

CHAPTER 6 Elections

ARTICLE I General Provisions

Sections

- 6-101 General
- 6-102 Place and Time of Opening of Election
- 6-103 Issuance of Election Notice
- 6-104 Form of Notice For City Elections
- 6-105 Notice of Elections By City Clerk
- 6-106 Single Ward
- 6-107 Registrar of Voters; Deputy Registrar of Voters; Registration Appeals Board
- 6-108 Ballot and Election Clerks
- 6-109 Compensation
- 6-110 Voting Machines

ARTICLE II Citizen Initiative and Referendum Ordinance

- 6-201 Title and Purpose
- 6-202 Petition for Initiative or Referendum
- 6-203 Number of Signatures Required, Public Hearing and Validity
- 6-204 Form for Petition
- 6-205 Special Election for Initiative or Referendum
- 6-206 Publication of Ordinance
- 6-207 Special Ballots for Initiative or Referendum Election
- 6-208 Result of Election, Minimum Votes Required
- 6-209 Order on Ballot and Conflicting Ordinances
- 6-210 City Council Proposals
- 6-211 Repeal or Amendment of Enacted Ordinance
- 6-212 Notice of Public Hearing

CHAPTER 6 Elections

ARTICLE I General Provisions

Sec. 6-101 General

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 except as otherwise provided in the City Charter.

State Law Reference: 30-A M.R.S. §§ 2004, 2503, 2504, 2551-2556; 21-A MRSA § 1 et seq.

Sec. 6-102 Place and Time Of Opening Of Election

It shall be the duty of the City Council to fix the place and time of the opening of the polls in the election of officers, or in any special election to decide matters submitted to a vote of the citizens, and cause same to be inserted in any warrant and notification to the inhabitants of such election.

Sec. 6-103 Issuance Of Election Notice

The City Clerk shall announce the election as follows:

1. Notice posted. The clerk shall post or have posted a notice of election, attested by the clerk, in a conspicuous public place at or near the polling place in the City at least 7 days immediately before election day and at the polling place on election day.

2. Notice recorded. The clerk shall record a copy of the notice along with the times and places of posting.

Sec. 6-104 Form of Notice of Election

The notice of election must contain the following items: a heading that states "Notice of Election" in bold type, the day, date and title of the election, the voting district designation, if any, the name and location of the voting place, the opening and closing times of the polls and a list of the offices and referendum questions for that election. The clerk may add times for processing absentee ballots pursuant to Title 21-A, Section 759, subsection 7.

Sec. 6-105 Notice Of Elections By City Clerk

The City Clerk shall cause notice of all elections to be published in one or more newspapers published in the City between the time of issuing the notice of election and the time appointed for the election. This section is directory only, and a failure to comply with the same shall not affect the validity of any election which otherwise would be legal.

Sec. 6-106 Single Ward

The corporate boundaries of the City of Rockland shall constitute a single ward for purposes of voting. This ordinance change will not be effective until the General Election of November 1976.

Sec. 6-107 Registrar of Voters; Deputy Registrar of Voters; Registration Appeals Board

There shall be a single Registrar of Voters for the City of Rockland appointed pursuant to the provisions of Title 21-A, Section 101 of the Maine Revised Statutes Annotated. The Registrar may appoint one or more deputy registrars pursuant to the provisions of Title 21-A, Section 102 of the Maine Revised Statutes Annotated. There shall also be a Registration Appeals Board established and appointed pursuant to the provisions of Title 21-A, Section 103.

State Law Reference: 21-A M.R.S. § 101-103. Eff: 4/9/97

Sec. 6-108 Ballot And Election Clerks

The City Council shall appoint ballot and election clerks as provided in Title 21-A, § 503 of the Maine Revised Statutes Annotated.

Sec. 6-109 Compensation

Each warden, election and ballot clerk shall be paid such amount per day for each election held in the City of Rockland at which

they shall attend, as the City Council may determine for each election, subject to a minimum of six dollars (\$6) per day; provided that such minimum shall be at the rate of pay for any election for which the City Council has not made a specific determination of rate.

