

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. 1119

S. P. 400

In Senate, February 25, 1953.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Haskell of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

**AN ACT Relating to Election of Delegates to National Convention and
Presidential Preference Primary.**

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

Sec. 1. R. S., c. 4-A, additional. The revised statutes are hereby amended by adding thereto a new chapter, to be numbered 4-A, to read as follows:

'CHAPTER 4-A.

DELEGATES TO NATIONAL CONVENTION.

Sec. 1. Primary. On the 2nd Monday in March each year when a president of the United States is to be elected, a primary shall be held for the election of delegates at large, alternate delegates at large, district delegates and alternate district delegates to the national conventions of the various political parties, as defined in section 1 of chapter 4, to be held to nominate party candidates for president and vice president of the United States. It shall be conducted by the regular election officers.

Sec. 2. Time of opening and closing polls. Meetings for the election of delegates to the national conventions shall be opened and closed according to the provisions of section 22 of chapter 5.

Sec. 3. Ballots. The secretary of state shall prepare and distribute for use at such primary an official ballot for each political party.

Sec. 4. Declaration of candidacy. The name of a candidate shall not be printed upon any such ballot unless not more than 60 nor less than 45 days before the primary he files with the secretary of state a declaration of candidacy signed by him, and unless he, or some person for him, shall pay to the secretary of state a filing fee of \$10, or file with him a petition containing 100 names of legal voters requesting that his name be placed on the primary ballot; provided, that vacancies on the primary ballot of any party may be filled as provided in section 6. The number of days herein given shall include Sundays and shall end on the day before the primary at 6:00 P. M.

Sec. 5. Form. Declarations of candidacy shall be in form as follows: "I declare that I reside in ward in the city (or town) of county of and state of Maine, and am a qualified voter therein; that I am a member of the party; that I am a candidate for election as district delegate (or as alternate district delegate or delegate at large or alternate delegate at large) to the national convention of the party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official ballot of the party to be used at the primary to be held on the 1st Monday of March next. I further declare that if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control." (signature)

If the person desires to do so he may add to such declaration the following statement: "I pledge myself, if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large), to vote in said convention, whenever I shall vote, for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention, and I request that after my name upon the ballot shall be printed the words pledged to vote for the nomination of (naming the same person) for president." And in that event said words shall be printed upon the primary ballot following his name as requested.

Sec. 6. Vacancies. If there is to be a vacancy upon the primary ballot of any party by reason of the failure of as many persons to file as candidates for district delegates, alternate district delegates, delegates at large,

and alternate delegates at large as are to be elected, such vacancies may be filled, after the expiration of the time allowed for filing and 40 days before the primary, by the state committee of that party, without the payment of any fee, and the secretary of state, upon receipt of proper notice, shall cause the names selected by the state committee to be printed upon the primary ballot to fill such vacancies.

Sec. 7. Notice of result. After completing the canvass of returns from the primary the secretary of state shall send by mail notice to each person whose name was printed upon the ballot of any party of the names of the delegates at large, alternate delegates at large, district delegates and alternate district delegates, elected by that party, and shall not be required to advertise the result of said primary.

Sec. 8. Recount. If any person whose name was printed as a candidate upon the ballot of any party is not elected according to the canvass first made by the secretary of state he may obtain a recount by applying in writing therefor to the secretary of state within 10 days after he shall have been notified of the result of the primary, and by paying fees as follows: If he has been voted for throughout the state, \$100. If he has been voted for in a district of less area, \$50.

Sec. 9. Provisions applicable. The appropriate provisions of chapters 4 and 5 shall apply to all primaries held under the provisions of this chapter unless clearly inconsistent herewith.'

Sec. 2. R. S., c. 4-B, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 4-B, to read as follows:

'CHAPTER 4-B.

PRESIDENTIAL PREFERENCE PRIMARY.

Sec. 1. Primary. On the same date and at the same time as the election of delegates to national conventions, as provided in chapter 4-A, there shall be held in each town and ward a presidential preference primary, as hereinafter provided, for each political party as defined in section 1 of chapter 4. The secretary of state shall prepare and distribute for use at such primary an official ballot for each political party and shall insert the necessary columns for balloting on the same ballot as is prepared under the provisions of section 3 of chapter 4-A.

Sec. 2. Voting preference. Every qualified voter, eligible to vote in the election of his party as provided in chapter 4-A, shall have opportunity at such presidential preference primary to vote his preference, on the bal-

lot of his party, for his choice for one person to be the candidate of his political party for president of the United States and one person to be the candidate of his political party for vice president of the United States, either by writing the names of such persons in blank spaces to be left in said ballot for that purpose, or by marking a cross or check mark opposite the printed names of the persons of his choice, as in the case of other primaries.

Sec. 3. Nomination petition. The names of any persons to be voted upon for candidates for president and vice president shall be printed on the ballots solely on petition of Maine voters of the same political party as the prospective candidates. The time limits for filing such petitions with the secretary of state shall be not more than 60 days nor less than 45 days before the primary. In order to qualify the name of any person to appear on such ballot, a petition in support of his candidacy must be signed by at least 50 qualified voters of each congressional district of the state. The petitions shall be in such form as may be prescribed by the secretary of state and shall contain an affirmation under the penalties for perjury that each signer is a qualified voter in his congressional district and is a member of the same political party as the proposed candidate. A separate petition shall be presented from each congressional district. The decision of the secretary of state as to the regularity of petitions shall be final.

Sec. 4. Notification of candidate. Whenever the secretary of state shall receive petitions which appear to qualify the name of a candidate for president or vice president to be placed on such ballot, he shall forthwith notify the prospective candidate by the most expeditious means of communication and shall advise such prospective candidate that unless he withdraws his name from the ballot within 10 days after receipt of such notice, his name will appear on the ballot of his party at such presidential preference primary. If a candidate signifies his desire to withdraw his name within the above time limit, the secretary of state shall not print his name on the ballot.

Sec. 5. Form of ballot. There shall be one column on the ballot of each political party for president and one column for vice president. The column shall be headed "Candidate of the (insert name of party) Party for President (or Vice President) of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice President) of the United States to be as follows." Below these words, there shall be printed the names of candidates with the usual boxes at the right. There shall always be one blank space left for writing in the name of a candidate.

Sec. 6. Effect of primary. The results of the presidential preference primary shall be advisory in nature for the delegates elected under chapter 4-A.

Sec. 7. Counting and declaration of result. The ballots shall be counted and the returns made and canvassed as provided in chapter 4-A. The secretary of state shall publish the result in the state newspaper.

Sec. 8. Provisions applicable. The appropriate provisions of chapters 4 and 5 shall apply to presidential preference primaries held under the provisions of this chapter, unless clearly inconsistent herewith.'