

# Town Meeting & Elections

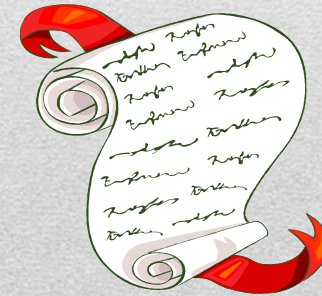
Chapter 2

Fundamentals of the Warrant



- This chapter will cover the fundamentals of a warrant and include such matters as: its nature, content and form, signing and the posting of it, how to change the date, time and place of a meeting.
- A warrant serves as a protection both for those who stay away and for those who attend.
- The warrant is a notice and a warning to all voters of articles of business which need consideration.

# introduction



- The Scope of an article may be narrow or wide, depending on the extent to which the officers wish the article to be opened on the floor.
- **An article allowing wide latitude reads like this:** *“To see what action the Town will vote to take and what sum, if any should be appropriated to relocate the Town Office?”*
- **A narrow article will read:** *“To see if the Town will vote to raise and appropriate \$100,000 to expand the current Town Office on Front Street?”*

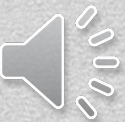
# scope of articles

---



- All business transacted at a town meeting is absolutely invalid if the meeting does not convene pursuant to a properly posted warrant.
- After the conclusion of the meeting, a warrant and its return is retained as evidence that that meeting was properly called.

**meeting is invalid if not  
properly called**



- The warrant must be signed by at least a majority of the municipal officers in a public meeting.
- It must specify a time, place and location.
- It must be directed to a town constable, or any resident by name.
- It must state the distinct articles of business which will be acted upon. Should an article be to borrow money, a treasurer's statement shall be attached.
- An attested copy of the warrant must be posted by the person to whom it is addressed at least seven (7) days prior.
- The person who notifies the voters must make a notice of return and state the time, place it was posted.
- For a secret ballot election, the warrant must also specify the voting place and state the hours in which polls are open.

# requirements of warrant

---



- The Maine Secretary of State has discontinued the use of an election warrant and instead sends or directs the municipal clerk to issue a “Notice of Election.”
- Town meetings and elections in plantations and towns continue to be called by the posting of a traditional warrant.
- Cities may also call their elections by a method established by Charter.

## **warrants distinguished from notices of election**



- The warrant is the municipal officers' document.
- If a town has established a warrant committee by action of the municipal officers, they are advisory only. If established by charter or ordinance, their powers are limited to what is assigned by the charter or ordinance, but power to determine the warrant's final form should be kept with the municipal officers.
- The final form of the warrant must be approved by the municipal officers in a properly called meeting.

## **responsibility for warrant**

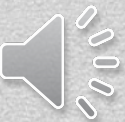
---



- All business in a town meeting must be the subject of an article to be acted upon in a town meeting which is called by a properly posted warrant.
- Articles can call for an action through business articles, enact an ordinance through ordinance articles, or express an opinion through resolutions.

## **kinds of warrant articles**

---





- To become effective, all forms of articles must be enacted, approved or adopted by being passed or failed by voting.
- To distinguish between the various types of articles, the most significant difference is the length of time each will continue to be in effect. Ordinances are expected to remain in effect until repealed, amended or replaced with a different ordinance. Simple articles, such as budget articles, generally only authorize an obligation for the current fiscal year, or until the next annual meeting.

