

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 137

House of Representatives, Feb. 4, 1913.

*Tabled pending reference to a committee, by Mr. Smith of
Auburn, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to amend the Charter of the City of Auburn and to
provide a non-political commission form of government.

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

Section 1. The government of said city and the adminis-
2 tration of all its fiscal, prudential, and municipal affairs,
3 shall be vested in one principal officer to be styled a mayor
4 and two aldermen, all of whom shall be inhabitants of said
5 city, and shall be elected by ballot from the citizens at large,
6 by the voters thereof, voting in their respective wards.

They shall hold office for the term of three years. At the
8 first election the mayor shall hold for three years and the

9 alderman receiving the largest number of votes shall hold
10 office for the term of two years and the one receiving the
11 next highest number shall hold office for one year.

Sect. 2. The superintending school committee shall con-
2 sist of the mayor ex-officio and two other members, who
3 shall be inhabitants of the city and be elected from the citi-
4 zens at large by the voters thereof, voting in their respective
5 wards. No person shall be ineligible to membership on the
6 superintending school committee on account of sex. At the
7 municipal election held after the acceptance of this charter
8 two members shall be chosen and the one receiving the high-
9 est number of votes shall hold for the term of two years
10 and the one receiving the next highest number shall hold for
11 the term of one year. Upon the expiration of the term of
12 office of these officers their successors shall be chosen for
13 the term of three years. Any vacancies upon the commit-
14 tee shall be filled by the city council to serve for the balance
15 of the unexpired term or until the next municipal election.

Sect. 3. Elections for the choice of mayor, aldermen,
2 superintending school committee, and all ward officers shall
3 be held annually upon the first Tuesday of December each
4 year.

Sect. 4. At any city election the person receiving the
2 highest number of votes for an office shall be deemed and
3 declared elected to such office; and if two or more persons
4 are to be elected to the same office, the several persons to
5 the number to be chosen to such office receiving the highest

6 number of votes shall be deemed and declared to be elected;
7 but persons receiving the same number of votes shall not
8 be deemed to be elected if thereby a greater number would
9 be elected than are by law to be chosen, and in such event
10 warrants shall be issued forthwith for a new election to
11 such office.

Sect. 5. On the first Tuesday of December, one thousand
2 nine hundred and thirteen, the qualified voters of each ward
3 shall ballot for a mayor, two aldermen, two members of the
4 superintending school committee, a warden and a ward clerk
5 in each ward; and on the first Tuesday of December annually
6 thereafter the qualified voters of each ward shall ballot for
7 either mayor or alderman or member of the superintending
8 school committee and to fill whatever offices may become
9 vacant, a warden and ward clerk, all the votes given for
10 such several officers respectively shall be sorted, counted,
11 declared and registered in open ward meeting, by causing
12 the names of the persons voted for and the number of votes
13 given for each to be written upon the ward record at length.
14 The ward clerk shall forthwith deliver to the persons elected
15 warden and ward clerk certificates of their election, and
16 shall forthwith deliver to the city clerk a certified copy of
17 the record of such election.

In the year one thousand nine hundred and thirteen the
19 board of aldermen and thereafter the city council, shall, as
20 soon as conveniently may be, examine the copies of the rec-
21 ords of the several wards certified as aforesaid, and shall

22 cause the persons who shall have been elected, mayor, al-
23 derman and members of the superintending school com-
24 mittee to be notified in writing of their election but if it
25 shall appear that no person shall have been elected to any
26 office, or if the person elected shall refuse to accept the
27 office, warrants for another election shall be issued forth-
28 with.

Sect. 6. The warden and ward clerk chosen as provided
2 in the preceding sections shall be residents of the ward for
3 which they are elected, and shall hold their offices for one
4 year from the first day of January next following the date
5 of their election, and until others have been chosen and
6 qualified in their stead; said warden and clerk shall be sworn
7 to the faithful performance of their duties by the person
8 presiding in said meeting, or by the clerk thereof, and a cer-
9 tificate of such oath shall be entered by the clerk on the
10 records of said ward. The warden shall preside at all ward
11 meetings with the powers of moderators of town meetings,
12 and if at any meeting the warden shall not be present, the
13 clerk of the ward shall call the meeting to order and preside
14 until a warden pro tempore shall be chosen. If neither the
15 warden or the ward clerk shall be present, any legal voter
16 in the ward shall preside until a clerk pro tempore shall be
17 chosen and qualify. The clerk shall record all the proceed-
18 ings and certify the votes given, and deliver over to his suc-
19 cessor in office all such records and journals together with
20 all documents and papers held by him in said capacity. All

21 ward meetings shall be notified and called by the city coun-
22 cil in the manner provided in the laws of this state for noti-
23 fying and calling town meetings by the selectmen of the
24 several towns.

