

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. 733

S. P. 394

In Senate, February 18, 1937.

Referred to Committee on Judiciary. Sent down for concurrence and 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator MacKinnon of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Provide for the Nomination of Candidates for Elective Office.

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

Sec. 1. Definitions. The term "political parties," as used in this act, is hereby declared to mean such political parties as at the most recent gubernatorial 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 act, 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. The word "assembly," as used in this act, is hereby declared to mean such gatherings of delegates of the several political parties as are convened in accordance with this act to nominate candidates for office, to elect party committees and to adopt party platforms.

Sec. 2. Candidates to be nominated by assemblies. All nominations of candidates by political parties for any state or county office including United States senator, presidential elector, member of congress or member of the senate or house of representatives of the state legislature shall hereafter be made at assemblies of the several political parties in accordance with the provisions of this act. Every political party entitled by law

to representation upon the official ballot at national elections or at state elections held biennially on the 2nd 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 act and not in any other manner.

Nothing in this section shall be construed as preventing the nomination of candidates under section 32 of chapter 7 of the revised statutes.

Sec. 3. Caucuses, when held. Caucuses of the several political parties for the election of delegates to all state and county assemblies shall be held in each voting precinct at the polling place for the time being in each such precinct at 7.30 P. M. as follows: those of the majority party shall be held on the Wednesday next preceding the 4th Wednesday in June of each year in which assemblies are required to be held in accordance with the provisions of section 10, 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. 4. R. S., c. 7, § 46, amended. Section 46 of chapter 7 of the revised statutes is hereby amended to read as follows:

'Sec. 46. Notices of caucuses to be issued 7 days prior to caucuses. Notices of caucuses for the several political parties shall be signed by the chairman and secretary or by a majority of the committee, shall be issued by each town committee and issued by the several town clerks in the state not less than 7 days prior to the day on which the caucuses are to be held and it shall be proper for said town clerks in their discretion to post notices for the holding of the caucuses of all parties on a single sheet giving the appropriate dates for the caucuses of the different parties. They shall be conspicuously posted in at least 5 places on the highways of each voting precinct and shall state the place, day and hour of the holding ~~such caucuses~~ of each caucus notified therein. In case voting is by check-list a sufficient time shall be allowed for all to vote and the call for the caucus shall state the hours fixed for the opening and closing of the polls.'

Sec. 4-A. Caucus ballots. In all towns where more than 1 delegate and 1 alternate are to be elected to any assembly candidates for election as delegate or alternate shall file their names with the town clerk 5 days at least before the date set for the caucus with a specification of the party before whose caucus their names are to be presented and the several town clerks shall cause to be typewritten, written or printed and delivered to the appropriate committee before the caucus ballots setting forth in alpha-

betical order by surnames the names of all such candidates. Elections of such delegates and alternates shall be by plurality vote, that number equal to the number of delegates to be elected having the highest number of votes to be declared elected as delegates and the equivalent number having the next highest number to be declared elected as alternates.

Sec. 5. 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 2,000 and not exceeding 5,000 inhabitants and of not less than 50 in towns of 5,000 or more inhabitants, according to the last official census of the United States. at the request of any candidate for election as delegate in such caucus.~~ The officials having charge of such voting lists shall furnish certified copies thereof for use in caucuses, upon application of **any party committee candidate**, 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. 6. Place of assembly; election of delegates. After the 1st day of January, 1939, all political assemblies shall be held at such places as may be determined by the several political committees in the electoral divisions or districts for which such assemblies are to be convened except that any such assembly, duly convened, may, by majority vote of those present and voting, name the municipality in which the next assembly of the party convened representing such division or district shall be held.

No person shall be eligible to sit as a delegate in any assembly 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 June in each year in which assemblies 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 assembly 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 assembly in charge 24 hours at least prior to the time at which the assembly for which each separate roll is to be prepared is required by law to be convened which in every case shall be at 10 o'clock in the forenoon of the day hereinbefore fixed.

Sec. 7. Voting regulations. In all state assemblies 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, 1 vote for each delegate or alternate entitled to vote therein and personally present at the time such vote is cast.

