

# MAINE STATE LEGISLATURE

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February 22, 1972

Honorable Philip P. Berry  
House of Representatives  
State House  
Augusta, Maine

Dear Representative Berry:

This is in reply to your letter of February 15, 1972, in which you ask whether there is a conflict of interest where a person is elected as Moderator of a town meeting in which he is also a candidate for the office of selectman.

While there is no statutory prohibition against a Moderator being a candidate for elected town office, nor any apparent direct conflict of interest, the duties of the Moderator (under 30 M.R.S.A. Chapter 207) include supervision of the election of town officials and to formally announce the outcome.

In non-secret ballot elections utilizing nominations from the floor, the Moderator calls for the election of each officer in turn, receives the nomination of candidates for that office, receives and counts the ballots cast, and certifies the election of each of the officials.

In connection with secret ballot elections (Australian ballot) under 30 M.R.S.A. § 2061, the Moderator has the authority, after the opening of polls, to appoint replacements for absent ballot clerks, and to appoint a temporary Moderator to act during his temporary absence from the polls. After the ballots have been counted and tabulated, the Moderator has the duty to deliver them to the town clerk who seals them and keeps them for six months.

Honorable Philip P. Berry

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February 22, 1972

I am informed that the Maine Municipal Association discourages candidates for election to town office from acting as Moderator of the town meeting at which the election will occur, and it would seem to be circumspect for the candidate to whom you refer to be guided by this policy.

Very truly yours,

Leon V. Walker, Jr.  
Assistant Attorney General

LVWJr:H