Sect. 7. The mayor and aldermen elected as aforesaid
2 shall meet at ten o'clock in the forenoon, on first day of
3 January one thousand nine hundred and fourteen, and at
4 ten o'clock in the forenoon on the first day of January there-
5 after, unless the same comes upon Sunday when they shall
6 meet the following day, and severally take oath before the
7 city clerk or a justice of the peace to faithfully perform the
8 duties of their respective offices. In the absence of the
9 mayor, the alderman, who has the shortest term to serve,
10 shall be the acting mayor. The organization of the city
11 council shall take place as aforesaid, notwithstanding the
12 absence, death, refusal to serve, or non-election of the mayor
13 or one of the two aldermen, provided that at least two of
14 the persons entitled to be members of the city council are
15 present and take oath as aforesaid. Any person entitled to
16 take the aforesaid oath who was not present at the time
17 above fixed therefor may take the same at any time there-
18 after.

Sect. 8. Upon the organization of the city council elected
2 as aforesaid, upon the first day of January in the year one
3 thousand nine hundred and fourteen, the terms of office of
4 the mayor, aldermen, common council, members of the super-
5 intending school committee, assessors of taxes and of the

6 board of fire commissioners then serving shall terminate;
7 and thereafter the city council elected under this act shall
8 have, possess, and shall exercise all the powers and duties
9 then held, possessed and exercised by all or any, the mayor,
10 municipal officers, aldermen, city council, assessors of taxes,
11 the board of fire commissioners, overseers of the poor and
12 park commissioners. The city council shall be the judge
13 of the election of its own members.

Sect. 9. The city shall by ordinance appoint suitable times
2 for its regular meetings which shall be held at least once
3 each week. The mayor or any two members of the city
4 council, may at any time call a special meeting, by causing
5 a written notice stating the time and the place of holding
6 such meeting, signed by the person or persons calling the
7 same, to be delivered in hand to each member, or left at his
8 usual dwelling place at least twenty-four hours before the
9 time appointed for such meeting. Meetings of the city
10 council may also be held at any time when all the members
11 are and remain present and consent thereto.

Sect. 10. A majority of the city council shall constitute a
2 quorum. Its meetings shall be public. The mayor, if pres-
3 ent, shall preside, otherwise the senior member. All votes
4 shall be taken by "yes" and "no" and so recorded. The
5 affirmative vote of at least two members shall be necessary
6 to pass any order, resolution, ordinance or vote. The mayor
7 shall have a vote upon all questions and shall not have the
8 veto power. His signature shall not be necessary to make

9 effective any order, resolution, ordinance or vote. Subject
10 to such conditions as the city council may from time to time
11 by ordinance or rule determine, any tax payer or voter of
12 said city may address the city council, but not vote when
13 any ordinance, order or resolution for appropriating money
14 or fixing any salaries is under consideration. The mayor
15 shall also appoint all committees of the city council. The
16 city clerk shall be ex-officio clerk of the city council and
17 shall keep the records of its proceedings. The city council
18 may, without the approval of the mayor, do all things which
19 the council, board of mayor and aldermen, board of alder-
20 men and common council or any of them, may now do, with
21 such approval.

Sect. 11. The city council shall not make or pass any
2 order, resolution or vote to appropriate money in excess of
3 three hundred thousand dollars, or make or authorize the
4 making of any contract involving a liability on the part of
5 the city in excess of three hundred dollars, unless
6 the same is proposed in writing and remains on file in the
7 office of the city clerk at least seven days before its passage,
8 except an order, resolution or vote for preservation of the
9 public peace, health or safety, which contains a statement
10 of its urgency and is made or passed by a unanimous vote.
11 No vote of the city council granting a franchise of any de-
12 scription to any person, or corporation, shall be valid unless
13 the same be approved by a vote of the qualified voters of
14 the city, voting in their respective wards at the annual muni-

15 cival election, or at a special election to be called therefor.
16 The city council shall raise and set apart each year, for a
17 sinking fund a sum equivalent to two per cent of the total
18 appropriations for each year. The sinking fund shall be
19 applied to the payment of the bonded indebtedness of the
20 city, and shall be invested in bonds of the city or in such
21 other bonds as savings banks in this state may from time
22 to time be authorized to hold for investment, or may be
23 deposited in such savings banks.