In all county assemblies 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, 1 vote for each delegate or alternate entitled to vote therein and personally present at the time such vote is cast.

Sec. 8. Penalty. Whoever, not being a duly elected delegate or alternate to any state or county assembly held under the provisions of this act and entitled to vote therein, unlawfully votes or attempts to vote in any such assembly 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. 9. R. S., c. 7, § 50, amended. Section 50 of 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 2,000 inhabitants nor to cities wherein~~ the calling and holding of caucuses is regulated by special law.’

Sec. 10. State assemblies, when held; platforms; certification of names of candidates; organization of committees. State assemblies 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 act, and with such requisites as to call thereof and notice therefor as the several state committees of such parties may determine. The state assembly of the majority party shall be held on the 4th Wednesday in July 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 4th Wednesday in July and all state assemblies of other parties shall be held on the Friday next following said 4th Wednesday in July.

The basis of representation at state assemblies 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 excess of 200.

At any state assembly held in accordance with the foregoing provisions, the political party so represented shall nominate candidates for public office to be voted for in the state at large at the general election next to be held or at the national election next ensuing and 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 2 members from each party from each county, 1 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.

The chairman and secretary of a state assembly shall upon the adjournment of the assembly 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, 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 the next state assembly hereunder and perform such duties as may be imposed upon them by their respective state assemblies.

State assemblies may transact such other business as shall not be inconsistent with the provisions of this act.

Sec. 11. County assemblies, when held; certification of names of candidates; organization of committees. County assemblies 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 act, and with such requisites as to call thereof and notice therefor as the several county committees of such parties may determine. The county assemblies of the majority party shall be held on the Wednesday following the 4th Wednesday in July biennially in each year in which a state election is to be held, those of the ranking minority party shall be held on the Thursday next following and those of other parties shall be held on the Friday next following.

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

At any county assembly held in accordance with the foregoing provisions, the political party so represented shall by majority vote nominate candidates for all county offices, including members of the state senate while the senatorial districts continue to be made up by counties. Such assembly 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 assembly may determine.

The chairman and secretary of such assembly shall, upon the adjournment of the assembly, 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, his place of residence 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 assembly hereunder and perform such duties as may be imposed upon them by their respective county assemblies.

County assemblies may transact such other business as shall not be inconsistent with the provisions of this act.

Sec. 12. Time of district assemblies. At state assemblies held in accordance with the provisions of section 10 of this act arrangements shall be made by the proper political committee for the holding of assemblies of the congressional districts and such district assemblies shall nominate candidates for representative to congress except that any time when a congressman at large is to be elected in the state the party candidates for congressman at large shall be nominated in the state assemblies.

Sec. 13. Class district assemblies, time of. At county assemblies held in accordance with the provisions of section 11 of this act arrangements shall be made by the proper political committee for the holding of assemblies of the legislative class districts except in those cases where a single city or town is entitled to 1 or more representatives in the state legislature and such class district assemblies shall nominate the party candidates for representative to the legislature.

In all cases where any single town is entitled to 1 or more representatives in the state legislature the candidate for such office shall be nominated in the caucus where the delegates from such town to the state assembly are elected.

Sec. 14. Local provisions. All city, ward, precinct, town, plantation and representative class committees of the political parties aforesaid shall be elected in such manner and with such tenure of office and duties as the appropriate political party within such city, ward, precinct, town, plantation or representative class may from time to time determine.

Sec. 15. Definition of "committees"; vacancies, how filled. All committees created, elected or recognized under the provisions of this act shall be deemed to be the regularly elected general or executive committees within the meaning of section 36 of chapter 7 of the revised statutes or of any other provisions of this act or of said chapter.

All vacancies for unexpired terms on any political committee, either general or executive, shall be filled by the committee wherein such vacancy occurs and where the original selection of the committee is required to be certified to the secretary of state, due certificate of the filling of any vacancy shall be made to the secretary of state within 7 days after such vacancy is filled.

