

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 926**

S. P. 309

In Senate, February 18, 1953

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Robbins of Aroostook

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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**AN ACT Amending the Election Laws.**

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

**Sec. 1. R. S., c. 3, § 16, amended.** Section 16 of chapter 3 of the revised statutes, as amended, is hereby further amended by adding after the 9th sentence thereof a new sentence to read as follows:

**'If a person becomes 21 years of age between the last day of the open session and the closing of the polls on election day, his name may be added at any time without personal appearance if the board is satisfied that he is otherwise qualified.'**

**Sec. 2. R. S., c. 3, § 35, amended.** Section 35 of chapter 3 of the revised statutes is hereby amended to read as follows:

**'Sec. 35. Assessors to prepare lists of voters and deliver to selectmen.** In every town where the selectmen are not assessors, the assessors, on or before the ~~1st day of August~~ **20th day of May** in each year in which an election, **including primary elections**, of governor, senators, and representatives, is held, shall prepare a list of the persons whom they judge to be constitutionally qualified to vote therein at such election, and deliver it to the selectmen.'

**Sec. 3. R. S., c. 3, § 36, amended.** Section 36 of chapter 3 of the revised statutes is hereby amended to read as follows:

**'Sec. 36. Selectmen to prepare corrected list.** The selectmen of every town, on or before the ~~11th day of August~~ **1st day of June** in every such year, shall prepare a corrected list of persons qualified as provided in the preceding section, and shall, on or before the **15th day of August in such year, correct and revise said list.'**

**Sec. 4. R. S., c. 3, § 37, amended.** Section 37 of chapter 3 of the revised statutes is hereby amended to read as follows:

**'Sec. 37. Sessions of selectmen to correct lists; notice.** In every town, having by the census of the United States, then last taken, more than 3,000 inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote at any **primary** election ~~described in section 35~~ and for the correction of such list, for a reasonable time, on not more than 2 days, between the ~~11th and 18th days of August~~ **1st and 7th days of June** in every such year, giving previous notice of the time and place of each session, as their town meetings are notified. **The selectmen of every such town shall be in open session again for at least 1 day between the 2nd and 3rd Monday in August for the same purpose.'**

**Sec. 5. R. S., c. 3, § 38, amended.** Section 38 of chapter 3 of the revised statutes is hereby amended to read as follows:

**'Sec. 38. Lists to be deposited with clerk and posted.** On or before the **10th day of June and on or before the 20th day of August** in every such year, the selectmen shall deposit in the office of the town clerk an alphabetical list of voters prepared and revised as provided for in the preceding sections, and post a certified copy thereof in one or more public places in the town.'

**Sec. 6. R. S., c. 3, § 39, amended.** The last sentence of section 39 of chapter 3 of the revised statutes, as amended, is hereby further amended to read as follows:

**'At any regular session provided for by sections 37, 41, 42, and 46, the selectmen shall place on the list of voters the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not, including such persons who will become 21 years of age on or before election day.'**

**Sec. 7. R. S., c. 4, § 12, amended.** Section 12 of chapter 4 of the revised statutes is hereby amended to read as follows:

**'Sec. 12. Exceptions.** The provisions of the ~~++ 9~~ 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. 8. R. S., c. 4, § 34, amended.** Section 34 of chapter 4 of the revised statutes, as amended, is hereby further amended to read as follows:

**‘Sec. 34. Return of expenditures; false statement deemed to be perjury; limitation of miscellaneous expenditures; penalty for failure to make returns. ~~Each~~ Every candidate ~~nominated~~ in any primary election who has incurred expenses to the amount of \$5 or more shall with his acceptance send to the secretary of state within 7 days after said primary election the following return by him subscribed and sworn to:**

**“RETURN OF EXPENDITURES**

To the Secretary of State:

“I, \_\_\_\_\_, of \_\_\_\_\_, ~~nominated~~ candidate for the office of \_\_\_\_\_, at the primary election held on June \_\_\_\_\_, 19\_\_\_\_, on oath depose and say that the following is a true and perfect return of all expenditures by me made, or liabilities by me incurred for any purpose whatever in connection with my said ~~nomination, or the procurement thereof~~ **campaign**, before, at, or since said primary election.

