

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 320**

H. P. 225

House of Representatives, January 30, 1957.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Vaughan of Hallowell.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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**AN ACT to Amend the Charter of the City of Hallowell re Nominations and Elections.**

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

**Sec. 1. Date of elections and procedure to determine results.** The regular municipal elections under the provisions of this act will be held biennially on the Monday next following the first Tuesday in December. At these biennial elections the qualified voters of the city shall ballot within their regular wards and at their respective polling places for members of the city council and the mayor and the candidates for these offices shall be duly qualified under the nomination regulations contained herein.

At the first municipal election to be held under the provisions of this act, the qualified voters of the various wards and polling places shall vote for 7 members of the city council and the mayor, all of whom shall have been nominated under the provisions of this act.

All of the votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting by causing the names of the persons voted for and the number of votes given for each to be written on the ward record at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such election.

In the year 1957 the board of aldermen and thereafter the city council, on the 1st day not a holiday after the certification of the record of the election by the ward clerk as before specified, shall examine the copy of the records of the several wards and shall cause the persons who shall have been elected mayor and councilmen to be notified in writing of their election; but if it shall happen that no person shall have been elected to any office or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith.

**Sec. 2. Warden and ward clerk; eligibility; tenure; qualification; powers and duties; vacancies; ward meetings, how called.** The warden and the ward clerk appointed as hereinafter provided shall be qualified voters of the wards for which they are appointed, and shall hold their offices for 2 years from the 1st Monday following the regular city election, or until others have been chosen and qualified in their stead; the warden and the ward clerk shall be sworn to the faithful performance of their duties by the person presiding in the ward meeting, or by the clerk thereof, or by a justice of the peace, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If neither the warden nor the clerk shall be present, any legal voter in the ward shall preside until a clerk pro tempore shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all documents and papers held by him in the capacity of clerk. All ward meetings shall be notified and called by the city council in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

**Sec. 3. Nominations for elective offices to be made by petition.** The nomination of all candidates for elective offices provided for by this act shall be by petitions. The petition of candidates for mayor shall be signed by not less than 50 nor more than 100 qualified voters of the city. The petition for the candidates for councilmen-at-large shall be signed by 50 qualified voters of the city who shall be designated as their sponsors. The petition for a candidate for the city council for each ward shall be signed by 10 of the qualified voters of the ward who shall be designated as his sponsors. No voter shall sign petitions for more than 1 candidate for each office to be filled at the election and should any voter sign more than 1 such petition his signature shall be counted only upon the petition first filed and shall be held to be void upon all other petitions.

**Sec. 4. Form of nomination paper.** The signatures to nomination papers need not all be affixed to 1 nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each 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 their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the city clerk of the city of Hallowell:

We, the undersigned voters of the city of Hallowell, hereby nominate and sponsor ..... whose residence is ..... for the office of ..... to be voted for at the election to be held in the city of Hallowell 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 vacancies to be filled.

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 signatures of the per-  
sons 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.

**Sec. 5. Filing nomination papers; acceptances of nominations must be filed.**  
The nomination petitions of any one candidate shall be assembled and united  
into 1 petition and filed with the city clerk not earlier than 30 nor later than 16  
calendar days before the day of election. No nomination shall be valid unless the  
candidate shall file with the city clerk in writing not later than 16 calendar days  
before the day of election, his consent, accepting the nomination, agreeing not  
to withdraw, and, if elected, to qualify.

**Sec. 6. List of candidates to be published.** The city clerk shall certify the  
list of candidates and shall cause to be published in one or more of the daily  
newspapers circulating in the city the names, the residences and offices to which  
nominated, of the candidates who have duly filed the above described petitions  
and acceptances.

**Sec. 7. Ballots, etc., to be prepared by the 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.

**Sec. 8. Form of ballot.** Ballots for use in elections under this act shall con-  
tain the names of the various candidates, with their residence and the office for  
which they are a candidate, and shall be furnished with one column for crosses  
at the right of the candidate's name and residence. Such ballots shall be with-  
out party mark or designation and shall be in form as prescribed by board of  
registration and city clerk.

**Sec. 9. Count of ballots.** All votes cast for the several officers shall be  
sorted, counted, declared and registered in open ward meeting as provided by  
statute. The ward clerk shall forthwith deliver to the city clerk a certified copy  
of the records of such election.

As provided by law, after the first election held under this act, the then mu-  
nicipal officers, and annually thereafter, following the regular city election, the  
city council shall examine copies of the records of the several wards, certified as  
aforesaid, and shall cause the persons who shall have been elected mayor and  
members of the city council to be notified in writing of their election. If it shall  
appear that at the first election, or at any subsequent election, one or more of  
the offices to be filled by said election has not been so filled, or if at any election  
the person elected shall refuse to accept the office for which he has been elected,  
warrants for another and special election to fill such vacancy or vacancies shall  
be issued forthwith.

At any election, the person or persons having the highest number of votes for an office, not exceeding the number to be chosen, shall be deemed and declared elected to such office.

**Sec. 10. Returns; canvass.** Upon receipt of the returns, after the first election under this act, the then municipal officers and thereafter the city council shall determine the successful candidates as has been the customary practice of canvassing returns of municipal elections in Hallowell.

**Sec. 11. Specimen ballots to be published and posted.** The city clerk shall cause specimen ballots to be posted in public places in each ward and at city hall. Such specimen ballots shall be printed on colored paper and marked specimen ballots, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the Legislature or by the city council. Such ballots shall be without party mark or designation.

**Sec. 12. State laws not inconsistent applicable.** The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections of Hallowell, except as otherwise provided in this act.

**Sec. 13. Inconsistent statutes repealed.** All acts and parts of acts inconsistent herewith, and all provisions of the charter and ordinances of the city of Hallowell inconsistent with this act, are hereby repealed or modified so as to conform to the provisions of this act.

**Referendum; effective date; certificate to Secretary of State.** This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Hallowell at an election to be held on the 2nd Monday in September, 1957, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot on the approval or rejection of this act.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act to Amend the Charter of the City of Hallowell re Nominations and Elections,' passed by the 98th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election, and for all other purposes this act shall take effect immediately following the first election held under the provisions hereof.

The result of said election shall be declared by the municipal officers of the city of Hallowell and due certificate thereof shall be filed by the city clerk with the Secretary of State.