

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 1042

S. P. 368

In Senate, February 20, 1947.

Transmitted by revisor of statutes pursuant to joint order.

Referred to the Committee on Legal Affairs, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Davis of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Elections in the City of Biddeford.

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

Sec. 1. P. & S. L., 1933, c. 66, § 2, amended. The 1st sentence of section 2 of chapter 66 of the private and special laws of 1933 is hereby repealed and the following enacted in place thereof:

‘The administration of all the fiscal, prudential and municipal affairs of the city, with the government thereof except the department of education and police administration, shall be vested in one principal magistrate to be styled the mayor, and one board of councilmen; 1 councilman from each of the 7 existing wards of the city, each of whom shall be an inhabitant of the ward wherein he is chosen, qualified to vote therein, which board shall constitute and be called the city council, all of whom shall be sworn to the faithful performance of their respective offices; the mayor to be sworn by the city clerk or a justice of the peace, and the councilmen-elect by the mayor or a justice of the peace.’

Sec. 2. P. & S. L., 1933, c. 66, § 3, amended. Section 3 of chapter 66 of the private and special laws of 1933, as amended by section 1 of chapter 85 of the private and special laws of 1935, is hereby further amended by adding thereto a new paragraph to read as follows:

'In the event of a vacancy in the office of mayor occurring prior to the 1st day of August of the year in which he shall have been elected, a special election shall be held to fill such vacancy; warrant for such election shall be issued by the city council. Such election shall be governed by the provisions relating to nominations and elections elsewhere herein contained so far as they may be applicable.'

Sec. 3. P. & S. L., 1933, c. 66, § 15, amended. The first 2 sentences of section 15 of chapter 66 of the private and special laws of 1933, as amended by section 8 of chapter 85 of the private and special laws of 1935, are hereby repealed and the following enacted in place thereof:

'For the purpose of holding elections, said city shall be divided into 7 wards, to contain as nearly as conveniently may be, an equal number of legal voters; and it shall be the duty of the city council, once in 10 years, and not oftener than once in 5 years, to review and, if it be needful, to alter said wards, in such a manner as to preserve as nearly as may be, an equal number of legal voters in each. In each of said wards, there shall annually, on the 2nd Monday of December, be elected by plurality vote a warden and ward clerk, provided, however, that in case of a tie, the incoming city council shall elect 1 of the candidates receiving the highest number of votes. Such wardens and ward clerks shall hold their offices for 1 year, and until others shall have been chosen and qualified in their places.'

Sec. 4. P. & S. L., 1933, c. 66, § 16, repealed and replaced. Section 16 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 9 of chapter 84 of the private and special laws of 1941, is hereby repealed and the following sections, to be numbered 16, 16-A, 16-B and 16-C, are enacted in place thereof:

'Sec. 16. Elections, where held, etc. An election shall be held on the 2nd Monday in December of each year, at which the qualified voters of the city shall ballot for a mayor and the qualified voters of each ward shall ballot for a member of the board of councilmen, a warden, and a ward clerk. All the votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting as required by statute and the ward clerk in each ward shall forthwith deliver to the city clerk a certified copy of the record of such election. The municipal officers shall as soon as they conveniently can, examine the copies of the records of the several wards certified as aforesaid, and shall cause the persons who shall have been elected to the several offices to be notified in writing of their election.

Sec. 16-A. Run-off election. If it shall appear that no person has received a majority of all the votes cast for mayor, a special election to be known as a run-off election shall be held on the 3rd Monday of December next thereafter at which election the names to be placed upon the ballot shall be determined as follows:

I. If but 1 candidate has received the highest number of votes and but 1 candidate has received the next highest number of votes, their names only shall be placed upon the ballot.

II. If 2 or more candidates have received the same number of votes and a number higher than those received by any other candidate, only the names of such candidates, whether they be 2 or more, shall be placed upon the ballot.

III. If 1 candidate has received the highest number of votes and 2 or more candidates have received the same number of votes which number shall have been next lower than that received by the candidate receiving the highest number, only the names of the candidate who has received the highest number and the candidates, whether 2 or more, who have received the next highest number of votes shall be placed upon the ballot. The candidate receiving the highest number of votes at such election shall be declared to be elected.

Sec. 16-B. Election of councilmen. Election of councilmen shall be by plurality. In case of a tie vote, there shall be held a special election to be known as a run-off election in such ward on the 3rd Monday of December next thereafter, and only the names of those candidates who received a tie vote shall be placed upon the ballot, in alphabetical order.

Sec. 16-C. Law relating to run-off elections. All the provisions of law and of this chapter covering the procedure at and following the annual election so far as they may be applicable shall apply to special and run-off elections.'

Sec. 5. P. & S. L., 1933, c. 66, § 17, amended. Section 17 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 10 of chapter 84 of the private and special laws of 1941, is hereby repealed and the following enacted in place thereof:

'Sec. 17. Terms of office, first election, etc. The mayor and councilmen shall respectively hold office for the term of 1 year or until their successors shall have been elected and qualified. The first election of mayor and councilmen after the passage of this act shall be held on the

2nd Monday of December, 1947, to be followed, if need be, by a run-off election on the 3rd Monday of December thereafter and the said elections and all elections subsequent thereto shall be conducted in the manner now provided by law for the holding of municipal elections. All the provisions contained in this charter relative to nominations and ballots shall apply thereto, and all the provisions of law relating to qualifications of electors, registration, the manner of voting, the counting of votes, the duties of election officers and all other provisions relating to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.'