The total amount thereof was \$ \_\_\_\_\_

The aforesaid amount is made up of the following:

Printing	\$ _____
Clerk hire	\$ _____
Newspaper advertising	\$ _____
Radio advertising	\$ _____
<b>Television</b>	\$ _____
Hall rent	\$ _____
Soliciting agents	\$ _____
Postage	\$ _____
<del>Telegrams</del>	\$ _____
Telephones and Telegrams	\$ _____
Stationery	\$ _____
Express	\$ _____
Traveling expenses	\$ _____
Hotel bills	\$ _____
<b>Transporting voters</b>	\$ _____
Miscellaneous	\$ _____
Total	\$ _____

Of the above, the following are itemized:



election, make to the secretary of state the return required by this section of candidates, and the form of the return shall be varied accordingly. Candidates who are their own political agents need not make a separate return in the latter capacity. Any political agent failing to make return within the time required shall be punished by a fine of \$25 for each day he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate. The returns aforesaid shall be open to public inspection for 1 year and then be destroyed. ~~The failure of any candidate to file a return within the time required by the preceding section shall render his nomination void. Each candidate nominated in any political convention shall, within 15 days after the date of such convention file with the secretary of state a return similar in form to that hereinbefore set forth and the failure of any person so nominated to file a return within said period shall render his nomination void'~~

**Sec. 9. R. S., c. 4, § 35, amended.** Section 35 of chapter 4 of the revised statutes is hereby amended to read as follows:

**'Sec. 35. Candidates for U. S. senators to make returns.** Candidates ~~nominated~~ for United States senator shall file like acceptances and make like returns. ~~If any such candidate fails to do so, his nomination at the primary election shall be deemed to be void'~~

**Sec. 10. R. S., c. 4, § 37, amended.** Section 37 of chapter 4 of the revised statutes, as amended, is hereby further amended to read as follows:

**'Sec. 37. Expenditures on behalf of another's campaign to be reported; when expenditures are to be reported; publication of the reports; penalty for not reporting.** It shall be unlawful for any candidate or for any person, firm, association, committee, organization, or corporation, on behalf of a candidate or for the purpose of aiding the candidacy of any person, to make any expenditure or incur any liability, either for printing, publication, postage, clerk hire, newspaper advertising, renting of halls or other places, soliciting agents, transporting voters, **radio advertising, television, telephones and telegrams, stationery, express, travelling expense, hotel bill,** or any other act or thing calculated to induce or procure any person or persons to vote for any candidate for office in a primary election unless on the dates hereinafter set forth next ensuing after the making of any such expenditure or the incurring of any such liability such candidate, person, firm, association, committee, organization, or corporation shall report the same to the secretary of state setting forth in detail the nature and amount of the expenditure made or liability incurred with the name of the candidate, his

address, the election district, and the office in question. For such expenditures as are made and such liabilities as are incurred during the period prior to the 30 days next preceding any such election, such report shall be made by all candidates for office to be voted for in the state as a whole, or on any congressional district, on the 1st day of each month next after such expenditure is made or such liability is incurred, and thereafter such a report shall be made each week, such weekly reports to be made so as to reach the office of the secretary of state not later than 10 o'clock in the forenoon of Wednesday in each week. In the case of candidates for representative to the legislature, or for any county office including state senators, such candidate shall make 1 report 30 days prior to the date of the election and a 2nd report which shall reach the office of the secretary of state not later than 10 o'clock in the forenoon of the Wednesday next preceding such election; ~~this last report shall include in addition to such expenditures as have been made and such liabilities as have been incurred up to the time of the making of such report, a statement of such sum or sums, if any, as such candidate, person, firm, association, committee, organization, or corporation proposes to make or incur thereafter in connection with such campaign.~~

