

# 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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CHAP. 199

Chapter 199.

An Act to provide for the nomination of party candidates by Direct Primary.

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

Words and phrases construed.

Section 1. The words and phrases of this act shall, unless the same be inconsistent with the context, be construed as follows :

- (1) The word "primary," the primary election provided for by this act ;
- (2) The word "election" the biennial election held in September, as distinguished from the primary election ;
- (3) The word "party," any political organization which at the preceding election polled at least one per centum of the entire vote of the state given in for governor ;
- (4) The words "election officers," all officers performing the duties of election officers.

When acts shall not apply.

Section 2. (1) This act shall not apply to special elections to fill vacancies, nor to city, town and plantation elections.

Moderators and election officers.

(2) Moderators and other election officers, if any, chosen at elections other than the regular biennial elections, shall be considered regular election officers within the meaning of this act for the biennial election of nineteen hundred and twelve.

Nomination of certain candidates.

Section 3. Hereafter all candidates for the office of governor, representatives in congress and United States senators shall be nominated :

- (1) By a primary held in accordance with this act, or
- (2) By nomination papers, signed and filed as provided by existing statutes.

When and where primaries shall be held.

Section 4. (1) A primary shall be held at the regular polling places in each plantation, town and ward or precinct in the state on the second Tuesday of June, nineteen hundred and twelve and biennially thereafter, for the nomination of candidates for governor, for representatives in congress.

How conducted.

(2) Primaries shall be conducted by the regular election officers as elections are conducted under existing laws.

Notice of offices to be filled.

Section 5. (1) At least sixty days before the time of holding any primary the secretary of state shall prepare and transmit to each town, plantation and ward clerk in the state a notice in writing designating the offices for which candidates are to be chosen.

Town and ward clerk shall post notices.

(2) Each town, plantation and ward clerk shall within ten days after receipt of such notice, cause notice of such primary to be posted in three public places in his town, plantation, ward and precinct ; such notice shall state the time when and place where the primary will be held in each town, plantation, ward

and precinct together with the offices for which candidates are to be nominated. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed and the fees required to be paid at the time of filing such papers.

Section 6. (1) The name of no candidate shall be printed upon an official ballot used at any primary unless not more than sixty days prior to such primary a declaration of candidacy shall have been filed by such candidate and the filing fee required by section seven of this act shall have been paid.

Declaration of candidacy.

Declarations of candidacy shall be in the following form: I, \_\_\_\_\_, declare that I reside in Ward \_\_\_\_\_, in the city (or town or plantation) of \_\_\_\_\_, county of \_\_\_\_\_, state of Maine, and am a qualified voter therein; that I am a member of \_\_\_\_\_ party; that I am a candidate for nomination for the office of \_\_\_\_\_ to be made at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I hereby request that my name be printed on the official primary ballot of said \_\_\_\_\_ party as a candidate for such nomination for election. I further declare that if nominated as a candidate for said office, I will not withdraw, and that if elected I will qualify and assume the duties of said office.

Form of declaration.

(2) Declarations of candidacy shall be filed as follows:

Declaration, where and when filed.

For governor, the United States senator or for representatives in congress with the secretary of state.

(3) Declarations of candidacy filed with the secretary of state shall be filed eighteen days before the primary.

Section 7. At the time of filing declarations of candidacy each candidate, or some person for him shall pay to the secretary of state the following fee:

Fees to the secretary of state.

- (1) For governor one hundred dollars;
- (2) For representatives in congress fifty dollars;
- (3) For United States senator fifty dollars.

Section 8. At least ten days before any primary is to be held, an official ballot for each political party shall be prepared by the secretary of state and shall be as nearly as is practicable in the same form as ballots now used at elections. Below the name of each office shall be printed in small but easily legible letters the words, "Vote for one." Following the names printed on the ballot after the name of each office to be filled shall be a blank line. The ballots of all parties shall be upon colored paper, but the ballots of no two parties shall be upon paper, of the same, or closely similar color, and each party ballot shall

Secretary of state shall prepare official ballots.

—form of ballot.

—ballots shall be on colored paper.

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be so designated by the name of such party printed in prominent type on the back of said ballot.

Number of ballots to be furnished.

Section 9. (1) Not later than six days before a primary the secretary of state shall furnish to the clerk of each town, plantation and ward ballots for each political party as follows: For each fifty and fraction of fifty voters of each party as shown by the vote for governor in the town, plantation or ward at the last preceding election, he shall furnish seventy-five ballots of said party, except that when any party has cast less than ten votes in a town, plantation or ward, he shall only be obliged to furnish twenty-five ballots.

Sample ballots.

(2) He shall in addition furnish each such clerk with ten sample ballots of each political party, printed on white paper.

Sample ballots to be posted.

(3) Each clerk shall within one day from the time when he shall receive such sample ballots post three of each political party in three public places in his town, plantation, ward or precinct, and shall retain the others until the date of the primary, when he shall post the same in prominent positions in and about the polling place.