Sect. 12. The annual salary resolve and the annual appro-
2 priation resolve shall only be finally passed at a regular
3 meeting of the city council, and each shall be made up in
4 complete form and filed with the city clerk at least fourteen
5 days before the regular meeting at which each is in order
6 for final passage; the city clerk shall give public notice in
7 some newspaper selected by the city council, of the date of
8 the meeting at which such resolve will be in order for final
9 passage; such notice shall be given at least seven days prior
10 to the date of such meeting, and at said meeting all tax
11 payers and voters in the city shall be given an opportunity
12 to be heard thereon. The city council shall provide by
13 ordinance for such publication of the receipts and expendi-
14 tures of the city from time to time during each municipal
15 year, as will give publicity and full and accurate informa-
16 tion to the voters and taxpayers of the city as to the admin-
17 istration of its affairs.

Sect. 13. The city council may by ordinance divide the

2 administration of the affairs of the city into such depart-
3 ments as seem to them proper and advisable and by vote
4 or resolution may assign the oversight of each department
5 to a member of said body, and may from time to time change
6 such assignments. All accounts against the city, except pay-
7 rolls, shall before payment be audited and allowed by the
8 city council. The city council by ordinance may authorize
9 the approval of the weekly pay-roll of any department by
10 the member of the city council, to whom oversight of that
11 department is assigned.

Sect. 14. The city council is hereby constituted the over-
2 seers of the poor of said city, and as such may appoint an
3 agent to act for and under its direction and approval in
4 matters relating to the poor of the city and persons having
5 a pauper settlement therein. The written notices and writ-
6 ten answers referred to in section thirty-nine and forty of
7 chapter twenty-seven of the Revised Statutes, may be signed
8 and sent by such agent, and with the same effect as if signed
9 and sent by members of the city council themselves. Notices
10 sent to and addressed to said agent, shall be held to be no-
11 tices to the overseers of the poor of said Auburn, and all
12 acts of said agent in his official capacity shall be held to be
13 the acts of the overseers of the poor.

Sect. 15. Such powers of nomination, appointment, con-
2 firmation and election for and to office or position, of ap-
3 proval and consent to nominations and appointments, or
4 removal from office and consent thereto as are now vested

5 in all or any, the mayor, mayor and aldermen, city council,
6 board of aldermen, common council and board of fire com-
7 missioners shall be exercised by the city council by vote;
8 the mayor shall no longer have the power to make nomina-
9 tions or appointments for or to office or removals therefrom
10 but shall have the same right to vote thereon as any other
11 member of the city council. The mayor, however, may
12 suspend any police officer or member of the fire department
13 until the next meeting of the city council.

Sect. 16. For the municipal year of nineteen hundred and
2 fourteen and until otherwise ordered by the city council,
3 the annual salary of the mayor shall be eighteen hundred
4 dollars and the annual salary of each alderman shall be
5 fifteen hundred dollars. These salaries may be changed by
6 any city council, but such change shall not take effect until
7 the expiration of the existing terms of office of the mayor
8 and aldermen making such change.

Sect. 17. No member of the city council shall during the
2 term for which he was chosen, be eligible either by appoint-
3 ment or by election of the city council, to any other office
4 the salary of which is payable by the city, or shall during
5 such term hold any such office.

No officer or employee of the city, elected or appointed,
7 shall be interested directly or indirectly in any contract for
8 work or materials, or the purchase thereof, to be furnished
9 or performed by the city. No such officer or employee,
10 except a policeman or fireman, shall accept or receive from

11 any person, firm, or corporation acting under a franchise
12 or license from the city, any frank, free pass, free ticket,
13 or free service, or accept directly or indirectly from any
14 such person, firm or corporation, any service upon terms
15 more favorable than those granted to the public generally.
16 This provision shall not apply however to any free service
17 now or hereafter provided for by contract, franchise or
18 ordinance.

Sect. 18. Upon the death, resignation or absence of the
2 mayor, or upon his inability to perform the duties of his
3 office, the senior alderman shall perform them and if he
4 also is absent or unable from any cause to perform the said
5 duties, they shall be performed by the other alderman, until
6 the mayor or other alderman is able to perform the said
7 duties, or until the vacancy is filled as hereinafter provided.
8 The person upon whom such duties devolve shall be called
9 "acting mayor," and shall possess the powers of mayor, but
10 shall not act as a member of the superintending school com-
11 mittee.

Sect. 19. If there is a vacancy in the city council, whether
2 as to mayor or one or more of the aldermen, the council shall
3 by its remaining members call a special city election to fill
4 the vacancy or vacancies, for the unexpired term or terms
5 respectively, except that if such vacancy or vacancies occur
6 less than six months prior to the annual city election, the
7 city council shall by its remaining members fill such vacancy
8 or vacancies for the unexpired term or terms respectively.

9 A person elected to fill such vacancy, before entering upon
10 the duties of his office, shall take oath before the city clerk
11 or a justice of the peace faithfully to perform the same.

