

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 362

H. P. 1107

House of Representatives, February 9, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Varney of Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Elections in the City of Biddeford.

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

Sec. 1. Petitions for party nominations. All candidates for nomination by any political party 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. Candidates for the following offices shall present a petition of at least the following number of names: for mayor, member of school board, or police commissioner, 125; for councilman, 50; for warden or clerk, 25. Nothing in this section and section 2 shall be construed as preventing the nomination of candidates under sections 7, 8, 9, and 10 of this act.

Sec. 2. General law relating to political caucuses made applicable to city of Biddeford; exceptions; date held; enrollment, etc. Caucuses and meetings of the political parties in the city of Biddeford held for the purpose of naming candidates or choosing delegates to assemble in convention to nominate any person to any public office, for whose election the charter of such city provides, and whose name shall be placed on the final ballot shall

be held as prescribed by the statutes relating to political party caucuses, except as hereinafter provided.

Only those voters enrolled as qualified to vote in such caucuses as hereinafter provided, shall participate therein; the caucuses of political parties, entitled by law to nominate candidates to be voted upon at the next succeeding municipal election, shall be held in the several wards of the said city on the 2nd Monday in December, 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 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, then entitled to hold such caucus.

The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of 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 enrollment for the purpose of any of said caucuses or primary 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 enrollment shall be permitted to vote. The warden shall endorse on every such enrollment 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 enrollment list of the party

designated by him. Said enrollment 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 enrollment 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 enrollment 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 enrollment 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 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 enrollments noted thereon, as may be reasonably required for the purposes of said committees.

Sec. 3. Penalty for disturbing primary political meetings. Whoever, by rude or indecent behavior, or in any way wilfully or unlawfully disturbs or interrupts any public primary political meeting or caucus or public convention, lawfully assembled in any hall or other place of meeting, for the purpose of nominating, or proposing candidates for any public office, or for the choice of delegates to conventions or other meetings called for such purpose, or creates a disturbance in any hall, walk, or corridor adjacent or leading to the room where such caucus or convention is held in the city of Biddeford, shall be punished by a fine of not less than \$5 nor more than \$10, or by imprisonment for not more than 30 days.

Sec. 4. Voting compartments to be provided for use of voters while marking their ballots. The municipal officers of the city of Biddeford shall

cause the polling places therein to be suitably provided with a sufficient number of voting shelves and compartments, at or in which voters participating in caucuses may conveniently mark their ballots so that in the marking thereof they shall be screened from the observation of others, and each voting shelf and compartment shall have a wooden swinging door so arranged that the top thereof shall be not less than 6 feet from the floor and the bottom of the door shall be at least 2 feet and 6 inches from the floor. And such door shall be shut while the voter is within the compartment, and no one shall be allowed therein with him, unless he calls for assistance in marking his ballot, and such assistance shall be so furnished according to the provisions of chapter 8 of the revised statutes of 1930, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within 6 feet of the ballot boxes and of such voting shelves and compartments. The arrangement shall be such that the ballot boxes shall not be hidden from the view of persons present, and the voting shelves and compartments shall be so arranged that the door of each compartment shall be next to the guard rail, so as to admit to full view of the persons just outside of the guard rail those who enter and leave each compartment. The number of such voting shelves and compartments shall not be less than 1 for every 100 voters qualified to vote at such polling place, and not less than 5 in any ward of said city. No persons other than the election officers, election clerks and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the presiding election officer or officers for the purpose of keeping order and enforcing the law. Each voting shelf and compartment shall be kept provided with proper supplies and convenience for marking the ballots.

Sec. 5. City committees and delegates to state conventions. 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 2 years 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. 6. Expenses, how paid. All of the expenses of such primaries and caucuses shall be paid by the city of Biddeford.

NOMINATION OF CANDIDATES NOT INCLUDED IN THE CAUCUSES OR PRIMARY.

Sec. 7. Nominations by convention and caucuses. For the purpose of nominating candidates to elective office as set forth in section 1 of this act, any convention of delegates, and any meeting of qualified voters of the city of Biddeford as hereinafter defined, may nominate candidates for said offices in the manner provided in the following sections, whose names shall be placed upon the ballots to be furnished as herein provided.

Sec. 8. Certificates of nomination to be duly filed and sworn to. Any convention of delegates or qualified voters of the city of Biddeford representing a political party or principle thereof for which the nomination is made, may, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the next municipal election to be held in the city of Biddeford. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section 9 of this chapter; shall be signed by the presiding officer or by the secretary of the convention or meeting; and shall be sworn by the party signing, to be true, and the certificate of the oath shall be annexed to or made on the certificate of nomination.

Sec. 9. How nomination papers shall be signed; certificate of city clerk. Nominations of candidates to be filled by the qualified voters of the city of Biddeford may be made by nomination papers for any of the following officers: mayor, councilman, member of the school board, police commissioner, warden or clerk or candidates for nomination by any political party or by any and all groups representing a political principal, as a candidate for election office in the city of Biddeford, for any of the following offices shall present a petition or nomination paper of at least the following number of names of qualified voters of the city of Biddeford: for mayor, member of school board or police commissioner, 125; for councilman, 50; for warden or clerk, 25. Each qualified voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each

voter may subscribe to 1 nomination for each office to be filled, and no more. The nomination papers shall before being filed be submitted to the city clerk of the city of Biddeford. Said city clerk shall forthwith and immediately thereon what number of the signatures are names of qualified voters in said city; 1 of the signers, or circulators, of each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed thereto, or made upon the nomination papers.

Sec. 10. Contents of certificates and nomination papers. All certificates of nomination under the provisions of section 7 and nomination papers under the provisions of section 8 shall, besides containing the names of candidates, specify as to each, 1st, the office for which he is nominated; 2nd, the party or political principle which he represents, expressed in not more than 3 words; 3rd, his place of residence.

Sec. 11. Filing of certificates of nomination and nomination papers. Certificates of nomination and nomination papers for the nomination of candidates for elective office recited in sections 1, 8 and 9 of this act shall be filed with the city clerk of the city of Biddeford at least 14 days previous to the day of the municipal election for said city of Biddeford. With nomination papers and certificates of nomination shall also be filed the consent in writing of the person nominated.

Sec. 12. Certificates, and nomination papers, if in conformity to law to be deemed valid. The certificates of nomination and nomination papers being filed and being in apparent conformity with the provision of this act, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.

Sec. 13. Vacancies; contents of certificates; name placed on ballot. In case a candidate who has been duly nominated under the provisions of sections 7 and 8 and 9—shall die before the day of the municipal election, or shall withdraw in writing, the vacancy may be supplied by the political party, or persons making the original nomination in the manner herein provided for such nomination.

Sec. 14. Nomination papers to be open to public inspection. All certificates of nomination and nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection, and the city clerk of said city shall preserve the same for 1 year.

Sec. 15. Penalty for neglect of duty of public officer. Any public officer upon whom a duty is imposed by sections 7 to 15, both inclusive, who shall wilfully neglect to perform such duty or who shall wilfully perform it in

such a way as to hinder any objects of said sections, shall be punished by a fine of not less than \$20, nor more than \$1000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Sec. 16. Inconsistent acts repealed. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed insofar as they are inconsistent with the provision of this act.