Sample ballots to candidates.

(4) The secretary of state shall also, upon request, furnish a reasonable number of sample ballots printed on white paper to each person whose name appears upon the ballot as a candidate.

Check-lists.

Section 10. (1) Boards of registration of cities and the municipal officers of towns and plantations shall prepare and post the check-list of the legal voters in their respective towns, plantations, wards and precincts, and hold sessions for the correction of the same and give notice of such sessions before all primaries held under this act in the same manner as they are required to do before elections under existing laws.

Name of voter must be on check-list.

(2) No person shall be entitled to vote at a primary unless his name is upon the check-list of voters in the town, plantation or ward wherein he offers to vote.

Registration of party membership.

(3) Any person offering to vote at a primary shall at the time of announcing his name also announce the name of the party to which he belongs. If his name is found upon the check-list, and if his party membership has not been before registered, it shall then be registered, and he shall be allowed to vote the ballot of his party, provided, however, that if he is challenged, he shall not be allowed to register as a member of such party, or to vote the ballot of said party unless he makes oath or affirmation that he affiliates with and generally supports the candidate of the party with which he offers to vote. If his party membership has been before registered he shall be al-

—proviso.

lowed to vote only the ballot of the party with which he is registered.

(4) After the primary the town, plantation or ward clerk shall deliver to the boards of registration of cities and to the municipal officers of towns and plantations the check-list with the registration of the party membership of voters thereon. Before delivery, however, the election officers or ward clerk shall certify thereon under their hands that the list is the one used at the primary, and contains a correct registration of the voters as delivered into their hands or made by them at such primary. Such list shall be preserved by the boards of registration or municipal officers and shall be used by them in making up the check-list to be posted before the next primary as provided in paragraph six of this section.

After the primary check-list shall be delivered to municipal officers.

(5) Any person whose party membership has been registered may change such registration by appearing in person before the boards of registration of cities or municipal officers of towns and plantations in which he is a legal voter not less than ninety days before any primary, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register. He may also change such registration at any primary upon making oath or affirmation to the same effect if challenged, but, he shall not be permitted in such case to vote the ballot of any party at such primary.

How registration may be changed.

(6) After the first primary held under this act the boards of registration of cities and the municipal officers of towns and plantations shall be in session for the alteration of the registration of party members and for making additions to such registration before each primary. The session shall be on two days at least and shall be not less than ninety or more than one hundred days prior to such primary. They shall post copies of the check-list showing the persons in the town, plantation, ward or precinct entitled to vote, with their party registrations, so far as such registration has been made, in three public places in such town, plantation, ward or precinct at least ten days prior to such session and notice of the date, hour, and place of the daily sessions to revise such registration shall be given upon such check-lists. After such session the boards of registration of cities and the municipal officers of towns, and plantations shall prepare a corrected check-list, showing the registration of the party members as corrected by them, and such corrected check-list, with such names as may be regularly added thereto as provided in existing statutes shall be used at

Sessions shall be held for alteration of registration.

—corrected check-list.

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—when names are added to check-list.

the primary. Whenever names are added to the check-list, as provided in existing statutes the boards of registration of cities and the municipal officers of towns and plantations shall register the party membership of the voter, if he desires such membership registered; but if such voter has already been registered in any town, plantation or ward in this state as a member of any party, he shall not be registered as a member of a different party within ninety days before any primary.

How party membership may be registered.

(7) The party membership of each voter may be registered by writing in ink after the name of such voter the first three letters of the name of the party with which he registers.

Votes, how counted.

Section 11. (1) Votes cast for the same person on the ballots of different parties at any primary shall not be added together but shall only count in favor of the person as the candidate of each party on whose ballot his name appears.

Proceedings after count is completed.

(2) After the count is completed it shall be announced by the clerk, and the clerk shall in the presence of the other election officers, fill into blanks, provided him for that purpose by the secretary of state, complete returns of all the votes cast for the different candidates of each party. These blanks shall be prepared in duplicate, and shall be signed by the clerk. One copy shall be preserved by the clerk and shall be opened to the inspection of any candidate, or of his agent authorized in writing. The other copy shall be mailed on the day of the primary or on the day following, by the clerk to the secretary of state.

Secretary state shall canvass returns, and declare vote.

Section 12. (1) The second day after the primary, or as soon thereafter as possible the secretary of state shall canvass the returns from all the towns, plantations and wards in the state, and upon the completion of such canvass shall declare what candidates have received the greatest number of votes for the various offices in the various parties.

Publication of names of persons chosen.

(2) After the completion of the canvass of the returns, the secretary of state shall publish in some paper of general circulation the names of the persons found to have been chosen as candidates for the various offices by the various parties, and shall cause a copy of such paper to be mailed to each person whose name appeared upon any party ballot.

Persons receiving plurality of votes.

Section 13. (1) Persons voted for, at a primary, under this act, who shall receive a plurality of all the votes cast by a party, shall be candidates of that party for the office designated in the ballot.

