

# 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. 453**

---

---

H. P. 1205

House of Representatives, February 7, 1935.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Hall of Bar Harbor.

---

---

**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, 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 positions 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.

**Sec. 2. Regular state and district conventions; platform; state and district 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 and district 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, state auditor, 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 the state convention shall precede the nomination of candidates for state office, and the election of the state committee. Any person designated as a candidate by such state convention shall be deemed to have assented to and adopted the declaration of principles or platform formulated by said 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 conventions shall be required when requested by one-fifth of the delegates present. All decisions shall require the vote of a majority of those voting. Each district convention shall nominate the party candidate for representative to congress and shall elect a district committee. The chairman and secretary of said district convention shall forthwith certify to the secretary of state the nominee of the convention and the names and residences of the district committee as elected. The procedure shall be the same as in the state convention.

**Sec. 3. County and representative class conventions.** Not less than 15 days after the holding of its state convention each political party shall hold county conventions and representative class district conventions, with such requisites as to call and notice as the state committee shall determine. 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. Any person designated as a candidate by such county and representative class district conventions shall be deemed to have assented to and adopted the declaration of principles or platform

adopted by the state convention of the party. The procedure prescribed for state and district conventions shall apply in county and representative class conventions.

**Sec. 4. Election of delegates; caucuses; procedure.** The membership of state, congressional district, county and representative class district conventions shall be composed of party delegates who shall be elected in party caucuses 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, not later than the first Tuesday of January in any year in which a regular state election is to be held, shall notify the chairman of the various city, town and plantation committees 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. All party delegates shall be elected in party caucuses, which shall be held in the cities, towns and plantations on the fourth Tuesday of January in the year of the state election. The requisites as to call and notice and procedure shall be as prescribed by the statutes relating to political party caucuses, except as herein provided. Party delegates shall be elected according to the number of votes received up to the number to which the electoral district is entitled. 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, resignation 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 from the time of 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 two-thirds of the party delegates present shall vote otherwise.

**Sec. 6. Right to appeal to primary election.** Any defeated candidate for a party convention nomination who shall receive on the state, congressional district, or county convention ballot 20% of the total number of votes cast for all candidates for the nomination for which he was a candidate, and any candidate for representative to the legislature regardless of the number of votes which he receives 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 45 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 . . . . . of . . . . ., 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, 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.

**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.

**Sec. 12. 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 2nd Monday 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 law, and the governor shall forthwith make known the fact by his proclamation.

**Sec. 13. 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.

**Sec. 14. Effective date of this act.** So much of this act as authorizes the provision of the acceptance of this act to the voters shall take effect as provided in the constitution, but it shall not take further effect unless adopted by the voters as herein provided.