

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. 801

S. P. 536

In Senate, Mar. 1, 1933.

Referred to Committee on Federal Relations and sent down for concurrence. 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Provide for a Convention to Pass on the Proposed Twenty-first Amendment to the Constitution of the United States.

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

Sec. 1. Date of election. The governor shall fix by proclamation the date of an election for the purpose of electing the delegates to a constitutional convention to be held in this state for the purpose of acting upon the proposed 21st amendment to the constitution of the United States.

Sec. 2. Qualification of voters. At such election all persons qualified to vote for governor, senators and representatives shall be entitled to vote.

Sec. 3. Election laws of state shall apply. Except as otherwise provided herein such election shall be conducted and the results thereof ascertained and certified in the same manner as in the case of the election of presidential electors in this state, and all provisions of the laws of this state relative to elections except so far as inconsistent with this act are hereby made applicable to such election.

Sec. 4. Number of delegates. The number of delegates to be chosen to such convention shall be 21, to be elected from the state at large.

Sec. 5. Nomination of delegates; form of petitions; where filed. Candidates for the office of delegate to the convention shall be citizens and residents of the state, and 21 years of age or upwards. Nomination shall be

by petition and not otherwise. A single petition may nominate any number of candidates not exceeding the total number of delegates to be elected, and shall be signed by not less than 100 voters. Nomination shall be without party or political designation but the nominating petitions shall contain a statement as to each nominee, to the effect that he favors ratification, or that he opposes ratification, or that he will remain unpledged, and no nominating petition shall contain the name of any nominee whose position as stated therein is inconsistent with that of any other nominee as stated therein. Each elector signing a nomination petition shall make his signature in person and add to it his place of residence. Each elector may subscribe his name to 1 nomination for the county in which he resides and for 5 additional nominations and for no more. One of the signers of each separate petition or the person circulating the same shall make oath thereon or by certificate of oath annexed thereto that he believes the signatures are genuine and that the persons signing are qualified electors of the state. The 21 nominees in favor of ratification shall consist of the 16 candidates in favor of ratification whose nominating petitions shall have been signed by the largest number of electors in each of the several counties, plus the 5 additional candidates whose nominating petitions shall have been signed by the largest number of electors irrespective of counties. The 21 nominees against ratification and the 21 nominees to remain unpledged shall be chosen in like manner, ties to be decided by lot drawn by the secretary of state. Within 10 days after the petitions are filed, the secretary of state shall certify the candidates of each group to the respective city, town and plantation clerks. All petitions and acceptances thereof shall be filed with the secretary of state not less than 30 days before the proclaimed date of the election.

Sec. 6. Contents and form of ballots. The election shall be by ballot, separate from any ballot to be used at the same election, which shall be prepared as follows: it shall first state the terms of the proposed Amendment. This shall be followed by appropriate instructions to the voter. It shall then contain perpendicular columns of equal width, headed respectively in plain type, "For Ratification", "Against Ratification" and "Unpledged". In the column headed "For Ratification", shall be placed the names of the nominees nominated as in favor of ratification. In the column headed "Against Ratification" shall be placed the names of the nominees nominated as against ratification. In the column headed "Unpledged" shall be placed the names of the nominees nominated as unpledged. The voter shall indicate his choice by making 1 or more cross-marks in the appropriate spaces provided on the ballot. No ballot shall be held void because any such cross-mark is irregular in character. The

ballot shall be so arranged that the voter may, by making a single cross-mark, vote for the entire group of nominees whose names are comprised in any column. The ballot shall be in substantially the following form:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Delegates to the Convention to Ratify the Proposed Amendment.

The Congress has proposed an amendment to the Constitution of the United States which provides (insert here the language of the proposed amendment).

The Congress has also proposed that the said amendment shall be ratified by Conventions in the States.

INSTRUCTIONS TO VOTERS

Do not vote for more than twenty-one candidates.

To vote for all candidates in favor of Ratification, or for all candidates against Ratification, or for all candidates who intend to remain Unpledged, make a cross-mark in the LARGE SQUARE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate make a cross-mark in the SQUARE at the left of the name.

FOR RATIFICATION	AGAINST RATIFICATION	UNPLEDGED
candidates favoring the repeal of the 18th (Prohibition) Amendment.	candidates opposing the repeal of the 18th (Prohibition) Amendment.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> John Doe	<input type="checkbox"/> Charles Roe	<input type="checkbox"/> Daniel deFoe
<input type="checkbox"/> Richard Coe	<input type="checkbox"/> Michael Moe	<input type="checkbox"/> Louis St. Loe
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sec. 7. Election of delegates; vacancies, how filled. The 21 nominees who shall receive the highest number of votes shall be the delegates to the convention. If there shall be a vacancy in the convention caused by

the death or disability of any delegate or any other cause, the same shall be filled by appointment by the majority vote of the delegates comprising the group from which such delegate was elected.

Sec. 8. Meeting of delegates; vote of convention. The delegates to the convention shall meet at the capitol on the 28th day after their election, at 10 o'clock in the forenoon, and shall thereupon constitute a convention to pass upon the question of whether or not the proposed amendment shall be ratified.

Sec. 9. Powers of convention. The convention shall be the judge of the election and qualification of its members; and shall have power to elect its president, secretary and other officers, and to adopt its own rules.

Sec. 10. Convention shall keep journal; where filed. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment. Upon final adjournment the journal shall be filed with the secretary of state.

Sec. 11. Ratification of amendment; certificate of ratification. If the convention shall agree, by vote of a majority of the total number of delegates, to the ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the secretary of state of this state, who shall transmit the certificate under the great seal of the state to the secretary of state of the United States.

Sec. 12. Compensation. Delegates to the convention shall not be entitled to compensation but shall receive mileage for travel as now provided for members of the legislature.

Sec. 13. Act inoperative provided Congress prescribes manner of constituting conventions. If the Congress of the United States shall hereafter prescribe the manner in which the conventions in the several states to act upon the proposed 21st amendment shall be constituted, and shall not except from the provision of such statute or resolution such states as may theretofore have provided for constituting such conventions, the preceding provisions of this act shall be inoperative, the convention shall be constituted and shall operate as the said resolution or act of Congress shall direct, and all officers of the state who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this state are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this state.