Sect. 20. The mayor of the city shall be ex-officio a mem-
2 ber of the superintending school committee, and, when pres-
3 ent shall preside at their meetings. He shall have the right
4 to vote upon all questions, and appoint the standing com-
5 mittees of said body and fill vacancies therein. Every vote
6 of the school committee shall be taken by yeas and nays if
7 any member so requests and its votes shall be entered upon
8 its records. Two of its members shall constitute a quorum.
9 The superintendent of schools shall be its clerk. Vacancies
10 in the committee may be filled by the city council until the
11 next annual election.

Sect. 21. The duties of the superintending school com-
2 mittee shall be those prescribed by the laws of the state of
3 Maine and the existing charter except as hereinafter pro-
4 vided.

The purchase of any lot for a school building and the
6 approval of plans for any school building shall be done by
7 the city council and school committee acting jointly as a
8 body of five, and it shall take four affirmative votes to ap-
9 prove the purchase of any lot and buy the same, also to
10 approve any plans for such buildings. The construction
11 of the buildings after the plans are approved shall be in
12 the city council alone.

All supplies for the school department shall be purchased

14 by the city council upon requisition of the superintendent
15 of schools or the school committee.

Sect. 22. On the third Tuesday of November preceding
2 every annual election or in case of special elections fourteen
3 days prior thereto, at which any officer mentioned in this act
4 is to be elected, there shall be held a primary election for
5 nominations for the purpose of nominating candidates for
6 such offices as under the provisions hereof are to be filled
7 at such annual or special city elections.

No special election of mayor or aldermen shall be held
9 until after the expiration of forty days from the calling of
10 the primary election for nominations.

The city clerk shall have printed and furnish to all citizens
12 asking for the same a reasonable number of blank nomina-
13 tion papers for use in the primary elections, which blanks
14 shall fulfill the provisions of this chapter.

Sect. 23. Nominations for places on the ballots to be used
2 at primary elections shall be made by the nomination papers
3 signed in the aggregate for each candidate for the office by
4 the qualified voters, within the city, ward or precinct, where-
5 in such candidate is to be voted for, in number not less than
6 one per cent nor more than two per cent of the entire vote
7 cast for mayor at the last municipal election within the
8 electoral division or district wherein such proposed candi-
9 date is to be voted for.

All such nomination papers shall besides containing the
11 name of the proposed candidate, specify first the name of

12 the office for which he is proposed as a candidate, and his
13 residence, street and number. Such nomination papers shall
14 contain no political party designation. There shall not be
15 in any nomination paper the name of more than one can-
16 didate proposed for nomination.

Each voter signing a nomination paper shall make his
18 signature in person and add to it his place of residence.

Each voter may subscribe his name to one nomination for
20 a candidate for each office to be filled, and no more, except
21 in cases where the office is to be filled by more than one
22 person, and in such cases only to the extent of such num-
23 ber. One of the signers to each such separate paper or
24 the person circulating the same, shall make oath thereon,
25 or by certificate of oath annexed thereto, that he believes
26 the signatures are genuine, and that they reside within the
27 electoral division or district for which the nomination is
28 proposed.

Sect. 24. No such nomination papers shall be signed be-
2 fore the first day of October of the year in which such
3 election is to be held, and all such nomination papers shall
4 be filed with the city clerk on or before the second Tuesday
5 of December each year. With such nomination papers there
6 shall also be filed the consent in writing of the persons so
7 proposed thereby as candidates, agreeing to accept the nom-
8 ination if nominated at the primary, not to withdraw and
9 if elected to qualify as such officer. If such nomination
10 conform to the provisions hereof the city clerk shall so

11 certify and place the names upon the primary ballot. All
12 nomination papers when filed shall forthwith be opened and
13 kept open under proper regulations to public inspection and
14 the city clerk shall preserve the same in his office for at
15 least one year. In case no more than two petitions for
16 nomination are filed with the city clerk for nomination to
17 any office to be filled it shall not be necessary to hold any
18 primary elections, but the names shall be placed directly
19 upon the official ballot for the December election.

