

MAINE STATE LEGISLATURE

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

Legislative Document

No. 153

H. P. 499

House of Representatives, January 26, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McGlauffin of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**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 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 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 Section 2 of chapter 7 of the revised statutes is hereby repealed and the following enacted in place thereof :

‘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. County committees shall be elected, of such size and in such manner as each state convention may determine. 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. There shall be no right of substitution by proxy or otherwise except by regularly elected alternates, but vacancies may be filled by the party committee of the city, town or plantation where the vacancy occurs. 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 thereafter, 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 new 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 1st 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 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~~ first Monday in ~~April~~ May of said year.’

Sec. 6. R. S., c. 7, § 8, amended. Section 8 of chapter 7 of the revised statutes is hereby amended to read as follows:

‘Sec. 8. Ballots, how made up; order of offices; names to be in alphabetical order; printing, color, and size of ballots. Every ballot which shall be printed in accordance with the provisions of this chapter shall contain the names and residences of all candidates 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 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 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. **Provided, in every case where 2 or more persons are candidates for nomination to the same office, the number of ballot forms required shall be divided into sets equal to the greatest number of candidates for any one office on said ballot, and the names of said candidates for each office when the number of said candidates is equal to 2 or more shall, beginning with a form arranged in alphabetical order as aforesaid, be rotated by removing one name from the top line for each office and by placing said name at the bottom of said list for each successive set of ballot forms. As nearly as possible, an equal number of ballots of each set shall be delivered to each voting place or precinct.** 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 cross (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 party casting the highest vote for governor at the last preceding state election, yellow for the second highest, blue for the third highest, 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. 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 1st 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, 1939. 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 89th 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.