

MAINE STATE LEGISLATURE

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

Legislative Document

No. 402

H. P. 335

House of Representatives, February 4, 1953

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Lord of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

**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. 4, § 1, amended. Section 1 of chapter 4 of the revised statutes is hereby amended to read as follows:

'Sec. 1. "Political parties" defined; enrolment required. The term "political parties," as used in this chapter is declared to mean such political parties as at the gubernatorial election next preceding any 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.** No person shall take part or vote in any caucus of any political party unless qualified therefor by enrolment as hereinafter provided.'

Sec. 2. R. S., c. 4, § 16, repealed and replaced. Section 16 of chapter 4 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 16. Regular state and district conventions; powers, platforms; 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, nominate as many presidential electors as the state is entitled to, 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 chapter. 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 $\frac{1}{5}$ 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. All vacancies in the number of presidential electors shall be filled by the state committee.'

Sec. 3. R. S., c. 4, §§ 16-A, 16-B, additional. Chapter 4 of the revised

statutes is hereby amended by adding thereto 2 new sections to be numbered 16-A and 16-B, to read as follows :

'Sec. 16-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. 16-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 chapter, 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. 4, § 19, amended. The last sentence of section 19 of chapter 4 of the revised statutes is hereby amended to read as follows :

'The state at large shall be considered an electoral division within the meaning of this section ; provided that nothing herein shall make it necessary for nomination papers for any candidate to be signed in the aggregate by qualified voters greater in number than 10% of the last gubernatorial vote cast by the party of such candidate within the electoral division or district wherein such candidate is to be voted for, 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 chapter shall be placed on the primary ballots of his party without the filing of such nomination papers.'

Sec. 5. R. S., c. 4, § 20, amended. The 1st sentence of section 20 of chapter 4 of the revised statutes is hereby amended to read as follows :

'No such nomination paper 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 ~~3rd~~ 1st Monday in ~~April~~ May of that year.'

Sec. 6. R. S., c. 4, § 22, amended. The 4th sentence of section 22 of chapter 4 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 chapter 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. 4, § 8, amended. Section 8 of chapter 4 of the revised statutes is hereby amended to read as follows:

'**Sec. 8. Caucuses; notices of. 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 2nd Wednesday of March of each year in which conventions are required to be held in accordance with the provisions of section 16, those of the ranking minority party shall be held on the Thursday next succeeding and those of other parties on the Friday next succeeding.**

Notices of caucuses, stating the place, day and hour of holding the same and signed by the chairman and the secretary or a majority of the committee shall be issued by each town committee and shall be filed with the town clerk who shall record such notice in the book in which the record of town meetings is entered, not less than 7 days prior to the day on which such caucus is to be held and not less than 16 days prior to the day on which an election or convention relative thereto is to be held, and within said time 5 copies of such notice shall be conspicuously posted on the highways of each voting precinct. 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 by the committee for the opening and closing of the polls.'

Sec. 8. Referendum. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, at the next general or special state-wide election, to give in their votes upon the acceptance or rejection of the foregoing act,

and the question shall be: 'Shall '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 accepted?'

And the inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of said ratification voting "Yes" and those opposed to said ratification voting "No" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return 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 the act shall thereupon become effective as of the date of said proclamation.

Secretary of state shall prepare ballots. 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.