

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 78

H. P. 316

House of Representatives, January 22, 1935.

On motion of Mr. Hill of South Portland tabled pending reference and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Tupper of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT to Amend the Primary Election Law, by Providing for an Advisory Convention in the Selection of Party Candidates for Governor and for the Nomination of all Candidates for County Office Except State Senators in County Conventions.

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

Sec. 1. R. S., c. 7, § 1, amended. Section 1 of chapter 7 of the revised statutes is hereby amended by striking out said section and substituting in place thereof the following:

‘Sec. 1. Definitions; certain nomination time held. 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. The terms “majority party” and “ranking minority party,” as used in this chapter, 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.

All nominations of candidates for governor shall hereafter be finally made at and by primary elections to be held in accordance with the provisions of this chapter.

All nominations of candidates for United States Senator, member of Congress, state senator and representative to the legislature shall hereafter

be made at and by primary elections to be held in accordance with the provisions of this chapter.

All nominations of candidates for county offices shall be made in county conventions to be held by the political parties entitled by law to representation upon the official ballot at state elections in accordance with the provisions of this chapter.

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

Sec. 2. R. S., c. 7, § 2, amended. Section 2 of said chapter 7 of the revised statutes is hereby amended by striking out said section and substituting in place thereof the following:

'Sec. 2. State conventions, how held. State conventions of the several political parties entitled by law to representation upon the official ballot at state elections held biennially on the 2nd Monday in September shall be held at such places, subject to the provisions of this chapter, 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 1st Wednesday in April 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 1st Wednesday in April and all state conventions of other parties shall be held on the Friday next following said 1st Wednesday in April.

At any state convention the political party represented 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 4 members from each county divided in the same manner.

At any state convention the political party represented may, by majority vote, designate a candidate for a place on the primary ballot of such party for governor, provided, however, that if the designation of a candidate for such office is not made by majority vote in the taking of 5 ballots or less, then no convention designation for such office shall be made.

The chairman and secretary of a state convention shall upon the adjournment of the convention forthwith certify to the secretary of state the name of the candidate so designated, the political party represented by such candidate and his place of residence, the platform so adopted and the names of the members of the committees so elected.

Such committee 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. All district committees shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof made to the secretary of state. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this chapter.

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.

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 chapter, 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 2nd Wednesday in April, those of the ranking minority party shall be held on the Thursday next following said 2nd Wednesday in April and all county conventions of other parties shall be held on the Friday next following said 2nd Wednesday in April.

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, except members of the state senate. Such convention shall also elect a county committee to be made up of 2 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 and 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 their next county convention hereunder and perform such duties as may be imposed upon them by their respective county conventions. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof made to the secretary of state. All such county conventions may transact such other business as shall not be inconsistent with the provisions of this chapter.

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

Sec. 3. R. S., c. 7, § 5, amended. Section 5 of chapter 7 of the revised statutes is hereby amended by striking out said section and inserting in place thereof the following:

Sec. 3. R. S., c. 7, § 5, amended. Section 5 of chapter 7 of the revised to be used at primary elections shall be made for each of the political parties entitled as aforesaid to representation thereon, subject to the convention provision herein contained, only by nomination papers signed in the aggregate for each candidate of each political party by qualified voters within the electoral division or district, wherein such candidate is to be voted for, in number not less than 1% nor more than 2% of the entire vote cast for governor in the last preceding state election in the state at large, if the office for which such candidate is to be voted for is to be filled by the voters of the state at large or is for the office of United States senator, otherwise not less than 1% nor more than 2% of such gubernatorial vote within the electoral division or district wherein such proposed candidate is to be voted for. All such nomination papers shall besides containing the names of the proposed candidates specify as to each, 1st, the name of the office for which he is proposed as a candidate; 2nd, the political party which he represents; 3rd, his place of residence. There shall not be in any nomination paper the name of more than one candidate proposed for nomination. Nomination papers shall be signed by members of the political party named therein for which the nomination is made. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence. Each voter may subscribe his name to one nomination for a candidate for each office to be filled, and no more, except in cases where the office is to be filled by more than one person, and in such cases only to the extent of such number. One of the signers to each such separate paper, 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 members of

the political party named therein and that they reside within the electoral division or district for which the nomination is proposed. The state at large shall be considered an electoral division within the meaning of this section; provided, that nothing herein shall make it necessary for nomination papers for any candidate to be signed in the aggregate by qualified voters greater in number than 10% of the last gubernatorial vote cast by the party of such candidate within the electoral division or district wherein such candidate is to be voted for, and provided also that the name of any person designated by any state convention as a candidate for governor shall be placed on the primary ballot of the party for which such designation is made without the filing of such nomination papers.'

Sec. 4. R. S., c. 7, § 6, amended. Section 6 of said chapter 7 of the revised statutes is hereby amended to read as follows:

'Sec. 6. Nomination papers. No such nomination papers shall be signed before the 1st day of January of the year in which such primary election is to be held, and all such nomination papers shall be filed with the secretary of state on or before the ~~third~~ **second** Monday of ~~April~~ **May** of said year. With such nomination papers there shall also be filed the consent in writing of the persons so proposed thereby as candidates, agreeing to accept the nomination if nominated at the primary election, not to withdraw, and, if elected at the state election, to qualify as such officer. Such nomination papers so filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and, if not in apparent conformity, they may be seasonably amended under oath. In case any person who has been duly proposed as a candidate under the provisions hereof shall die before the day of the primary election, or shall withdraw in writing, so that the nominations shall be less than the number of the candidates required to be voted for by law, the vacancy may be supplied in the manner herein provided for such original nominations; or, if the time is insufficient therefor, then the vacancy may be supplied by the appropriate committee of the state, district, county, city, town, plantation, or representative class by which such candidate is to be elected. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section 36.

All nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection, and the secretary of state shall preserve the same in his office not less than one year.'

Sec. 5. R. S., c. 7, § 8, amended. Section 8 of chapter 7 of the revised

statutes is hereby amended by striking out said section and substituting in place thereof the following:

‘Sec. 8. Ballots, how made up. Every ballot which shall be printed in accordance with the provisions of this chapter shall contain the names and residences of all candidates whose designations have been certified by the proper officers of a state convention or whose nominations have been duly proposed hereunder for any office specified in the ballot, and not withdrawn in accordance herewith, and the office for which they have been severally proposed through the nomination papers or designations filed as aforesaid, and shall contain no other names. The order of offices shall be the same as in the regular September election, except that when nominations for United States senators are to be made, said office of United States senator shall be first on said ballots. The name of each person for whom as a candidate for nomination a valid nomination or designation has been filed shall be printed on the ballot in but one place. The names of the candidates for nomination to each office shall be arranged under the designation of the office in alphabetical order according to surnames, except that the name of a person designated by a state convention shall be placed first on the ballot in the proper place for the office to which he has been so designated. There shall be left at the end of each list of candidates for nomination to each office a blank space or spaces, in which the voter may write or paste the name or names of any person or persons not printed on the ballot for whom he desires to vote as a nominee or nominees for such office, the number of blank spaces so left to be equal to the number of nominees to be selected for such office. The ballot shall be printed so as to give each voter a clear opportunity to designate his choice for candidates for nomination by making a cross (X) to the right of the name of each candidate he wishes to vote for as a nominee to each office; and on the ballot shall be printed such words as will aid the voters to do this, “Vote for one,” “Vote for two,” and the like. At the top of the ballot there shall be printed in capital letters, “Make a cross (X) in the square to the right of the name of the person you wish to vote for. Follow directions as to the number of candidates to be marked for each office. Add names by writing or pasting stickers in blank spaces and mark (X) to right of such names. Do not erase names.” The ballots shall be printed on tinted paper, of a separate tint for each political party, white for the majority party, yellow for the ranking minority party, blue for the party casting the third highest vote for governor at the preceding state election, green for the fourth highest, other colors for others, if any, and brown for specimen or sample ballots. They shall be of uniform

size for all political parties and folded before distribution in marked creases so as to be of uniform length and width and conceal the interior contents. All ballots furnished to any municipality by the secretary of state, as required by law for use at any primary election, shall be printed upon the outside so that "Official Nominating Ballot," the polling place for which the ballot is prepared, the date of the primary election and the facsimile of the signature of the secretary of state shall appear on all sides of the folded ballot.'

Sec. 6. R. S., c. 7, § 46, amended, relating to caucuses. Section 46 of chapter 7 of the revised statutes is hereby amended by inserting as a first paragraph in said section the following: '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 7:30 o'clock in the afternoon, as follows: those of the majority party shall be held on the Wednesday next preceding the 1st Wednesday in April of each year in which conventions are required to be held in accordance with the provisions of section 2, 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. 7. R. S., c. 7, § 48, amended. Section 48 of chapter 7 of the revised statutes is hereby amended to 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, ~~if the town committee shall so determine and provide in the call, and such committee shall be required to provide for the use of such list upon written request, filed with the chairman or clerk of the committee at any time before the call is posted, of voters of the party, to the number of not less than 20 in towns of 2000 and not exceeding 5000 inhabitants; and of not less than fifty in towns of 5000 or more inhabitants, according to the last official census of the United States 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 ~~such party committee~~ **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 9 preceding sections.'

Sec. 8 R. S., c. 7, § 50, amended. Section 50 of said chapter 7 of the revised statutes is hereby amended to read as follows:

'Sec. 50. Exceptions. The provisions of the 11 preceding sections shall not apply to ~~towns of less than 2000 inhabitants nor to cities where-~~ in the calling and holding of caucuses is regulated by special law.'

Sec. 9. R. S., c. 7, amended, by adding additional sections. Chapter 7 of the revised statutes is hereby further amended by adding thereto the following sections:

'Sec. 53. Conventions, where held; eligibility of delegates; duties of secretary of state. After the 1st day of January, 1935, 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 ten o'clock in the forenoon of the day hereinbefore fixed.'

'Sec. 54. Regulation of voting. 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. 55. Penalty. Whoever, not being a duly elected delegate or alternate to any state or county convention held under the provisions of this chapter 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. Referendum. The municipal officers of the cities and towns, and the assessors of the several plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators, at a special election to be called by the governor to be held on the 9th day of September, 1935, to give in their votes upon the amendment proposed in the foregoing act, and the question shall be: "Shall the act to amend the primary election law as submitted by the 87th legislature to the people be accepted?" And the inhabitants of said cities, towns and plantations shall vote by ballot on said questions, those in favor of the amendment expressing it by the word "Yes" upon their ballots and those opposed to the amendment by the word "No" upon their ballots, and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of state in the same manner as votes for the governor and members of the legislature, and the governor

and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, it shall thereupon become a part of the constitution, and the governor shall forthwith make known the fact by his proclamation.

Sec. 11. Secretary of state shall furnish ballots. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act accompanied by a copy thereof.