Sect. 25. Every ballot which shall be printed in accord-
2 ance with this charter shall contain the names and residences
3 of all candidates whose nominations have been duly pro-
4 posed hereunder for any office specified in the ballot and
5 the office for which they have been severally proposed,
6 through the nomination papers filed as aforesaid, and the
7 nomination papers shall contain no other names. The order
8 of offices shall be the same as given in section of this
9 charter. The name of each person for whom a valid nom-
10 ination has been filed shall be printed but once upon the
11 ballot and the names shall be arranged under the designa-
12 tion of the office, in alphabetical order according to sur-
13 names. There shall be left at the end of each list of can-
14 didates for nomination to each office a blank space or spaces
15 in which the voter may write or paste the name or names
16 of any person or persons for whom he wishes to vote as
17 nominee or nominees for such office, the number of blank
18 spaces so left shall be equal to the number of nominees for

19 such office. The ballot shall be printed so as to give each
20 voter a clear opportunity to designate his choice for can-
21 didates for nomination by making a cross at the right of
22 the name of each candidate he wishes to vote for as nom-
23 inee to each office; and on the ballot shall be printed such
24 words as will aid the voters to do this, "Vote for one;"
25 "Vote for two," and the like. At the top of the ballot shall
26 be printed in capital letters, "Make a Cross (X) in the
27 square to the right of the name of the person you wish to
28 vote for. Follow directions as to the number of candi-
29 dates to be marked for each office. Add names by writing
30 or pasting stickers in blank spaces and mark cross (X) at
31 the right of such names. Do not erase names." They shall
32 be of uniform size and folded before distribution in marked
33 creases so as to be of uniform length and width and conceal
34 the interior contents. On the back shall be printed so as
35 to be visible when folded, "OFFICIAL NOMINATING
36 BALLOT," followed by the designation of the polling place
37 for which the ballot is prepared, the date of the primary
38 election and a facsimile of the signature of the city clerk.

Sect. 26. All ballot boxes, ballots, printed notices, sample
2 ballots and cards of instructions shall be furnished by the
3 city clerk, at the expense of the city, in the same manner
4 as in the case of regular elections. All the expense of the
5 calling and holding of the primary elections and the making
6 the returns thereof shall be paid for by the city.

Sect. 27. The city clerk shall at least seven days prior

2 to the primary election cause the lists for each ward to be
3 conspicuously posted in one or more public places in that
4 ward, and shall likewise cause to be published prior to the
5 day of such election hereunder, in one daily paper pub-
6 lished in said town if any, if not in some daily paper printed
7 or published in the county of Androscoggin, a list of all
8 the nominations, as herein provided and to be voted for
9 hereunder.

Sect. 28. Not less than seven days before the third Tues-
2 day of November annually, the city council by their war-
3 rant, shall notify and warn all legally qualified voters to
4 attend at the regular voting places on the third Tuesday
5 of November for the purpose of voting for persons to be
6 nominated by them to be voted for on the first Tuesday in
7 December then next ensuing. Said warrant shall be in sub-
8 stance as follows:

PRIMARY ELECTION WARRANT.

10 State of Maine.

11 County of Androscoggin, ss.

12 To the Legal Voters of the City of Auburn:

You are hereby notified that the primary election in this
14 city to nominate candidates for the next election, will be
15 held at.....on Tuesday, November ,
16 for the purpose of nominating candidates for the following
17 offices to be voted for at the election to be held on the first
18 Tuesday of December next.

(Here follows the list of officers to be nominated.)

The polls will be open at twelve o'clock, noon, and con-
21 tinue open until nine o'clock in the afternoon, when they
22 will close.

(The hours which the polls will be open may be changed
24 by vote of the city council, but it shall not be for less than
25 three hours in the afternoon.)

Persons who are entitled to be registered as voters in
27 the city may be enrolled at the time of the primaries until
28 the next meeting of the board of registration.

Dated at.....the.....day of November, A. D. 19..

.....
.....
.....

City Council of Auburn.

Such warrants shall be posted in the manner required by
35 law for warrants for the state election. Like warrants shall
36 be issued by the mayor and aldermen with appropriate
37 changes for all special elections. The meetings in the wards
38 shall be opened and closed as stated in the form of the
39 warrant foregoing. In all such warrants appropriate pro-
40 visions shall be inserted calling the attention of voters to
41 opportunities for correction of lists of voters by board of
42 registration in the manner required by law.

Sect. 29. In all such primary elections the qualifications
2 of voters in the city shall be determined by the lists of
3 voters used at the municipal election in said city next pre-
4 ceding the primary election corrected as provided by chap-

5 ter five of the Revised Statutes.

Sect. 30. No person shall vote at any primary election
2 unless a legally qualified voter at such voting place as re-
3 quired by the preceding section, and the wardens shall be
4 seasonably furnished by the city clerk, with duly certified
5 copies of all voting lists.

Sect. 31. Except as modified or superseded by this char-
2 ter sections twenty-three, twenty-four, twenty-five, twenty-
3 six, twenty-seven, twenty-nine, thirty, thirty-one, thirty-two
4 and thirty-three of chapter six, R. S., shall apply so far
5 as necessary thereto, primary elections, except, however, that
6 in designating his choice of candidates the voter shall mark
7 a cross (X) in the square to the right of the name of each
8 person that he desires to vote for, and the voter, if desirous
9 of voting for any person whose name is not printed upon
10 the ballot, may do so by writing or pasting such name or
11 names in the blank spaces left therefor and marking a cross
12 (X) to the right of such name or names.