In case of tie vote.

(2) In case of a tie vote the tie shall be determined by lot by the secretary of state in the presence of the candidates



who are tied, if, upon notice from the secretary of state, they elect to be present.

(3) Vacancies upon any party ticket occurring after the holding of any primary shall be filled by the party committee of the state, provided, however, that should a vacancy occur in the candidacy for United States senator the legislature shall select the candidate for such office.

Vacancies,  
how filled.  
—proviso.

Section 14. (1) If any person who is voted for upon the ballot of any party is not, according to the count first made by the secretary of state, chosen as the candidate of such party, and desires a recount of the ballots cast in the primary he shall apply in writing to the secretary of state for such recount within ten days after the date of the advertisement of the result of the primary, provided for in paragraph two of section twelve of this act.

Recount.

(2) The secretary of state shall fix a time for such recount not earlier than ten days after the receipt of the application, and shall notify the opposing candidates thereof, and as soon after the expiration of such ten days as circumstances will permit, such recount shall be held and conducted as recounts of votes cast at elections are now conducted.

Secretary of  
state shall fix  
time for re-  
count.

(3) Upon the date set for the recount, the ballots shall be counted by the secretary of state and such assistants as he may require. The various candidates, however, and their counsel, shall have the right to inspect the ballots and participate in such recount under such suitable rules as the secretary of state may adopt.

Proceedings  
at recount.

(4) No candidate, however, shall be entitled to a recount unless he shall pay to the secretary of state at the time of filing his application fees as follows:

Fees required  
on recount.

(a) If a candidate for Governor, one hundred dollars;  
(b) If a candidate for member of Congress, fifty dollars;  
(c) If a candidate for United States Senator, fifty dollars;  
(5) If a recount shall show that some other person than the one declared nominated upon the canvass of the returns from the clerks of towns, plantations and wards as the greatest number of votes cast at the primary, such person shall be declared nominated and shall be the candidate of the party for the office in question instead of the person so first declared, and his name shall be placed upon the official ballot at the following election.

Upon re-  
count, who  
shall be de-  
clared nom-  
inated.

(6) If the recount shall show that the person who applied for the recount was chosen as the candidate of his party, the secretary of state shall within ten days of such recount, return to him the fee paid at the time of filing the application for a recount.

Return of fee  
by secretary  
of state.

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Candidates  
for office of  
U. S. senator.

Section 15. At the primary election next preceding the election of a senator in congress by the legislature of Maine there shall be placed upon the official primary nominating election ballots the names of all candidates for the office of United States senator for whose nominations declarations of candidacy have been filed with the secretary of state under provisions of this law.

Statutes now  
in force  
shall apply  
so far as  
consistent.

Section 16. The provisions of the statutes now in force in reference to the holding of elections, the payment of election officers, the filling of vacancies, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting and preserving the ballots, and making return thereof and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force at elections.

Candidate  
shall file  
statement  
with secre-  
tary of  
state.

Section 17. Every candidate for nomination or election to office under this act including candidates for office of United States Senator, shall within fifteen days after the election at which he was a candidate file with the secretary of state 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 of any character and all liabilities remaining uncanceled and in force at the time such statement is made whether such expenditures, promises and liabilities are incurred before, during or after such election. If any money or other valuable thing was not given, paid, expended, contributed or promised and no unfulfilled liabilities were incurred by a candidate for public office under this act 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 was in default unless he shall be excused by the court. Fifteen days after any such election the secretary of state shall notify the attorney general of the state of any failure to file such a statement on the part of any candidate within ten days thereafter, the attorney general shall proceed to prosecute such candidate for such offense.

—penalty.

—notice to  
attorney gen-  
eral.

Duty of sec-  
retary of  
state.

Section 18. (1) It shall be the duty of the secretary of state to prepare all forms necessary to carry out the intent of this act and to furnish the same in reasonable quantities to the proper officers. It shall also be his duty to furnish full directions to the clerks of towns, plantations and wards when he

sends them the notice provided for in section five of this act, or when he furnishes them ballots, as provided in section nine of this act, as to the posting of notices, holding of primaries, and making return thereof.

(2) The secretary of state shall have authority to employ such additional clerical assistance as may be required during the canvass of votes, or in carrying out the provisions of this act; and all expense necessary shall be paid out of the treasury of the state from funds not otherwise appropriated.

—secretary of state may employ additional clerks.

Section 19. All sums paid to the secretary of state under the terms of section six of this act and all sums paid to him under the terms of paragraph four of section fourteen shall be paid by him into the state treasury.

All money paid to secretary of state, how disposed of.

Section 20. This statute shall be liberally construed, so that the real will of the voters shall not be defeated, and so that the voters of any town, plantation or ward shall not be deprived of their right to nominate or participate in the nominations of candidates for office by any informality or failure to comply with all the provisions of law in respect to giving notice of or conducting the primary or certifying the results thereof.

This act, how construed.

Section 21. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

Approved March 31, 1911.