The secretary of state shall, 15 days before the date of any such election, publish in all the daily and weekly papers in the state a statement setting forth the total expenditures made in accordance with the information filed with him under the terms of the foregoing paragraph by every candidate, person, firm, association, committee, organization or corporation reporting, giving for each office a list of the parties making such expenditures and the amounts thereof ~~which list shall for each office be arranged alphabetically except that the names of the candidates whose names are to appear on the ballots shall be first listed under each office.~~ The secretary of state shall revise and republish such figures in the daily papers of the state on the Friday immediately preceding the day of any such primary election.

Such publications shall in the weekly papers be limited to those candidates whose names are to appear on the primary ballots used within the county where each such paper is published.

It shall be unlawful for any person, firm, association, committee, organization, or corporation, on behalf of the candidacy of any person whose name is to be presented before any political convention as a candidate for any office, to make any expenditure or incur any liability for any of the purposes set forth in the 1st paragraph of this section, unless 7 days at least prior to the convening of such convention, the same shall be

reported to the secretary of state in the same manner as above required for primary elections, and such report shall include in addition to such expenditures as have been made and such liabilities as have been incurred up to the time of the making thereof a statement of such sum or sums, if any, as the maker of such report proposes to make or incur thereafter in connection with such nomination.

The Secretary of state shall, on the day before the convening of any political convention, publish in all the daily papers in the state a statement setting forth the total expenditures made in accordance with the information filed with him under the terms of the foregoing paragraph in connection with each office for which a candidate is to be nominated at such convention, and such list shall for each office be arranged alphabetically, except that the names of the persons whose names are to be presented to such conventions as candidates shall be first listed under each office

Any candidate, person, firm, association, committee, organization, or corporation which shall expend any money or incur any liability in excess of \$5, without reporting it as above provided or who subsequent to the filing of such last report either of primary election or political convention expenses, shall expend for any purpose aforesaid more than the amount or amounts set forth in such final pre-election report, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months.'

Sec. 11. R. S., c. 4, § 43, amended. The 1st paragraph of section 43 of chapter 4 of the revised statutes is hereby amended to read as follows:

'Before the adjournment of the legislature biennially, it shall be the duty of the president of the senate to name 2 members on the part of the senate, and of the speaker of the house to name 3 members on the part of the house, to serve as a special committee to investigate the expenditures made and liabilities incurred by and on behalf of candidates seeking nomination to elective office and such committee shall meet in Augusta within 5 days next following any primary election, or convention, to examine on the Thursday preceding the primary election, at which time they shall make a preliminary investigation of all returns of expenditures and within 10 days after the primary election, the committee shall again meet in Augusta, at which time they shall examine the final returns of expenditures made under the provisions of this chapter. The members of said committee shall receive as compensation \$10 a day for as many days as are necessarily employed in the discharge of their official duty and reimbursement for all nec-



essary expenses, including travel at the same rate as members of the legislature receive.'

**Sec. 12. R. S., c. 4, §§ 51, 52, repealed.** Sections 51 and 52 of chapter 4 of the revised statutes are hereby repealed.

**Sec. 13. R. S., c. 4, § 54, amended.** The 1st sentence of section 54 of chapter 4 of the revised statutes is hereby amended to read as follows:

'~~All certificates of nomination under the provisions of section 52 and nomination papers filed in accordance with section 53~~ shall, besides containing the names of candidates, specify as to each, 1st, the office for which he is nominated; 2nd, the party or political principal which he represents, expressed in not more than 3 words; and 3rd, his place of residence.'

**Sec. 14. R. S., c. 4, § 55, amended.** The 1st sentence of section 55 of chapter 4 of the revised statutes is hereby amended to read as follows:

'~~Certificates of nomination under the provisions of section 52 and nomination papers~~ Petitions filed in accordance with section 53 for the nomination of candidates for **United States senate, representatives to congress,** 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 of each year in which a biennial 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 a presidential election is held.'