Sect. 32. The city clerk shall seasonably furnish blanks
2 for all voting places on which to make the returns required
3 hereunder. The ballots shall be sorted and declared in open
4 ward meeting and a detailed record made thereof and re-
5 turned to the city clerk forthwith. The ballots shall be
6 sealed up in open ward meeting and delivered to the city
7 clerk, within twenty-four hours after the closing of the
8 polls, and the city council within twenty-four hours and
9 open and tabulate the returns of the votes given in the sev-

10 eral wards, of which the city clerk shall make a record,
11 which record shall be public. The person receiving the
12 two highest number of votes for a given office shall be
13 deemed to have been nominated for that office if more than
14 two have the highest number of votes, in other words a
15 tie exists and more than two have the same number then
16 the city clerk shall publicly decide by lot who shall have the
17 nomination, having previously notified the parties of the
18 time and place of such drawing. Defective returns may
19 be corrected so as to carry out the intent of the voters.
20 Every candidate so nominated shall file with the city clerk
21 an acceptance in accordance with the provisions of section
22 17 of the primary election law. He shall also file a state-
23 ment of his expenses to secure the nomination as required
24 by section 18 of the primary election law. Section 19 of
25 the primary election law is hereby expressly declared to
26 apply to primary elections for municipal election in the city
27 of Auburn.

Sect. 33. Any proposed ordinance may be submitted to
2 the city council by petition signed by electors of the city
3 equal in number to the percentage hereinafter required.
4 The signatures, verification, authentication, inspection, cer-
5 tification, amendment and submission of such petition shall
6 be the same as provided for petitions under section
7 hereof.

If the petition accompanying the proposed ordinance be
9 signed by electors equal in number to twenty-five per centum

10 of the votes cast for all candidates for mayor at the last
11 preceding general election, and contains a request that the
12 said ordinance be submitted to a vote of the people if not
13 passed by the council, such council shall either

(a) Pass said ordinance without alteration within twenty
15 days after attachment of the clerk's certificate to the accom-
16 panying petition, or

(b) Forthwith after the clerk shall attach to the petition
18 accompanying such ordinance his certificate of sufficiency,
19 the council shall call a special election, unless a general
20 municipal election is fixed within ninety days thereafter, and
21 at such special or general municipal election, if one is so
22 fixed, such ordinance shall be submitted without alteration
23 to the vote of the electors of said city.

But if the petition is signed by not less than ten nor more
25 than twenty-five per centum of the electors, as above de-
26 fined, then the council shall, within twenty days, pass said
27 ordinance without change, or submit the same at the next
28 general city election.

The ballots used when voting upon said ordinance shall
30 contain these words: "For the Ordinance" (stating the
31 nature of the proposed ordinance), and "Against the Ordi-
32 nance" (stating the nature of the proposed ordinance). If
33 a majority of the qualified electors voting on the proposed
34 ordinance shall vote in favor thereof, such ordinance shall
35 thereupon become a valid and binding ordinance of the city;
36 and any ordinance proposed by petition, or which shall be

37 adopted by a vote of the people, cannot be repealed or
38 amended except by a vote of the people.

Any number of proposed ordinances may be voted upon
40 at the same election, in accordance with the provisions of
41 this section; but there shall not be more than one special
42 election in any period of six months for such purpose.

The council may submit a proposition for the repeal of
44 any such ordinance, or for amendments thereto, to be voted
45 upon at any succeeding general city election; and should
46 such proposition so submitted receive a majority of the
47 votes cast thereon at such election, such ordinance shall
48 thereby be repealed or amended accordingly. Whenever
49 any ordinance or proposition is required by this act to be
50 submitted to the voters of the city at any election, the city
51 clerk shall cause such ordinance or proposition to be pub-
52 lished once in a newspaper published in said city, if any;
53 if not, in any newspaper published in the county to be des-
54 ignated by the city council; such publication to be not more
55 than twenty or less than five days before the submission of
56 such proposition or ordinance to be voted on.

