

# Town Meeting & Elections

introduction



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# **instructor**

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- Town Meeting & Elections Manual, revised 2015
- Title 30-A, Maine Revised Statutes Annotated
- Your town's municipal charter
- Maine Municipal Association's legal staff
- Your town's attorney
- Clerk mentors

# resources

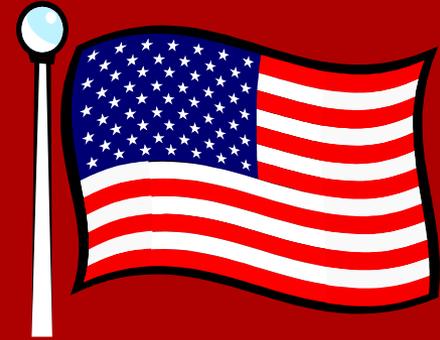
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- M.R.S.A
- Citation
- Statute
- Private and Special Act
- Common Law
- Ordinance
- Charter
- Case law
- Et seq.
- Municipality/Plantation
- Secret ballot/written ballot
- “Shall”, “may”, “must”, “should”
- Municipal Officers/municipal officials

# terms & abbreviations

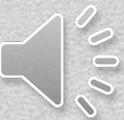




# Town Meeting & Elections

Chapter 1

An Overview of Town Meetings and Elections





- The town meeting is the basic legislative assembly of local government in Maine.
- Maine's statutes governing the use of the town meeting process continue a tradition dating from the colonial era.
- This process was designed to obtain the collective expression of all voters in a municipality on matters of spending, legislation and the election of officials and is considered the ideal of direct participation in local government.

# town meeting





- All business to be conducted at any town meeting must appear on a warrant issued by the municipal officers.
  - The warrant must list all items of business to be acted upon
  - Any items that do not appear on the warrant can not be acted upon.

# warrant



**Sample Warrant Form and Return (Open Town Meeting)**

**OPEN TOWN MEETING WARRANT**

**Saturday, April 12, 2014**

To Joanna J. Jones, a constable [or, resident] of the Town of Everytown, in the County of Everycounty, State of Maine,

GREETING:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Everytown in said county and state, qualified by law to vote in town affairs, to meet at the Town Hall in said Town on Saturday, the 12th day of April, 2014 A.D., at eight o'clock in the forenoon, then and there to act upon the following article:

- Article 1. To choose a moderator by written ballot to preside at said meeting.
- Article 2. To elect by written ballot the municipal officers (those elected shall also serve as the assessors and overseers of the poor) and school committee members for the ensuing year.
- Article 3. To elect a clerk, treasurer, and tax collector for the ensuing year.
- Article 4. Shall an ordinance entitled "Town of Everytown Ordinance Regulating Automobile Graveyards and Junkyards" be enacted? Note: An attested copy of the full text of this ordinance has been posted together with this warrant, and copies are available from the office of the town clerk and will be available at the town meeting.
- Article 5. To see if the Town will vote to raise and appropriate \$100,000 for the office administration budget for fiscal year 2014-2015.

\*\*ETC\*\*

Dated: \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Municipal Officers

A true copy of the warrant,

Attest: [Signature] \_\_\_\_\_

Clerk of: Everytown

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**RETURN OF THE WARRANT**

Everytown, Maine April 4, 2014 A.D.

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the door of Town Hall, the bulletin board outside the district courthouse entrance, and at the Post Office bulletin board in said town, being public and conspicuous places in said town, on the 4th day of April 2014 A.D., being at least seven days before the meeting.

\_\_\_\_\_  
[Signature of person who posted]

Constable/Resident of Everytown (Strike one)

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# sample open town meeting warrant and return



**Sample Warrant Form and Return Secret Ballot Election**

**Saturday, April 12, 2014**

To Joanna J. Jones, a Constable [or, resident] of the Town of Everytown, in the County of Everycounty, State of Maine,

**GREETING:**

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Everytown in said county and state, qualified by law to vote in town affairs, to meet at the Town Hall in said Town on Saturday, the 12th day of April, 2014 A.D., at eight o'clock in the forenoon, then and there to act upon Article 1 and by secret ballot on Articles 2 and 3 as set out below, the polling hours therefor to be from nine o'clock in the forenoon until three o'clock in the afternoon, said articles being the following:

- Article 1: To elect a moderator by written ballot to preside at said meeting.
- Article 2: To elect one selectman/assessor/overseer of the poor for a three-year term.
- Article 3: Shall an ordinance entitled "Town of Everytown Ordinance Regulating Automobile Graveyards and Junkyards" be enacted? Note: An attested true copy of the full text of this ordinance has been posted together with this warrant, and copies are available from the office of the town clerk and will be available at the polls.
- Article 4: Shall the Town vote to raise and appropriate \$100,000 for the office administration budget for 2014-2015 fiscal year?

