

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

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. 192

New Draft of H. P. 106—L. D. 153

H. P. 150

House of Representatives, Dec. 15, 1933.

Reported by Mr. Sargent from Committee on Legal Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND THIRTY-THREE

AN ACT Relating to the Election of Delegates and Alternates to the Party Convention of the City of Biddeford.

Emergency preamble. Whereas, the amendment to the election laws of the city of Biddeford passed by the 86th legislature did not adequately prepare for the election of delegates to party conventions, and it is now impossible to elect delegates properly; and

Whereas, the city of Biddeford would not be represented in the respective party conventions if the following amendment is not made; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,

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

Sec. 1. P. & S. L., 1933, c. 71, § 1, amended. Section 1 of chapter 71 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 1. Petitions for nominations. Any and all candidates for nomination by any and all political party parties, or under section 32 of chapter 7 of the revised statutes, as a candidate for elective office in the city of

Biddeford, for any of the following offices: mayor, councilman, member of the school board, police commissioner, warden or clerk, shall present to the city clerk ~~of Biddeford~~ at least 2 weeks before the date of the caucus a petition requesting their names to be so placed on the ballot, **and only such petitions and nominations as hereinbefore referred to shall be placed on the final ballot.** The city clerk is hereby prohibited from receiving said petitions or nominations within 2 weeks from the date of the caucus and of the placing on the final ballot any candidate for either of the above offices, and said city clerk is further prohibited from allowing any substitution of candidates on any petition or nomination paper unless said substitution is agreed to in writing by all the signers of said petition or nomination paper. Candidates for the following offices shall present a petition of at least the following number of names of **enrolled members of the political party requesting such nomination:** for mayor, member of the school board, or police commissioner, 125; for councilman, 50; for warden or clerk, 25.'

Sec. 2. P. & S. L., 1933, c. 71, § 2, amended. Section 2 of chapter 71 of the private and special laws of 1933 is hereby repealed and the following enacted in place thereof.

'Sec. 2. General law relating to political caucuses made applicable to city of Biddeford if not inconsistent with this act; date held; enrollment, etc. Caucuses and meetings of any and all political parties as hereinbefore specified in the city of Biddeford held for the purpose of nominating candidates for whose election the charter of said city provides, and whose name shall be placed on the final ballot, shall be governed as specified in section 1, and the paragraph immediately following shall relate to any and all political parties and any and all nominations provided for by section 32 of chapter 7 of the revised statutes.

Only those voters enrolled as qualified to vote in such caucuses as hereinafter provided, shall participate therein; all nominations by petition or as provided for under section 32 of chapter 7 of the revised statutes, shall be voted upon at the next municipal election, and the caucus for such candidates by petition or by said nomination papers shall be held in the several wards of the city on the 3rd Monday of November, 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.

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 30 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 required 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 6 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. P. & S. L. 1933, c. 71, § 5, amended. Section 5 of chapter 71 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 5. City committees. 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 1 year 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. 4. P. & S. L., 1933, c. 71, amended. Chapter 71 of the private and special laws of 1933 is hereby amended by changing the number of section 6 to section 7 and by enacting a new section 6 to read as follows:

'Sec. 6. Delegates to state convention. Delegates and alternates to the state convention of political parties shall be elected at caucuses held in the city hall which shall be called by the respective chairmen of the city committees of the various political parties. The said city committees shall fix the date and the time of the caucus by posting notices at each of the polling

places in said city, at least 7 days before the date on which said caucus shall be held and shall prepare the rules to govern the conduct of said caucuses. Vacancies in the delegation shall be filled by the city committee from the list of alternates elected. The check lists of registered and enrolled voters of the city shall be used in checking the voting.'

Emergency clause. In view of the emergency created as recited in the preamble this act shall take effect when approved.