Sect. 34. No ordinance passed by the council, except when
2 otherwise required by the general laws of the state or by
3 the provisions of this act, except an ordinance for the im-
4 mediate preservation of the public peace, health or safety,
5 which contains a statement of its urgency and is passed by
6 a unanimous vote of the council, shall go into effect before
7 ten days from the time of its final passage; and if during
8 ten days a petition signed by electors of the city equal in

9 number to at least twenty-five per centum of the entire vote
10 cast for all candidates for mayor at the last preceding gen-
11 eral municipal election at which a mayor was elected, pro-
12 testing against the passage of such ordinance, be presented
13 to the council, the same shall thereupon be suspended from
14 going into operation, and it shall be the duty of the coun-
15 cil to reconsider such ordinance; and if the same is not
16 entirely repealed the council shall submit the ordinance, as
17 is provided by sub-section b of section of this act, to
18 the vote of the electors of the city, either at the general
19 election or at a special municipal election to be called for
20 that purpose; and such ordinance shall not go into effect
21 or become operative unless a majority of the qualified elect-
22 ors voting on the same shall vote in favor thereof. Said
23 petition shall be in all respects in accordance with the pro-
24 visions of said section , except as to the percentage of
25 signers, and be examined and certified to by the clerk in
26 all respects as therein provided.

Sect. 35. Any elective officer may be removed at any
2 time, after four months, but not before by the voters quali-
3 fied to vote for the successor of such incumbent. The pro-
4 cedure shall be as follows: a petition signed by at least
5 twenty-five per cent of the total votes cast for mayor or
6 alderman at the last municipal election, but not less than
7 two hundred and fifty voters demanding the election of a
8 successor to the person sought to be removed, shall be filed
9 with the city clerk, which petition shall contain a general

10 statement of the grounds for which removal is sought. The
11 signatures to the petition need not be all upon one paper,
12 but may be upon several, each paper having the same head-
13 ing. Each signer shall add to his signature his residence,
14 giving street and number. One of the signers of each
15 such paper shall make oath before an officer competent to
16 administer oaths, that he believes the statements therein are
17 true and that each signature to the petition is the genuine
18 signature of the person whose name it purports to be. With-
19 in ten days from the date of filing such petition the city
20 clerk shall examine the petition and ascertain whether it
21 has been signed by the requisite number of qualified voters,
22 and he shall attach to said petition his certificate, showing
23 the result of said examination. If the clerk's certificate
24 shows the petition is insufficient it may be supplemented
25 within ten days from the date of said certificate by other
26 papers in the same form. The city clerk shall within ten
27 days examine the amended petition and if found insufficient
28 it shall be returned to the person filing the same without
29 prejudice to the filing of a new petition to the same effect.
30 In all cases the city clerk shall make public the result of
31 his examination as soon as the same is completed. If the
32 petition be found sufficient the clerk shall submit the same
33 to the city council without delay. The city council shall
34 order and fix a date for holding a special election, not less
35 than forty or more than fifty days from the date of the

36 city clerk's certificate to the council that a sufficient petition
37 has been filed.

The council shall make or cause to be made all arrange-
39 ments for holding the election demanded. It shall be called,
40 held, conducted, returned and the results declared in all
41 respects the same as other city elections. Any officer whose
42 removal is sought shall be a candidate to succeed himself,
43 unless he requests otherwise in writing, and the city clerk
44 shall place his name upon the official ballot without nomi-
45 nation. In any such removal election, the candidate re-
46 ceiving the highest number of votes shall be declared elect-
47 ed. If at such removal election some person other than
48 the incumbent receives the highest number of votes, the
49 incumbent shall thereupon be deemed removed upon the
50 qualification of his successor. In case the party who re-
51 ceives the highest number of votes fails to qualify within
52 ten days after receiving notification of election, the office
53 shall be deemed vacant. If the incumbent receives the
54 highest number of votes, he shall continue in office. The
55 name of no candidate shall be printed upon the official bal-
56 lot except the name of the person whose removal is sought,
57 unless he be nominated as hereinbefore provided at a pri-
58 mary nomination for elections. Provided that if there be
59 only one candidate filing proper petitions a primary election
60 shall not be necessary. The successor of any officer so
61 removed shall hold office during the unexpired term of his
62 predecessor.

Sect. 36. The official ballots and specimen ballots for use
2 at municipal elections in said city shall not contain any
3 party, political, or other designation. The names of the
4 candidates shall be arranged in alphabetical order accord-
5 ing to the surnames under the title of the office to be filled;
6 but the names of candidates for the same office, for
7 different terms of service therein, shall be arranged in
8 groups according to the lengths of their respective terms.
9 Beneath the title of office shall be a brief direction to the
10 voter directing him as to the number of candidates to be
11 voted for for such office, such as "Vote for one," "Vote
12 for two," and the like. At the right of each name shall
13 be a square within which the voter shall place a cross to
14 designate his choice. Blank places shall be left at the end
15 of the list of the candidates for each different office, equal
16 to the number of candidates to be elected thereto, in which
17 the voter may insert the name of any person not printed
18 on the ballot; for whom he desires to vote as a candidate
19 for such office, and if any blank is filled, it shall not be
20 necessary to place a cross in the square opposite such name.
21 No names of candidates shall be printed upon an official
22 ballot except the names of candidates nominated as pro-
23 vided in the preceding sections. In all other respects the
24 official ballots and the conduct of said elections in said city
25 shall be in conformity with the laws of the state, now or
26 hereafter in force, concerning elections under the secret
27 ballot law.