Selectmen recommend: \$100,000  
Budget committee recommends: \$85,000

**\*\*ETC\*\***

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Municipal Officers

A true copy of the warrant,

Attest: [Signature] \_\_\_\_\_

Clerk of: Everytown

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**RETURN ON THE WARRANT**

Everytown, Maine April 4, 2014 A.D.

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the door of Town Hall, the bulletin board outside the district courthouse entrance, and at the Post Office bulletin board in said town, being public and conspicuous places in said town, on the 4th day of April 2014 A.D., being at least seven days before the meeting.

\_\_\_\_\_  
[Signature of person who posted]  
Constable/Resident of Everytown (Strike one)

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# sample warrant and return secret ballot election



**Sample Warrant Form and Return-Bifurcated, or Two-part Meeting  
(Secret Ballot Election and/or Referendum Coupled with an Open Town  
Meeting Under a Single Warrant)**

**SECRET BALLOT ELECTION AND  
TOWN MEETING WARRANT**

**Saturday, April 12, 2014  
and  
Monday, April 14, 2014**

To Joanna J. Jones, a Constable [or, resident] of the Town of Everytown, in the County of Everycounty, State of Maine,

**GREETING:**

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Everytown in said county and state, qualified by law to vote in town affairs, to meet at the Town Hall in said Town on Saturday, the 12th day of April, 2014 A.D. at eight o'clock in the forenoon, then and there to act upon Article 1 and by secret ballot on Articles 2 and 3 as set out below, the polling hours therefor to be from nine o'clock in the forenoon until three o'clock in the afternoon:

And, to notify and warn said inhabitants to meet at the Everytown High School Gymnasium in said town on Monday, the 14<sup>th</sup> day of April 2014 A.D., at seven o'clock in the afternoon, then and there to act on Articles 4 through 28 as set out below, to wit:

- Article 1. To elect a moderator by written ballot to preside at said meeting
- Article 2. To elect all municipal officers and school committee members as are required to be elected.
- Article 3. Shall an ordinance entitled "Town of Everytown Ordinance Regulating Automobile Graveyards and Junkyards" be enacted? Note: An attested, copy of the full text of this ordinance has been posted together with this warrant, and copies are available from the office of the town clerk and will be available at the polls. The municipal officers have ordered this secret ballot referendum vote.

- Article 4. To elect a clerk, a treasurer, and a tax collector to serve for the ensuing year.
- Article 5. To see if the town will vote to establish an animal shelter, and to determine the amount and source of any necessary funds therefor and for its operation in the town's 2014-2015 fiscal year.

Article 6. **\*\*ETC\*\***

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Municipal Officers

A true copy of the warrant,

Attest: [Signature] \_\_\_\_\_

Clerk of: Everytown

**RETURN ON THE WARRANT**

Everytown, Maine April 4, 2014 A.D.

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the door of Town Hall, the bulletin board outside the district courthouse entrance, and at the Post Office bulletin board in said town, being public and conspicuous places in said town, on the 4th day of April, 2014 A.D. being at least seven days before the meeting.

\_\_\_\_\_  
[Signature of person who posted]  
Constable/Resident of Everytown [Strike one]

[Note: For a secret ballot election, the warrant must "specify the time of opening and closing of the polls." 30-A M.R.S.A. § 2528(3). One matter that warrants may include is a notice of the hours of voter registration. The town's registrar is required to give notice of those hours at town meeting time, and this is a convenient way to do it.]

# sample warrant and return for bifurcated meeting



- A town meeting is not a legislative body that sits continually in session, but must be convened or called by a warrant for each occasion of its sitting.
- For both secret ballot elections and open town meetings, the authority to act ceases following the meeting's formal adjournment.
- A subsequent warrant must be issued to conduct more business, once adjournment has taken place.



**town meeting not a continuing body**

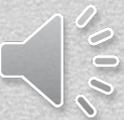
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- Every town meeting must elect a moderator, who presides over and supervises the voting at the town meeting.
  - The first article of business on the warrant calling the town meeting calls for the election of a moderator.
  - The moderator serves until the meeting is adjourned, and another must be elected at the next town meeting.



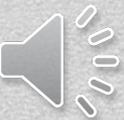
# moderator



- The clerk opens all town meetings and presides over the election and swearing-in of the moderator
- The clerk accurately records the votes at the meeting.
- The clerk also has a duty to record the results of a secret ballot election. The moderator is responsible for determining and certifying the vote, and the clerk then enters the result into the town's records.



**clerk**



- Voters are not required to attend town meetings, but lose their right to vote on candidates and other business if not in attendance. There is no absentee voting for open town meetings.
- For election at the polls, a voter may vote by absentee ballot on articles to elect officials or to decide referendum issues.
- The right to vote can not be exercised by another; there is no voting by proxy, by power of attorney, or by a guardian.