Sec. 6-110 Voting Machines

On and after September 1, 1959, balloting at all elections in the City of Rockland may be done by voting machines in accordance with the Revised Statutes of Maine, and all Acts amendatory thereto.

ARTICLE II Citizens Initiative and Referendum Ordinance

Sec. 6-201 Title and Purpose

This Article shall be known and cited as the Citizens Initiative and Referendum Ordinance. The submission to the vote of the citizens of any proposed ordinance dealing with legislative matters on municipal affairs or any such ordinance enacted by the City Council may be accomplished by the presentation of a petition therefor to the City Council in the manner as hereinafter provided. However, the provisions of this Article shall not apply to borrowings authorized by resolution of the City Council pursuant to Section 514 of the Charter, or to any administrative matters directly relating to the fiscal affairs of the City or tax levy of the City or any ordinance relative to such matters.

Sec. 6-202 Petition for Initiative or Referendum

1. Petitioner's Committee. Any five (5) or more qualified voters of the City may originate a petition for either an initiative or referendum election by signing such petition at the office of the City Clerk. The originators of a petition shall be known as the petitioner's committee and qualified as the circulators thereof.

2. Filing; Circulation; City Clerk's Authority. Whenever requested by the petitioner's committee, the City Clerk shall prepare the proper format of the petition, with a copy of their submitted proposal or ordinance thereon or attached thereto, and upon it being signed by the voters, the City Clerk shall file the petition with the date thereon and shall, during office hours for thirty (30) business days thereafter, keep the same open for signature by other qualified voters of the City. For a period of thirty (30) business days commencing on the date filing with the Clerk, copies of such petition may be circulated and endorsed only by those persons who have signed the original petition prior to its filing with the Clerk, and such circulators shall attest that all persons signing the petition did so in their presence.

3. Presentation to Council. At the expiration of the thirty (30) day period, the City Clerk shall declare the petition gathering period closed and shall, at the next meeting of the City Council, present the petition to the City Council, with a verification of the number of valid voter signatures obtained attached thereto.

4. Referendum Petition. In the case of a petition for referendum, the petition signed by five (5) or more voters shall be duly filed with the City Clerk as above provided within twenty (20) days after the enactment of the ordinance for which a referendum election is sought.

5. Initiative Petition; City Attorney's Authority. Any petition proposing an ordinance to be adopted by initiative shall, prior to filing with the City Clerk, be submitted to the City Attorney for review. The City Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and precision in its phraseology, but the City Attorney shall not materially change its meaning and effect.

Sec. 6-203 Number of Signatures Required, Public Hearing and Validity

1. Number of Signatures; Hearing Date. If the number of valid signatures for the petition shall amount to at least ten per cent (10%) of the number of registered voters as of the date of the last preceding regular municipal election, as certified by the Registrar of Voters, the City Council shall set a date for a public hearing to be held within twenty-one (21) days thereafter.

2. Submission to Voters. At the next Council meeting, after such public hearing, the City Council shall upon finding the petition to be valid for initiative or referendum vote take the necessary steps to submit to the voters of the City the ordinance or matter proposed by the petition; provided, however, that in the case of the referendum, the entire repeal by the City Council of the ordinance sought to be referred, and in the case of the initiative, the passage by the City Council of the desired ordinance shall put an end to all proceedings under said petition.

3. Sufficiency of Petition; Court Review. Any determination as to the insufficiency of a petition by the City Council shall be subject to court review.

Sec. 6-204 Form for Petition

The petition used to originate the initiative or the referendum shall be substantially in the following form:

Petition to the Rockland City Council
Initiative or Referendum
For the Submission to the People
of the Question
Shall the proposed ordinance or matter,
a copy of which is set forth herein or
attached hereto, be adopted?