Sect. 37. This act shall be submitted for approval or re-
2 jection to the qualified voters of the city of Auburn, at an
3 election to be held on the second Monday of September in
4 the year one thousand nine hundred and thirteen, or some
5 other suitable date in said September, and warrants shall
6 be issued for such election in manner now provided by law
7 for the holding of municipal elections, notifying and warn-
8 ing the qualified voters of said city to meet in the several
9 ward meetings of said city, there to cast their ballots for
10 the approval or rejection of this act. The question pro-
11 posed on said ballot shall be substantially in the following
12 form:

“Shall an act passed by the legislature in the year nine-
14 teen hundred and thirteen, approved (insert date) entitled
15 ‘An Act to amend the Charter of the City of Auburn,’ be
16 accepted?”, otherwise said ballots shall be in the form pro-
17 vided by law when a constitutional amendment is submit-
18 ted to the vote of the people. The provisions of law re-
19 lating to the preparation of voting lists for municipal elec-
20 tions shall apply to such elections, and said elections shall
21 in all other respects be conducted as municipal elections in
22 said city are now conducted by law, and the results thereof
23 shall be determined in the manner now provided by law for
24 the determination of the election of mayor. If a majority
25 of the ballots deposited as aforesaid shall reject, this act
26 shall not go into effect, but if a majority of the electors

27 voting at said ward meetings shall approve, then this act
28 shall take effect as herein provided.

Sect. 38. So much of this act as authorizes the submis-
2 sion of the question of its acceptance to the electors of the
3 city of Auburn, shall take effect as provided in the con-
4 stitution of the state, but it shall not take further effect
5 unless accepted by the electors of said city as hereinbefore
6 provided. If accepted by the electors of said city, then this
7 act for the purpose of nominating and electing officers here-
8 under shall take effect on the first day of October in the
9 year one thousand nine hundred and thirteen; and for all
10 other purposes this act shall take effect on the first day of
11 January, in the year one thousand nine hundred and four-
12 teen, and thereupon chapter 402 of the Private and Special
13 Laws of 1897, establishing a board of fire commissioners
14 for the city of Auburn; chapter 445 of the Private and
15 Special Laws of 1901, constituting the mayor and alder-
16 men of said city overseers of the poor; and chapter 45 of
17 the Private and Special Laws of 1905 relating to the school
18 committee of said city, and all other acts and parts of acts
19 inconsistent herewith are hereby repealed, and the pro-
20 visions of section ten of chapter 471 of the Private and
21 Special Laws of 1868, providing for the election of a street
22 commissioner, and a chief engineer and other necessary en-
23 gineers of the fire department, by the city council, are here-
24 by revived; provided, however, that the chief engineer and
25 the assistant engineers of the fire department then in office

26 shall continue to hold office until their successors are elect-
27 ed by the city council, and that the engineers of the fire
28 department thereafter elected by the city council shall have
29 and exercise all the powers, and be subject to all the duties
30 of fire wards, as provided by section five of said chapter
31 402 of the Private and Special Laws of 1897 in case of
32 engineers elected by the board of fire commissioners; and
33 provided further, that all by-laws and ordinances of the
34 city of Auburn in force at the time when said repeal takes
35 effect, and not inconsistent with the provisions of this act,
36 shall continue in force until the same are repealed or amend-
37 ed. Upon this act taking effect the records of the board
38 of fire commissioners of said city shall be completed by the
39 secretaries of said boards, and shall be deposited by them
40 with the city clerk of said city.

Sect. 39. After this charter has been in force more than
2 six years, the city may give it up and return to its present
3 charter and form of government, by proceeding as follows:

Upon the petition of not less than twenty-five per centum
5 of the voters of the said city of Auburn, a special election
6 shall be called at which the following proposition only shall
7 be submitted: "Shall the city of Auburn abandon its organ-
8 ization under chapter of the Private and Special Laws
9 of 1913?" If a majority of the votes are in favor of such
10 a proposition, the officers provided by this charter shall
11 terminate upon the third Monday of the following March
12 and this chapter shall be deemed repealed. The city coun-

13 cil shall make all arrangements for electing their successors
14 according to the laws and charter in force in 1913, and the
15 previous charter shall be revived in full force and effect as
16 if this act had never been passed.