Sec. 6. P. & S. L., 1933, c. 66, § 19, amended. The 4th sentence of section 19 of chapter 66 of the private and special laws of 1933 is hereby repealed and the following enacted in place thereof:

'In the event of a vacancy in the office of councilman, the remaining members of the board shall elect a successor for the unexpired term who shall be an inhabitant of the ward in which the vacancy exists, qualified to vote therein; and in the event of more than 3 vacancies in the office of councilman existing at the same time, the city council shall forthwith issue its warrant for a new election to fill such vacancies.'

Sec. 7. P. & S. L., 1933, c. 71, §§ 1 and 2, repealed and replaced. Sections 1 and 2 of chapter 71 of the private and special laws of 1933, as amended, are hereby repealed and the following enacted in place thereof:

'Sec. 1. Nominations; nomination papers; filing of petitions. The nomination of all candidates for elective offices shall be by petition and without party designation. The petition of a candidate for mayor shall be signed by not less than 200 nor more than 400 qualified voters of the city. The petition of a candidate for alderman, warden, or ward clerk shall be signed by not less than 100 nor more than 200 qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than 1 candidate for each office and should any voter sign more than 1 such petition, his signature shall be counted only upon the 1st petition filed and shall be held void upon all other petitions.

The signatures to nomination papers need not all be affixed to 1 petition but to each separate petition there shall be attached the affidavit of the circulator thereof stating the number of signers on such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the

street and number of the street or other description sufficient to identify the same. Provided, however, that no such nomination papers shall be issued by the city clerk or circularized for signature more than 30 days prior to the earliest date allowed for filing such papers. The form of nomination petition shall be substantially as follows:

To the City Clerk of the City of Biddeford:

We, the undersigned voters of the City of Biddeford, hereby nominate whose residence is for the office of to be voted for at the election to be held in the City of Biddeford on the day of 19....; and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.
Name Street and Number

....., being duly sworn, deposes and says that he is the circulator of the foregoing nominating petition containing signatures, and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

(Signed)
Subscribed and sworn to before me this day of 19....
.....
Justice of the Peace.
(or Notary Public.)

If this petition is deemed insufficient by the City Clerk, he shall forthwith notify by mail at No..... Street.

The nomination petitions for any 1 candidate shall be assembled and united into 1 petition and filed with the city clerk not earlier than 30 days nor later than 12 o'clock noon of the 3rd Saturday prior to the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than 12 o'clock noon of the 3rd Saturday prior to the day of election, his consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 2. Ballot. The face of the ballot shall be of substantially the following form:

City of Biddeford
Regular (or Special) City Election
OFFICIAL BALLOT

Ward.....

Candidates for office in the city of Biddeford at an election held on Monday the day of A. D. 19....

INSTRUCTIONS: To vote for any person make a cross in the square at the right of the name voted for. Do not vote for more than 1 candidate for any 1 office.

For Mayor

.....	<input type="checkbox"/>
No.....,	Street
.....	<input type="checkbox"/>
No.....,	Street

For Alderman

.....	<input type="checkbox"/>
No.....,	Street
.....	<input type="checkbox"/>
No.....,	Street

For Warden

.....	<input type="checkbox"/>
No.....,	Street
.....	<input type="checkbox"/>
No.....,	Street

For Ward Clerk

.....	<input type="checkbox"/>
No.....,	Street
.....	<input type="checkbox"/>
No.....,	Street

(Names of candidates for each office to be in alphabetical order and followed by blank space for name of voter's choice not nominated.)

(Facsimile signature)

City Clerk.

and on the back of the ballot shall appear the following:

City of Biddeford
Regular (or Special) City Election
Official Ballot
Ward

(Facsimile signature)

City Clerk.

Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city. The city clerk shall cause appropriate specimen ballots to be posted in the voting places in each ward and advertised in the daily newspapers published in Biddeford not later than 7 days prior to the election, and not less than 3 days prior to a run-off or other special election. Such specimen ballots shall be printed on colored paper and marked "Specimen Ballot" but shall otherwise be facsimiles of the official ballot.'

Sec. 8. P. & S. L., 1933, c. 66, § 27, repealed and replaced. Section 27 of chapter 66 of the private and special laws of 1933, as amended by section 1 of chapter 84 of the private and special laws of 1941, is hereby repealed and the following enacted in place thereof:

'Sec. 27. Board of police. The administration of the police department of the city of Biddeford shall be under the jurisdiction of a board of police consisting of 3 citizens of the city of Biddeford who shall constitute a board of police of said Biddeford and who shall be sworn before entering upon the duties of their office. The term of office of said members of board of police shall be 3 years. All nominations shall be made and elections held under the laws which govern the nomination and election of mayor of said city of Biddeford. One member of the board of police shall be elected each year. Vacancies in said board shall be temporarily filled by the city council and the member so chosen to fill said vacancy shall hold office until the 1st day of the January following, and at the next annual municipal election occurring after said vacancy exists some citizen shall be elected to serve during the remainder of that term. The board shall annually elect 1 of their number chairman and 1 of their number clerk, who shall be sworn and shall keep a record of all proceedings, issue all notices and attest all such papers and orders as the board directs.'

Sec. 9. P. & S. L., 1933, c. 66, § 31, repealed and replaced. Section 31 of chapter 66 of the private and special laws of 1933 is hereby repealed and the following enacted in place thereof:

‘Sec. 31. Board of education. The educational department of the city of Biddeford shall be administered by a board of education, consisting of the mayor, who shall be ex officio chairman of the board, and 4 other persons, 1 of whom shall be elected annually at the municipal election. The terms of office of the members of the board of education shall be for a period of 4 years. They shall be nominated and elected in the manner provided by law for the nomination and election of mayor of the city.’