We, the undersigned, under oath, depose, and say: That we are duly qualified voters of the City of Rockland residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing questions to the voters of the City of Rockland.

Names	Residence	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ I, _____, the City Clerk of the City of Rockland do solemnly affirm that the signatures appended hereto are the signatures of the persons whose names they purport to be, to the best of my knowledge, information, and belief.

_____ Date
_____ City Clerk

Copies of said petition may then be circulated and all such copies when filed shall contain or have attached thereto the following affidavit executed by the circulator thereof:

Affidavit of Circulator

I, the undersigned, _____, being the circulator of this petition upon my oath do solemnly affirm that I personally circulated this petition, that all signatures which total.....in number are affixed in my presence and that I believe them to be the signatures of the persons whose names they purport to be.

Date: _____
_____ Signature of Circulator

Subscribed to upon oath before me on this.....date of.....

Notary Public

Sec. 6-205 Special Election for Initiative or Referendum

Within ten (10) days after the first City Council meeting, held after the public hearing, the Municipal Officers shall set a time for the holding of a special election at which the proposed initiative or referendum question shall be submitted to the voters of the City, which special election shall be held not less than thirty (30) nor more than sixty (60) days after the Council meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

Sec. 6-206 Publication of Ordinance

Whenever any ordinance is required, by the provisions of this Article, to be submitted to the voters for adoption or repeal, the City Council shall order the publication of the complete text thereof to be made in one or more newspapers of general circulation throughout the City, such publication to be made not less than five (5) days nor more than fifteen (15) days prior to the election.

Sec. 6-207 Special Ballots for Initiative or Referendum Election

The special ballots used for voting in the election shall set forth the title of the ordinance or other matter to be voted upon,

together with two (2) brief explanatory statements of not more than one hundred (100) words each, one prepared by the City Council and one prepared by the petitioners. These statements shall be descriptive of the intent of the proposed ordinance or matter to be voted upon. The ballot shall in substance also contain the words:

Shall the Ordinance (or proposal) entitled "....." be adopted. YES NO

Shall the Ordinance (or proposal) entitled "....." be repealed. YES NO

Sec. 6-208 Result of Election, Minimum Votes Required

If a majority of the qualified voters voting on the proposed or referred ordinance or matter shall vote in favor thereof, it shall take effect upon the declaration of the result of such election after the official canvas of the return of the votes by the Municipal Officers; provided the total number of votes cast for and against the questions equals or exceeds thirty percent (30%) of the total votes cast in the City at the last prior gubernatorial election.

Sec. 6-209 Order on Ballot and Conflicting Ordinances

1. Order on Ballot. In the event that two (2) or more ordinances are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the City Council on its own initiative.

2. Conflicting Ordinances. Any number of proposed or referred ordinances may be voted upon at the same election. In the event that two (2) or more ordinances adopted at the same election contain conflicting provisions, the ordinance receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

Sec. 6-210 City Council Proposals

The City Council may submit, on its own initiative, a proposition for the enactment, repeal, or amendment of any ordinance (except as herein otherwise provided) to be voted upon at any regular or special municipal election and should such proposition receive a majority of the votes cast thereon at any election, such ordinance shall be enacted, repealed, or amended accordingly, in accordance with the provisions of Section 6-209. However, the Council may also submit advisory questions on any municipal matters to the voters if it so desires.

Sec. 6-211 Repeal or Amendment of Enacted Ordinance

An ordinance enacted by a vote of the people at an initiative or referendum election shall not be repealed or amended for a period of five (5) years from the effective date of the ordinance, except by a vote of the people, unless such ordinance shall otherwise expressly provide. After five (5) years from the effective date of the ordinance, the City Council, after a public hearing, may repeal or amend such ordinance by vote of two-thirds (2/3) of its members.

Sec. 6-212 Notice of Public Hearing

Whenever a public hearing is required to be held in accordance with the provisions of this Article, notice of the time, place, and purpose of the hearing shall be published as required by Section 6-206.