Sec. 16. Acceptance of nominations. Every candidate nominated in accordance with the terms of this act shall within 7 days after the date of

his nomination send to the secretary of state by registered mail the following acceptance:

To the Secretary of State:

I,of, hereby accept the nomination to the office of.....made at theassembly of the.....political party held, 19....

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the election for which the nomination was made, and failure to file such acceptance within said 7 days shall be deemed to be a refusal thereof.

Sec. 17. Provisions in case of death of candidate. In case a candidate who has been duly nominated under the provisions of this act shall die before the day of election, or shall withdraw in writing, or shall either fail to file an acceptance of his nomination or forfeit such nomination in any manner, the vacancy may be supplied by the political party making the original nomination, by a special assembly of delegates or appropriate caucus; or, if the time is insufficient therefor, then the vacancy may be supplied in such manner as the assembly or caucus wherein the nomination was made has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party of persons holding such assembly or caucus. The certificates of nomination made for supplying a vacancy, shall state, in addition to the other facts required by this act the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the assembly or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or, slips containing the new nomination shall be printed under the direction of the secretary of state, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Sec. 18. Provisions for special elections. When special elections are to be held for any office as required or permitted by law, special assemblies for

the nomination of candidates to be voted for thereat shall be held at such time as shall be ordered by the governor by proclamation and he shall therein fix the time within which the certificates of nomination shall be filed with the secretary of state. If the time is insufficient for the holding of an assembly, the nomination may be supplied by the appropriate political committee. Candidates nominated under this section shall file acceptances and returns as if nominated in regular political assemblies or caucuses.

Sec. 19. R. S., c. 7, §§ 19 and 22 made applicable. All the provisions of sections 19 and 22 of chapter 7 of the revised statutes shall apply to nominations made in assembly or caucuses under the terms of this act.

Sec. 20. R. S., c. 7, § 34, amended. Section 34 of chapter 7 of the revised statutes is hereby amended to read as follows:

'Sec. 34. Filing of certificates of nomination and nomination papers. Certificates of nomination under section 31 and nomination papers for the nomination of candidates for state and county officers and representatives to the legislature shall be filed with the secretary of state on or before the 10th day of ~~July~~ **August** of each year in which such election is held, and for candidates for electors of president and vice-president on or before the 10th day of September in each year when such election is held. Such certificates and papers for the nomination of candidates for the office of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least 14 days, exclusive of Sundays, previous to the day of such election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of United States senators, representatives to congress, or members of the legislature shall be filed with the secretary of state at least 14 days, exclusive of Sundays, previous to the day of election. With nomination papers and certificates shall also be filed the consent in writing of the person nominated.'

Sec. 21. Approval and payment of state expenses. All accounts for expenditures by the state hereunder shall be approved in the manner required by law, and after approval the governor and council shall draw their warrant against any money in the treasury, not otherwise appropriated, in payment thereof.

Sec. 22. Repealing clause. Sections 1 to 18 inclusive of chapter 7 of the revised statutes, sections 20 and 21 of said chapter and sections 23 to 29 of said chapter are hereby repealed.

Sec. 23. Submitted to voters on 2nd Monday of September, 1933. This act shall be submitted for approval or rejection to the duly qualified

voters of the state at an election to be held on the 2nd Monday of September in 1939. The aldermen of cities, the selectmen of towns and the assessors of the several plantations are hereby empowered and directed to notify their inhabitants to meet in the manner prescribed by law for calling and holding biennial meetings for the election of senators and representatives to give their votes upon this act and the question shall be "Shall the act to provide for the nomination of candidates for elective office be accepted?", and the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the same expressing it by making a cross within the square opposite the word "Yes" upon their ballots and those opposed to the question by making a cross within the square opposite the word "No", and the ballots shall be received, sorted, counted and declared in open meetings and returns made to the office of the secretary of state in the same manner as votes for governor and the governor and council shall count the same and if it shall appear that a majority voting on the question are in favor of the act, the governor shall make known the fact by his proclamation and thereupon this act shall become law. The secretary of state shall prepare and furnish ballots and blank returns in conformity with the foregoing accompanied by a copy thereof.