

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 43

H. P. 141

House of Representatives, January 16, 1935.

Referred to Committee on Judiciary and 1,000 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Philbrick of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**AN ACT to Provide for the Nomination of Candidates for State and County
Offices by Political Party Conventions, Subject to Right of Appeal to
Primary Elections.**

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

Sec. 1. Nominations to be made by political party conventions. Subject to the right of appeal to direct primary elections as hereinafter provided, all nominations of candidates for any state or county office, the holders of which are elected by the people, including United States senator, member of congress, and state senator and representative, shall be made hereafter at and by political party conventions to be held in accordance with the provisions of this act. Every political party entitled by law to position on the official ballot at the state elections held biennially on the 2nd Monday in September, or at any special election for the offices aforesaid, shall nominate all its candidates for such offices to be voted for at such elections under the provisions of this act, and not otherwise. 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 1% of the entire vote cast in the state for governor.

Sec. 2. Regular state conventions; platform; state candidates; procedure. Not less than 5 months nor more than 6 months prior to each regular biennial state election, each political party shall hold a state convention at such time and place, and with such basis of proportionate representation, and with such requisites as to call and notice, as the state committee of each political party shall determine. Each state convention shall formulate and adopt a declaration of principles or platform for the ensuing election, and shall elect a state committee for its party. Each state convention shall nominate the candidate of its party for the office of governor and of United States senator in the years when elections for that office are held, and may transact any other business, including the election of delegates to the national convention of the party and the nomination of party candidates for the office of presidential elector, not inconsistent with this act. The chairman and secretary of the state convention shall forthwith certify to the secretary of state the platform adopted, the nominees of the convention, and the names and residences of the state committee as elected. The formulation and adoption of the declaration of principles or platform by any state convention shall precede the nomination of candidates for state office, and the election of the state committee. Nominees of the convention, and members of the state committee elected by the convention, shall be required to subscribe in writing to the declaration of principles or platform in the following language: "I accept (election as member of the state committee of the party) or (nomination as the candidate of the party for the office of,) with the understanding that my acceptance binds me to perform, to the best of my ability, the acts required to fulfill the express commitments of the platform adopted by the state convention." All votes for party nominees shall be by written ballot, and each ballot shall be signed by the delegate casting it. A written ballot upon any other question before the convention shall be required when requested by 1-5 of the delegates present. All decisions shall require the vote of a majority of those voting.

Sec. 3. Congressional district, county, and representative class conventions. Not less than 15 day after the holding of its state convention, each political party shall hold congressional district conventions, county conventions, and representative class district conventions, with such requisites as to call and notice as the state committee shall determine. Each district convention shall nominate the party candidate for representative to congress, and shall elect a district committee. Each county convention shall nominate the party candidates for state senator and all elective county offices, and shall elect a county committee. Each representative class district convention shall nominate the party candidate or candidates for the

office of representative to the legislature for its city, town or combination of cities and towns grouped by law for the purpose of representation in the legislature. All nominees of congressional district conventions, county conventions, and representative class district conventions, shall subscribe to the party platform as adopted by the state convention, in the form heretofore provided. The procedure prescribed for state conventions shall apply in congressional district conventions, county conventions and representative class conventions.

Sec. 4. Party delegates to be members of all party conventions; how elected. The membership of state, congressional district, county and representative class district conventions shall be composed of party delegates, who shall be elected in the several cities, towns and plantations in accordance with the following procedure: The state committee of each political party, having determined the basis of representation for the next state convention, shall notify the municipal officers of each city, town and plantation as to the number of party delegates entitled to election in such city, town or plantation. In cities where voting is by wards, the state committee shall divide the number of party delegates among the wards in proportion to party voting strength in such wards. The municipal officers shall prepare ballots, distinguished between parties by color, bearing the names of candidates for party delegates, and these ballots shall be available to each registered party member when he votes at the regular biennial state election. All candidates for party delegate shall qualify for position on the party delegate ballot by filing with the municipal officers at least 10 days prior to the day of the biennial state election a petition in the following form: "I am a legal voter in the city, town, plantation, of, and am registered as a member of the party. I hereby enter my name as a candidate for party delegate. The required number of registered have signed this petition." (Signed and sworn to by candidate.) We the undersigned registered, legal voters in the city, town, plantation of hereby propose the name of as a candidate for party delegate of the party in (To be followed by signatures in the number required.) The undersigned person knows these signatures to be genuine and that the signers are registered, legal voters in, as represented. (Signed and sworn to.) Such petitions shall bear the names of more than 5% of the registered voters in the candidate's political party within the city, ward, town or plantation. Party delegates shall be elected according to the number of votes received, up to the number to which the electoral district is entitled. The municipal officers shall certify to the secretary of state, upon forms

provided by the secretary of state for that purpose, the names of the elected party delegates for each party. Party delegates so elected shall be the members of the state, congressional district, county, and representative class district conventions. There shall be no right of substitution by proxy or otherwise. Vacancies caused by death or change of residence shall be filled by the party committee of the city, town or plantation where the vacancy occurs. Party delegates shall serve for 2 years, beginning on the 1st day of January following their election.

