

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1102

S. P. 539

In Senate, March 1, 1949.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Hopkins of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Eliminating Special Primary Elections in Certain Cases.

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

R. S., c. 4, §§ 45-47, repealed and replaced. Sections 45 to 47, inclusive, of chapter 4 of the revised statutes are hereby repealed and the following enacted in place thereof:

‘Sec. 45. Vacancies, how filled. In case any duly nominated candidate, except a candidate for United States senate, governor or representative to congress, shall die before the day of the election at which such office is to be filled, or shall withdraw in writing, or shall forfeit his nomination by failure to accept or to file a return, as provided in sections 33 and 34, then the vacancy may be supplied by the regularly elected county, city, town, plantation or representative class committee as the case may be of the political party of such nominee. In case a vacancy occurs in any office except that of United States senator, governor or representative to congress which is to be filled at the next biennial state election for which no nomination has been made at the primary election held on the 3rd Monday in June of the same year, nominations shall be made as provided in this section. When such a vacancy occurs, the governor shall, by proclamation, declare such fact and fix a date for the meeting of the appropriate committees.

Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section 57.

Sec. 46. Filling of vacancies at special primary election. In case any duly nominated candidate for United States senator, governor or representative to congress shall die before the day of the election at which such office is to be filled, or shall withdraw in writing, or shall forfeit his nomination by failure to accept or to file return, as provided in sections 33 and 34, a special primary election shall be ordered by proclamation of the governor, at such date as he deems best, conforming as nearly as may be practicable to the provisions of this chapter; and in that event the governor in such proclamation shall fix the time within which nomination papers shall be filed and the time for transmitting to town clerks lists of candidates proposed for nomination and the time within which and when the returns shall be received and the result declared. If the time is insufficient therefor, such nomination may be supplied by the regularly elected state or congressional committee, as the case may be of the political party of such nominee. Candidates so chosen shall be subject to the provisions of this chapter requiring acceptances and returns of expenditures by candidates.

Sec. 47. Primary elections for nomination of candidates at special elections. When a special election is to be held for the office of United States senator or representative to congress as required or permitted by law, a primary election 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 nomination papers shall be filed and the time for transmitting to town clerks lists of candidates proposed for nomination and, so far as practicable, all the provisions of this chapter shall be applicable thereto. If the time is insufficient therefor, such nomination may be supplied in the manner provided in section 45. Candidates so nominated shall file acceptances and returns of expenditures as hereinbefore provided. When a special election is to be held for any office other than United States senator or representative to congress, no primary election shall be held therefor but nomination shall be made in accordance with the provisions of section 45.'