

MAINE STATE LEGISLATURE

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CHAPTER 15

NOMINATION BY PRIMARY ELECTION

Sec.

- 441. Primary required.
- 442. When nomination vacated.
- 443. Qualification for state or county office.
- 444. Qualification of candidate for primary nomination.
- 445. Petition requirements.
- 446. Consent of candidate to be filed.
- 447. Review of petition.
- 448. Time of election.
- 449. Primary as separate election.
- 450. Nominees notified by Secretary of State.
- 451. Acceptance by write-in candidate required.

§ 441. Primary required

The nomination of a candidate for any state or county office, excluding presidential elector, must be made by primary election.

1. Exceptions. This does not apply to a nomination to fill a vacancy, or where the nomination is made by nomination petition.

1961, c. 360, § 1.

§ 442. When nomination vacated

When a person already nominated for any state or county office accepts nomination to fill a vacancy, the first nomination is thereby vacated.

1963, c. 78, § 7.

§ 443. Qualification for state or county office

A candidate for any state or county office must be a resident of the electoral division he seeks to represent on the date established for filing primary petitions in the year he seeks election. He must maintain this residence during his term of office.

1961, c. 360, § 1.

§ 444. Qualification of candidate for primary nomination

A candidate for nomination by primary election must become qualified by filing a primary petition and consent as provided in sections 445 and 446.

1961, c. 360, § 1.

§ 445. Petition requirements

A primary petition is governed by the following provisions:

1. Content. It may contain as many separate papers as necessary. It may contain the consent required by section 446. It must contain the name of only one candidate, his place of residence, the office sought, his party and electoral division. When 2 United States Senators or 2 county commissioners are to be nominated, it must contain the term of office sought by the candidate.

2. By whom signed. It may be signed only by voters of the electoral division which is to make the nomination who are enrolled in the party named in the petition. Other signatures are void.

3. How signed. It must be signed personally by the voter using one of the following combinations: First name, middle name, last name; first name, middle initial, last name; first initial, middle name, last name; or if no middle name, first name and last name.

4. Residence added. After his name, the voter must personally add his place of residence. Ditto marks are permitted.

5. Number of signatures required. It must be signed by a number of voters equal to at least 1% but not more than 2% of the total vote cast for Governor at the last gubernatorial election in the electoral division which is to make the nomination, or equal to at least 10% of the total vote for Governor cast in that electoral division at the last gubernatorial election by the party of the candidate, whichever is less.

6. When signed. It may not be signed before January 1st of the election year in which it is to be used.

7. Signatures restricted. A voter may sign only as many primary petitions for each office as there are vacancies to be filled.

8. Petition certified. A signer of a primary petition or the person who circulates it shall certify his belief that the signatures on it are genuine, that the signers are members of the party named in it, and that they are residents of the electoral division for which the nomination is proposed. The person who certifies a primary petition may do so by making oath to the above statements on the petition or on a certificate attached to it.

9. When filed. It must be filed with the Secretary of State on or before April 1st of the election year in which it is to be used.

10. Petition void. A primary petition which does not meet the requirements of this section is void.

A. Exception. If a voter fails to comply with this section in signing the petition his name may not be counted, but the petition is otherwise valid.

11. Petition challenged. Anyone who desires to challenge the validity of a candidate's primary petition as filed with the Secretary of State must notify the Secretary of State of his intent to do so within 7 days after the final filing date of such petition. (1963, c. 78, § 8.)

1961, c. 360, § 1; 1963, c. 78, § 8.

§ 446. Consent of candidate to be filed

The written consent of each candidate must be filed with his primary petition.

1. Content. The consent must contain a statement over the signature of the candidate that he will accept the nomination of the primary election, that he will not withdraw, and that he will qualify for the office if he is elected. The statement may be printed as a part of the primary petition.

2. Single filing sufficient. A candidate need file only one consent. The consent is valid even though it may be part of a primary petition which is void.

1961, c. 360, § 1.

§ 447. Review of petition

On receipt of a primary petition, the Secretary of State shall review it. If it is incomplete or incorrect on its face, he shall advise the candidate or the person who certified it and allow him to correct it in accordance with the facts.

1. Limitation. Additional signatures may not be submitted after the date on which the petition must be filed.

1961, c. 360, § 1.

§ 448. Time of election

The primary election shall be held on the 3rd Monday of June of each general election year.

1961, c. 360, § 1.

§ 449. Primary as separate election

A primary election is deemed to be a separate election for each party which takes part in it. This includes the duties of public officials in notifying the election, providing forms and ballots, keeping records and any other matter necessary to effect the purpose of a primary election. A primary election shall be conducted as to each party as nearly as practicable the same as the general election.

1961, c. 360, § 1.

§ 450. Nominees notified by Secretary of State

The Secretary of State shall notify each nominee of his nomination forthwith by mail.

1961, c. 360, § 1.

§ 451. Acceptance by write-in candidate required

Within 7 days after receiving notice of his nomination, a write-in candidate must file a written acceptance with the Secretary of State.

1. Disqualified for failure to file. If he fails to do so, he becomes disqualified, and his name must not be printed on the general election ballot.

1961, c. 360, § 1.