Sec. 5. Special conventions. Whenever a vacancy shall exist in a state or county office, and a special election is to be called for the purpose of filling such vacancy, the state committee of each political party shall call a party convention by issuing a call to the party delegates within the electoral district where the vacancy exists. The conventions of the respective parties shall assemble forthwith and nominate their respective candidates. The procedure in such special conventions shall be the same as prescribed heretofore for regular conventions. The business of a special convention shall be restricted to the purposes enumerated in the call, unless 2-3 of the party delegates present shall vote otherwise.

Sec. 6. Right of appeal to primary election. Any defeated candidate for a party convention nomination who shall have received on any state, congressional district, or county convention ballot the votes of 20% of the total number of delegates voting upon the nomination for which he was a candidate, and any candidate for representative to the legislature regardless of the number of votes which he received in the convention, may appeal to a popular primary of the voters of his party in accordance with the provisions hereinafter set forth. No vote of the convention, without his consent, shall in any way impair the right of appeal of any defeated candidate who shall have received the said 20% vote. Any candidate who shall be entitled to appeal shall, if he elects to make such an appeal, file his written demand therefor with the secretary of state within 5 days after the adjournment of the convention at which he was a candidate. Said demand shall set forth the name of the candidate, his party, his residence, the office for which he is a candidate, and the percentage of the total vote which he received in his party convention. In order to perfect his appeal he shall thereafter, not more than 30 days subsequent to the adjournment of the convention at which he was defeated, file with the secretary of state a petition for nomination at a primary election to be held according to the provisions of this act. Said petition shall contain names not less than 10% in number of the gubernatorial vote of his political party cast at the election next preceding such convention within the electoral district or division for

which he is a candidate. Suitable blanks for the same shall be furnished by the secretary of state to the defeated convention candidate upon request. Such petitions, when put in circulation for signatures, shall recite the highest percentage of the convention vote received by the candidate on any one ballot, and shall state whether or not the candidate subscribes to the party platform adopted by the state convention. The following words shall appear next above the space provided for signatures: "Each of the undersigned registered voters, being residents of the or, hereby certifies that he or she has read the foregoing petition, and that he or she believes that the interest of the state and of the party demands that a primary election be held in accordance with the law providing for appeals from party convention nominations." When an appeal is taken by a defeated candidate from the nomination of any convention and such appeal is supported by petition as aforesaid, a primary election shall be held in the electoral district or division in which said appealing candidate is a candidate, in accordance with the terms and provisions of sections 5 to 29 of chapter 7 of the revised statutes as amended. The official primary election ballot shall designate the nominee of the convention, whose name shall appear first on the list, and candidates appealing shall be so designated.

Sec. 7. State committee; power and duties. As soon as reasonably practicable after its election, the state committee of each political party shall organize by choice of a chairman and secretary and certify such organization to the secretary of state. It may elect all other officers deemed needful, hold office until the next regular state convention hereunder, and perform such duties as may be imposed upon it by the state convention. All vacancies for unexpired terms in the state committee shall be filled in the manner provided by the state convention, and due certificate of any vacancy shall be made to the secretary of state.

Sec. 8. Secretary of state. The secretary of state shall have authority to prescribe forms for use of conventions, municipal officers, and candidates proceeding under this act, with discretionary authority as to questions of administration not in conflict with this act or other acts remaining in force.

Sec. 9. Other party committees. All the city, ward, town, plantation and representative class committees of political parties shall be elected in such manner and with such tenure of office and duties as the appropriate political party within such electoral district may from time to time determine. Each such committee shall fill all vacancies in the membership, pending the next assembly of the electing agency.

Sec. 10. Committees to be deemed regularly elected. All committees created, elected, or recognized under this act shall be deemed to be regularly elected general or executive committees within the meaning of section 36 of chapter 7 of the revised statutes and of other provisions of chapter 7.

Sec. 11. Inconsistent acts repealed. All acts and parts of acts inconsistent herewith are hereby repealed.