**Sec. 15. R. S., c. 4, § 56, amended.** Section 56 of chapter 4 of the revised statutes is hereby amended to read as follows:

'**Sec. 56. Nomination papers, if in apparent conformity to law to be deemed valid.** ~~The certificates of nomination and~~ Said nomination papers being filed, and being in apparent conformity with the provisions of this chapter, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.'

**Sec. 16. R. S., c. 4, § 57, amended.** The 1st and 2nd sentences of section 57 of chapter 4 of the revised statutes are hereby amended to read as follows:

'In case a candidate who has been duly nominated under the provisions of ~~sections 52 and section 53~~ shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner herein provided for such nomination; or, if the time is insufficient therefor, then the vacancy may be supplied ~~if the nomination was made by a convention or~~

~~caucus, in such manner as the convention or caucus 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 or persons holding such convention or caucus making the original nomination.~~ The certificates of nomination made for supplying any vacancy, shall state, in addition to the other facts required by this chapter, the name of the original candidate proposed or the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; such certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the ~~convention or caucus, or by the chairman or secretary of the~~ duly authorized committee, as the case may be.'

**Sec. 17. R. S., c. 5, § 39, amended.** The 2nd sentence of the 2nd paragraph of section 39 of chapter 5 of the revised statutes is hereby amended to read as follows:

'The ballots, check-lists, and signed statements of officials returned to the city clerk after any city election and all other ballots returned to him ~~which he is not required to forward to the secretary of state according to the provisions of section 42~~ shall be preserved by him as a public record for 6 months.'

**Sec. 18. R. S., c. 5, § 42, repealed.** Section 42 of chapter 5 of the revised statutes is hereby repealed.

**Sec. 19. R. S., c. 6, § 2, sub-§ IV, amended.** The 3rd paragraph of subsection IV of section 2 of chapter 6 of the revised statutes, as repealed and replaced by section 7 of chapter 348 of the public laws of 1951, is hereby repealed and the following enacted in place thereof:

**'Personally appeared the above ..... and made oath to the truth of the statement contained hereon.'**

**Sec. 20. R. S., c. 7, § 1, amended.** Section 1 of chapter 7 of the revised statutes is hereby amended to read as follows:

**'Sec. 1. Petitions for veto by referendum, provision for.** Upon request of any voter of the state, made in writing within 10 days after the adjournment of any session of the legislature, the secretary of state shall forthwith cause to be printed and delivered to such voter, ~~at the expense of the state~~ **at his expense**, an adequate supply of petitions prepared for the use of the voters of the state for invoking the people's veto by referendum, as provided in part third of article IV of the constitution, on such act or acts or part or parts of any act or acts as may be designated in such written request.'

**Sec. 21. R. S., c. 7, § 2, amended.** Section 2 of chapter 7 of the revised statutes is hereby amended to read as follows:

**'Sec. 2. Petitions for direct initiative, provisions for.** Upon request of any voter of the state, made in writing at any time, the secretary of state shall forthwith cause to be printed and delivered to such voter, ~~at the expense of the state at his expense~~, an adequate supply of petitions prepared for the use of the voters of the state for invoking the direct initiative, as provided in part third of article IV of the constitution for such act as may be designated in such written request.'

**Sec. 22. R. S., c. 8, § 4, sub-§ VI-A, additional.** Section 4 of chapter 8 of the revised statutes is hereby amended by adding thereto a new subsection, to be numbered VI-A, to read as follows:

**'VI-A. Of radio and television;'**

**Sec. 23. Appropriation.** There is hereby appropriated from the general fund the sum of not more than \$1,000 for the fiscal year ending June 30, 1954 for the purpose of carrying out the provisions of section 11 of this act.