.

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

Section 1. **Petitions for party nominations.** All candidates for nomination by any political party as a candidate for elective office in the city of Biddeford for any of the following offices: mayor, alderman, councilman, member of the school board, police commissioner, warden or clerk, shall present to the city clerk of Biddeford, at least two weeks before the date of the caucus a petition requesting their names to be so placed on the ballot. Candidates for the following offices shall present a petition of at least the following number of names: for mayor, member of the school board, or police commissioner, 125; for alderman, councilman, warden or clerk, 25.

Sec. 2. **General law relating to political caucuses made applicable to city of Biddeford; exceptions; date held; enrolment, etc.** Caucuses and meetings of the political parties in the city of Biddeford held for the purpose of naming candidates or choosing delegates to assemble in convention to nominate any person to any public office, for whose election the charter of any such city provides, and whose name shall be placed on the final ballot shall be held as prescribed by the statutes relating to political party caucuses, except as hereinafter provided.

Only those voters enrolled as qualified to vote in such caucuses as hereinafter provided, shall participate therein; the caucuses of all political

parties, entitled by law to nominate candidates to be voted upon at the next succeeding municipal election, shall be held in the several wards of the said city on the last Monday in February, in each year, on which day the polls will be opened at 3 o'clock in the afternoon and continue open to 8 o'clock in the evening, when they shall close. Said caucuses shall be conducted by the same officers as elected at the preceding municipal election to have charge of such municipal elections, or their successors in office. No person shall vote at any such caucus unless a legally qualified voter in the ward where any such caucus is held, nor unless enrolled as qualified to vote in a particular political party, then entitled to hold such caucus.

The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of all persons to be nominated at such caucus and of a distinguishing color for each political party. Every person legally qualified to vote in such caucuses shall receive, upon application, at such caucuses, to the proper election officer, a ballot marked and designated by such distinguishing color as the ballot of that political party in which he is then enrolled and shall not be entitled to receive, nor shall such election officer deliver to him, any other ballot.

Every legally qualified voter of said city shall continue to be enrolled as a voter in the political party in which he is now enrolled, and when so enrolled, shall not be entitled to change such enrolment for the purpose of any of said caucuses within 6 months next prior to the date of the holding of such caucus. Any voter not previously enrolled may enroll himself before the board of registration at any time up to within thirty days of the date of said caucus or during said caucus by subscribing and making oath to the following statement before the chairman of the caucus: "I, do solemnly swear that I am a qualified voter in this city and ward, and have the legal right to vote in the caucus of the party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at the caucus of any other political party in the 6 months last past," and upon such enrolment shall be permitted to vote. The warden shall endorse on every such enrolment blank, whether the person subscribing and swearing to the same voted at said caucus and shall return the same at the close of said caucus to the board of registration, and said board of registration shall thereupon enroll said voter in the enrolment list of the party designated by him. Said enrolment blank and the statement thereon shall be preserved as a public record and shall be prima facie evidence in any court that said person took said oath and voted in said caucus. The warden may appoint and swear to the faithful performance of their duties such number of enrolment clerks to assist him as may be required, who shall have power to take the oath re-

quired of any person so enrolling at said caucus. All enrolment blanks shall contain the form of statement and oath hereinbefore described but shall otherwise be in such form as the city clerk shall prescribe. The board of registration shall make up and certify, in season for such caucuses, true and correct lists of all the persons legally entitled to vote in said city, after the same have been corrected, in accordance with the last registration of voters therein, and shall indicate on such lists of voters the political party, if any, in which each of said voters is enrolled; said lists, as so prepared by said board of registration, shall not be altered or amended by any person whatsoever, except said board of registration, and then only upon application to change his enrolment made by a person listed thereon as a legally qualified voter, which application shall not be made to said board within six months prior to the date of the holding of any such caucuses. Such lists, as prepared, shall at the time of the holding of such caucuses, be delivered to the warden in each of said wards and shall be used in said wards for the purposes of holding said caucuses and shall be returned intact to said board of registration, after said caucuses are closed, and shall be preserved by said board of registration until the same are superseded by new lists, prepared by said board. Said board of registration shall supply to the political committees of each such political party such number of the copies of such lists, and the enrolments noted thereon, as may be reasonably required for the purposes of said committees.

Sec. 3. **Penalty for disturbing primary political meetings.** Whoever, by rude or indecent behavior, or in any way wilfully or unlawfully disturbs or interrupts any public primary political meeting or caucus or public convention, lawfully assembled in any hall or other place of meeting, for the purpose of nominating, or proposing candidates for any public office, or for the choice of delegates to conventions or other meetings called for such purpose, or creates a disturbance in any hall, walk, or corridor adjacent or leading to the room where such caucus or convention is held in the city of Biddeford, shall be punished by a fine of not less than \$5.00, nor more than \$10.00, or by imprisonment for not more than 30 days.

Sec. 4. **Voting compartments to be provided for use of voters while marking their ballots.** The municipal officers of the city of Biddeford shall cause the polling places therein to be suitably provided with a sufficient number of voting shelves and compartments, at or in which voters participating in caucuses may conveniently mark their ballots so that in the marking thereof they shall be screened from the observation of others, and each voting shelf and compartment shall have a wooden swinging door so arranged that the top thereof shall be not less than 6 feet from the floor and the bottom of the door shall be at least 2 feet and 6 inches from the

floor. And such door shall be shut while the voter is within the compartment, and no one shall be allowed therein with him, unless he calls for assistance in marking his ballot, and such assistance shall be so furnished according to the provisions of chapter 8 of the revised statutes of 1930, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within 6 feet of the ballot boxes and of such voting shelves and compartments. The arrangement shall be such that the ballot boxes shall not be hidden from the view of persons present, and the voting shelves and compartments shall be so arranged that the door of each compartment shall be next to the guard rail, so as to admit to full view of the persons just outside of the guard rail those who enter and leave each compartment. The number of such voting shelves and compartments shall not be less than 1 for every 100 voters qualified to vote at such polling place, and not less than 5 in any ward of said city. No persons other than the election officers, election clerks, and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the presiding election officer or officers for the purpose of keeping order and enforcing the law. Each voting shelf and compartment shall be kept provided with proper supplies and convenience for marking the ballots.

Sec. 5. **City committees and delegates to state conventions.** Any political party in the city of Biddeford entitled to choose delegates to the state convention of their party shall at the caucus called to nominate candidates for municipal officers elect such delegates to said convention and its city committee. The city committees so elected shall hold office for a term of 2 years from the date of the election. The said city committees shall consist of 11 members; 1 from each ward who shall be resident therein, and 4 members at large, who shall be resident in the city. Any vacancies occurring in the committees shall be filled by the committee, but if the committeeman to be elected is a ward representative, he shall be a resident of that particular ward. In case any delegate to a state convention does not or is unable to attend the said convention, the city committee shall fill that vacancy by appointment.

Whenever ballots are used at caucuses for election of municipal officers, the names of candidates for delegates to conventions and city committee membership shall appear on a ballot separate from that used for municipal officers.

Sec. 6. **Expenses, how paid.** All of the expenses of such caucuses shall be paid by the city of Biddeford.