

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-FIFTH LEGISLATURE

OF THE  
STATE OF MAINE.

1911

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Published by the Secretary of State, agreeably to Resolves of  
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth  
Legislature

*1911*

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school census in the first instance; and the school fund distributable in proportion to enumeration of scholars shall be distributed on the corrected returns.'

Approved March 29, 1911.

## Chapter 122.

An Act concerning Corrupt Practices at elections, Caucuses, and Primaries.

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

Section 1. The provisions of this act shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter six of the revised statutes and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council or city council of any city. Any person shall be deemed to be a candidate for the office of senator of the United States for whom ten or more votes shall have been cast either at a legislative caucus, or at a regular election by the legislature.

Conduct at elections, caucuses, and primaries, regulated.

—terms explained.

Section 2. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of the state, except that, in case the duties of such treasurer or political agent shall relate to any

Term "political committee," defined.

—term, "treasurer" defined.

—term "political agent" defined.

—appointment of treasurer or political agent, filed with secretary of state. —exception.

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town, city or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with said secretary of the state. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasureship or political agency shall continue. Nothing in this act shall prevent the treasurer or political agent of any organization or candidate from being the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

Contributions of money for election purposes, regulated.

Section 3. Any person nominated as a candidate for public office may make a voluntary payment of money to any treasurer or political agent; provided, however, that no person other than such a candidate shall, to aid or promote the success or defeat of any political party or principal, or of any candidate for public office, within six months prior to any such election make a contribution of money or property to any person other than to a treasurer or political agent. Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election.

Expenses of election, caucus, or primary election, regulated.

Section 4. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephones, stationery, printing, express, and traveling; but the provisions of this section shall not apply to non-partisan election and ante-election expenses paid for out of the public moneys of the state, or of any town, city, or other municipality.

Treasurer or political agent may pay certain expenses.

Section 5. Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for conventions, public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and pasters; (d) of renting rooms to be used by political committees; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) of traveling expenses of political agents, committees and public speakers; (g) of necessary postage, telegrams, telephones, printing, express, and conveyance charges. No treasurer or political agent shall incur any expense for any purpose not authorized by this section.

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Section 6. Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised.

Treasurer or political agent shall file itemized statement of money received or promised.

Section 7. Every candidate for public office, including candidates for the office of senator of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of the state, if a candidate for senator of the United States, representative in Congress, or for any state or county office, state senator, or representative in the legislature, but with the town clerk of the town in which he resides if he was a candidate for a town, city or ward office, an itemized, sworn statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises or liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, and liabilities were made or incurred before, during, or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Fifteen days after any such election the secretary of the state or the town clerk, as the case may be, he shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute such candidate for such offense.

After election, all candidates shall file statement of money contributed, expended, or promised to promote his nomination or election.

--in case no money was paid, expended, or promised.

--penalty for failing to file certificate.

--notice to prosecuting officer of any failure to file statement.

Section 8. All statements filed in accordance with the provisions of this act shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection.

Statements shall be preserved and open to inspection.

Section 9. The secretary of the state shall, at the expense of the state, provide every town clerk with blank forms suitable for such treatments.

Secretary of state shall furnish blanks.

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Failure to  
file statement  
forfeits  
salary.

Persons  
guilty of cor-  
rupt prac-  
tices, defined,  
and penalty  
prescribed.

Section 10. No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement.

Section 11. The following persons shall be guilty of corrupt practices and shall be punished by a fine of not less than fifty nor more than two thousand dollars or by imprisonment for not less than thirty days nor more than two years or by both. (a) Every person who shall directly or indirectly receive, accept, request, or solicit from any person, committee, association, organization, or corporation any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (b) Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (c) Every person, other than the political committees known as the national, congressional, state, town, city, or ward, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, or representative in Congress, or of any state, county, town, city, or ward office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election. (d) Every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing to defray, or towards defraying, the cost or expenses of any campaign or election to any person, committee, company, club, organization, or association other than to a treasurer or a political agent; but this sub-section shall not apply to any expenses for postage, telegrams, telephones, stationery, printing, express, or traveling incurred by any candidate for office or for nomination thereto. (e) Every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint, or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or

emolument; provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office. (f) Every person who shall directly or indirectly, by himself or through another person, make a payment or promise of payment to a treasurer or political agent in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made.

Section 12. At any time within thirty days after such election any elector or voter at such election may present to any judge of the supreme judicial or superior courts a petition upon oath, upon information or personal knowledge that corrupt practices, contrary to the provisions of any section of this act, were committed at or preliminary to such election, naming the successful candidate as defendant, and praying that the facts alleged may be inquired into. If such judge shall be of the opinion that the interests of public justice require such proceeding, he shall order reasonable notice of such petition to be given the defendant and shall notify the chief justice of the supreme judicial court of such petition. The chief justice shall designate an additional judge to hear such petition in conjunction with the judge to whom the petition was presented, and, in case of the latter's disqualification or inability, the chief justice shall appoint two judges to hear such petition.\* Such petition shall be tried without a jury, and the petitioner and all candidates at such election shall be entitled to appear and be heard as parties. In case such petition relates to the election of electors or president and vice-president of the United States, a senator of the United States, a representative in Congress or in the legislature, the trial judges shall have no power to declare any such election to be void, but shall file their joint finding as to whether or not the successful candidate, or his political agent was so guilty of corrupt practices, with the secretary of the state, together with the transcript of the evidence. In case such petition relates to any other office, the trial judges shall file with the governor their joint decision as to whether or not the successful candidate, or his political agent, was so guilty of corrupt practices, and as to whether or not such election was void as hereinafter provided. If said judges differ as to whether any such candidate, in person or in the person of his

Voter or elector, upon information or knowledge of corrupt practices at elections, may petition court, naming defendant and praying that alleged facts be inquired into.

—proceedings.



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political agent, was so guilty, or whether any such election was so void, they shall so certify to the secretary of the state, or to the governor, as the case may be, and they shall also file a transcript of the evidence with such certificate. In case any such joint decision so to be filed with the governor shall decide that any such successful candidate, so petitioned against, was, in person or in the person of his political agent, so guilty of corrupt practices, such election shall be void, except as hereinafter provided; and in case of any such void election, the governor shall, within ten days after the receipt of such decision, issue a writ for a new election to be held within forty days after the issuance of such writ. If any candidate shall have been so jointly found or decided to have been so guilty, in person, of corrupt practices, he shall be ineligible to election or appointment to any public office for the period of four years; but the mere finding or decision that his political agent was so guilty shall not render him ineligible to office. But where the trial judges or one of them shall decide or certify that any such successful candidate was guilty of corrupt practices only in the person of his agent, and that (a) no corrupt practice was committed contrary to his order and without his sanction or connivance; (b) such candidate took all reasonable means for preventing the commission of corrupt practices; (c) the offense was of a trivial, unimportant, and limited character; and (d) in all other respects such election was free from any corrupt practice on the part of such candidate, and of his political agents, then the election of such candidate shall not be void, nor shall the candidate be subject to any ineligibility therefor. Costs may be taxed as in equity, and the trial judges shall have power to tax double, treble, or quadruple costs against the petitioner if they shall find that the allegations of his petition are materially untrue, and that his petition was brought from vexatious or malicious motives. An appeal may be had on questions of law from any decision relative to the ineligibility to public office of any such candidate, but no appeal shall lie from any decision holding that any such election was or was not void.

Approved March 29, 1911.