# voting



- There are two kinds of town meetings:
  - Annual meeting, which is required to be held annually to elect municipal officials.
  - Special meeting, which can be called to conduct all other municipal business as many times as necessary during the course of a year for the transaction of the town's business.
    - Apart from the election of municipal officers and other officials, all other town business, including the budget adoption, can take place at either the annual town meeting or at a special town meeting.



## annual vs special town meetings





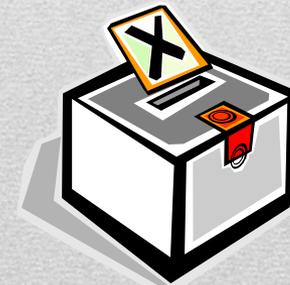
- The pure, traditional town meeting conducts all business on the warrant from the open floor of the meeting, including election of officials and any other business which has been scheduled for that meeting.
- The nomination of candidates are all made from the open floor and voted upon.
- Articles are each handled by motion, with the votes on motion taken by a show of hands or by written ballot.

# open town meeting



- Secret ballot, or “Australian ballot” voting, has voters going to the polls to mark a paper ballot in the privacy of a voting booth. Voters may vote by absentee ballot in a secret ballot election.
- In a town that adopts the secret ballot process, the offices of selectman and school committee member must be filled by secret ballot. A town can designate any additional offices for which it wishes elections to be held by secret ballot.
  - For all offices that are to be filled by secret ballot, candidates must obtain nomination papers from the clerk
- To become a secret ballot town, an article must be adopted at town meeting at least 90 days before the annual meeting for which it will become effective.
- In a secret ballot town, other business items may be decided by secret ballot if the municipal officers order it or if a properly submitted citizen petition demands it.
  - The term referendum is used to refer to a business item that is decided by secret ballot.
- Any offices or other business that has not been ordered by the municipal officers or citizen petition process to be held by secret ballot must be taken up by those assembled at the open town meeting.
  - State statutes mandates that certain subject matter be considered by secret ballot including the “local liquor option” and approval of school budget validation referendums.
- The open portion of the town meeting is usually held after the close of the secret ballot polling, commonly on the same day or within a few days following the secret ballot polling. This “split” town meeting is known as a bifurcated town meeting.

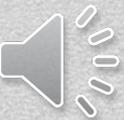
# secret ballot voting



- MMA's legal department's position is that establishing a town as conducting all its business by secret ballot can not be done by meeting article or by ordinance, since 30-A MRSA Section 2528 states that municipal officers retain full discretion to choose the method of voting for all other town meeting matters.
- 30-A MRSA Section 2527 allows for a variation in the nomination process for secret ballot voting, whereby candidates are required to do advance nomination by circulation and filing of papers, but the town still elects from the candidates in open town meeting rather than in voting booths.
- Candidates can be nominated either by filing nomination papers or by filing a political caucus certificate, according to Title 30-A MRSA sections 2528(4) and 2527 (1).



**other things to keep in mind**





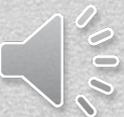
- Plantations must hold an annual meeting to choose a clerk, three assessors, a treasurer, a tax collector, and a school committee (30-A MRSA Sec. 7004).
- State laws relating to calling, notifying, and conducting town meetings also apply to plantations and their officials and employees.



- If your town has one, always refer to your town's charter first
  - Refer to 30-A for laws relating to municipal elections
  - When 30-A is silent, refer to 21-A
    - Whenever 21-A applies to a municipal elections, it is the municipal clerk who is to perform the duties prescribed by 21-A for the Secretary of State
    - The procedure to conduct municipal recounts is found in 30-A
    - 30-A does not require write-in candidates to declare their candidacy
    - 21-A establishes the general qualifications for voting, which can not be varied.

Note: Please review pages 10-13 in Chapter 1 of the Town Meeting & Election Manual for a detailed comparison between Title 30-A for municipal elections and Title 21-A for state elections.

## **relationship of municipal law and state law in municipal elections**



- The difference between the use of the words “shall/must” and “may/should”.
- Which statutes regulate municipal elections and which regulate state and federal elections.
- The difference between a secret ballot and a written ballot.
- The incompatibility for a clerk to also serve as a moderator.

# Knowledge check

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- You have reached the end of Module 1 of the Town Meeting and Elections class.
- For specific questions on any topic in this module, please contact the legal department at Maine Municipal Association, your town's attorney, or a clerk mentor.
- Please print this final page as proof of completion of this module.
- You may submit the final page to MMA along with the other eleven modules' completion pages to obtain a certificate to be used for certification points.

# thank you

