

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 286**

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S. P. 195

In Senate Chamber, January 30, 1941.

Referred to the Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Farris of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT Amending the Charter of the City of Augusta**

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

**Sec. 1. P. & S. L., 1919, c. 75 amended.** Sections 26 and 28 of chapter 75 of the private and special laws of 1919 are hereby amended to read as follows :

**'Sec. 26. Election of mayor and city council.** The mayor shall be elected from the citizens at large by the qualified electors of the city, voting in their respective wards ; 1 alderman and 2 common councilmen shall be elected by each ward, being residents in the wards where elected ; all said officers shall be elected by ballot, by a ~~majority~~ **plurality** of the votes given and shall hold their offices 2 years from the 1st Monday of January, following their election, and until others shall be elected and qualified in their places.'

**'Sec. 28. Ward meetings for election of mayor, members of city council and ward officers, how conducted ; organization of city council.** On the 2nd Monday of December, biennially, immediately after a warden and clerk shall have been elected and sworn, the qualified electors of each ward shall ballot for a mayor, 1 alderman and 2 common councilmen ; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of

persons voted for, and the number of votes given to each, to be written on the ward record at length. The ward clerk, within 24 hours after such election, shall deliver to the persons elected alderman and common councilmen, certificates of their election, and shall forthwith deliver to the city clerk, a certified copy of the record of such election; provided, however, that if the choice of aldermen and common councilmen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the ~~second~~ balloting for any alderman, common councilman, constable, warden or clerk, a choice shall not be effected by a ~~majority~~ **plurality** vote, then the ~~persons receiving the highest number of votes for any of those offices at the subsequent trial, shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected.~~ **mayor and aldermen shall issue their warrant for another election for the office or offices for which a choice was not thus effected.** The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, by a ~~majority~~ **plurality** of votes given in all wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election ~~and in case the citizens should fail on the second ballot to elect a mayor, the said board shall again issue their warrants for a third election, to be held not less than three nor more than four days thereafter, at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid; if no one shall then have such number, further elections shall in the same manner be ordered, till a choice shall be made, by some one having the highest number of votes;~~ and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore provided for the choice of said officer; and in the meantime the president, pro tempore, of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect, shall on the 1st Monday of January, biennially, at 10 of the clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the 2 boards present, by the mayor or any justice of the peace, and thereupon the 2 boards shall separate, and the board of common council shall be organized by the election of a president and clerk.'