

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 726

H. P. 1648

House of Representatives, March 8, 1935.

Reported by a majority of Committee on Judiciary and on motion of Mr. Philbrick of Cape Elizabeth majority report ought to pass in new draft and minority report ought not to pass tabled pending motion of Mr. Philbrick of Cape Elizabeth to accept the majority report. New draft ordered printed.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 141, L. D. 43

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT To Enable Party Conventions to Propose Candidates for Governor, U. S. Senator and Members of Congress to be Placed Upon the Ballots at Direct Primary Elections.

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 to read as follows:

'Sec. 1. Nominations to be made by primary elections; "political parties" defined. All nominations of candidates for any state or county office, including United States senator, member of congress, and member of the state legislature, shall hereafter be made at and by primary elections to be held in accordance with the provisions of this chapter. Every political party entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September, or at any special election for state or county officers or for members of congress or members of the legislature, shall nominate all its candidates for such offices, to be

voted for at such elections, under the provisions of this chapter and not in any other manner. 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.** Nothing in this section shall be construed as preventing the nominations of candidates under section 32 of this chapter.'

Sec. 2. R. S., c. 7, § 2, amended. Section 2 of chapter 7 of the revised statutes is hereby amended to read as follows:

'Sec. 2. Regular state and district conventions; powers, platform; state and district candidates; procedure. Not less than 60 nor more than 90 days before the 3rd Monday in June of each year in which a state election is held biennially, **each** political party shall hold a state convention **and a district convention for each congressional district** at such time and place **within the state**, 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 which shall be the general or executive committee for its party.** Each state convention shall propose a candidate for the office of governor, and a candidate for the office 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 candidates proposed by 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 choice of candidates for state office, and the election of the state committee. All votes for party candidates to be proposed by the convention shall be by written ballot. A written ballot upon any other question before the convention shall be required when requested by 1/5 of the delegates present. All elections and decisions shall require the vote of a majority of those voting. Each district convention shall propose a candidate for representative to congress and shall elect a district committee. The chairman

and secretary of each district convention shall forthwith certify to the secretary of state the candidate proposed by the convention and the names and residences of the district committee as elected. The procedure shall be the same as in the state convention. 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 state convention hereunder, and perform such duties as may be imposed upon them by their respective state 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.'

Sec. 3. R. S., c. 7, additional. Chapter 7 of the revised statutes is hereby amended by adding thereto the following sections to be numbered sections 2-A and 2-B and to read as follows:

'Sec. 2-A. Special conventions before special primary elections. When special primary elections are to be held for nomination of candidates for governor, United States senator or representative to congress in accordance with the provisions of law, special conventions for the proposal of candidates to be voted for at such primary elections and caucuses for the election of delegates thereto shall be held at such time and place as shall be ordered by the state committee of each political party. The procedure in such special conventions shall be the same as prescribed heretofore for regular conventions.'

Sec. 2-B. Death, etc., of proposed candidates. In case of the death, withdrawal or disqualification of a candidate who has been duly proposed for the nomination of his party for the office of governor, United States senator, or representative to congress by a convention held under the provisions of this act, the vacancy may be supplied by a special convention to be called and held within the electoral district where the vacancy occurs, in the same manner, as is provided for the calling and holding of a regular state or district convention.'

Sec. 4. R. S., c. 7, § 5, amended. Section 5 of chapter 7 of the revised statutes is hereby amended by adding thereto the following:
'and provided further that the name of each candidate for a party nomination for the office of governor, United States senator or representative to congress who shall have been duly and regularly proposed by the state or district convention of his party under the provisions of this act shall be

placed on the primary ballots of his party without the filing of such nomination papers.'

Sec. 5. R. S., c. 7, § 6, amended. The first sentence of section 6 of chapter 7 of the revised statutes is hereby amended to read as follows:

'No such nomination papers shall be signed before the first 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 first~~ Monday in ~~April~~ **May** of said year.'

Sec. 6. R. S., c. 7, § 8, amended. The fourth sentence of section 8 of chapter 7 of the revised statutes is hereby amended to read as follows: '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 names of candidates who have been duly proposed for the nomination for the office of governor, United States senator, or representative to congress by a convention held under the provisions of this act shall appear first on the list of candidates for such offices, and shall be designated thereon as the candidates proposed by the appropriate convention.**'

Sec. 7. R. S., c. 7, § 46, amended. 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 district 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 first Wednesday of March 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 succeeding and those of other parties on the Friday next succeeding.'

Sec. 8. Referendum. This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine at an election to be held on the 2nd Monday of September, 1935. The municipal officers of the cities, towns and 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 and representatives to give in their votes upon this 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 question, those in favor of the act expressing it by making a cross within the square opposite the word "Yes" upon the ballots and those opposed to the act by making a cross within the square opposite 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 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 act, the governor shall forthwith make known the fact by his proclamation, and thereupon this act shall become law. 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.