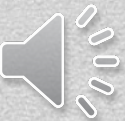
## **comparing types of articles**



- Warrant has three distinct parts
  - Greeting
  - Articles
  - Return

# form of 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,

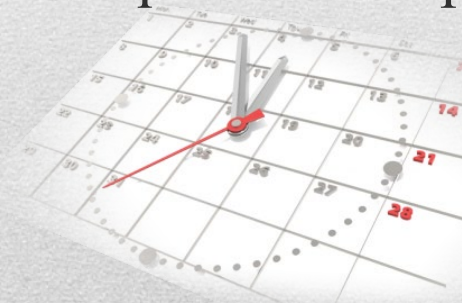
Attest: [Signature]

Clerk of: Everytown

# sample open town meeting warrant and return



- Maine law used to require that annual town meetings be held in March, but this was repealed in 1969; however, many towns continue to hold that tradition.
- Fixing the date of annual town meeting is left to the discretion of the municipal officers.
- Setting the date of a special meeting is also left to the discretion of the municipal officers, but consideration should be given to a date requested in a petition or to the specific subject matter.



# setting date of meeting



- To change the number or terms of office of selectpeople
- To change the number of members or the term of office on the Board of Assessors, or to change from a single assessor to a board, or vise versa
- To designate municipal officials additional to the moderator, selectpeople and school board to be elected by ballot at town meeting
- To create and adopt a Board of Assessment Review
- To determine whether one or more road commissioners shall be chosen, and their term of office
- To change from a nominating process from the floor, to one requiring nomination papers or a political caucus process
- To change from open town meeting for election of elected officials to the secret ballot method
- Once secret ballot voting has been adopted, to change the designation, number or terms of officials being elected by secret ballot
- To adopt the town manager plan of administration
- To adopt a redistricting ordinance, but only if a town has voting districts for the election of municipal officers
- To revoke any of the above changes, since these changes remain in effect from year to year

**items that require action at least  
90 days before the annual meeting**





- When adopting or revising a charter, the question must go to the voters at least 90 days after the date the municipal officers pass an order to submit it to the voters.
- A town or city with a population under 15,000 may opt in to Title 21A laws requiring candidate campaign finance reporting or referendum campaign finance reporting.

## **other 90 day deadlines**



- Setting the time of a meeting is left to the discretion of the municipal officers
- For a secret ballot election, the warrant must specify the opening and closing time of the polls. Polls must be kept open at least 4 consecutive hours.
- When a municipal election is held on the same date as a federal, state or county election, polls must meet the requirements of 21A Section 626, which state that:
  - Polls must not open earlier than 6 a.m. and close at 8 p.m.
  - In towns with less than 4,000 in population, polls must open no later than 10 a.m.
  - Municipalities with 4,000 or more in population must open no later than 9 a.m.
  - If you have less than 100 citizens, polls must remain open until all have voted.



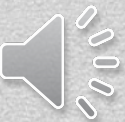
# setting time of meeting



- A bifurcated town meeting is one where a secret ballot election is coupled in the same warrant with an open town meeting for other business.
- The warrant must schedule the portion of the meeting devoted to other business to be held within 14 days of the part devoted to the election and must specify the date, time and location for each part of the meeting.

## **two-part meetings**

---





**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.

285

- 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.]

286

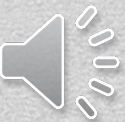
# sample town meeting warrant and return bifurcated town meeting

17



- It is not permissible to conduct secret ballot voting at the same time as the open portion of the town meeting, even when the voting booths are set up in the same room in which the open town meeting is being held.

# **simultaneous voting and open town meeting**



- State statute does not prohibit holding meetings on these days, but doing so may invite criticism from the public since this might interfere with religious practices.

**meetings on saturdays,  
sundays or holidays**



- In a two-part meeting, state law directs that a vote taken by secret ballot takes precedence over a vote by any other means at the same meeting.
- Any motion to reconsider a secret ballot election result arising at the same meeting should be ruled out of order by the moderator.

# **precedence of secret ballot vote**





- The municipal officers have discretion to choose the location where the meeting will be held, which must be specified on the warrant.
- If there is no adequate facility in town, the meeting can be held outside of the municipality if the proposed location is:
  - Within an adjoining or nearby municipality
  - Not more than 25 miles from the corporate limits of the town holding the meeting, and
  - Reasonably accessible to all voters of the town

# setting place of meeting



- If the warrant has not been posted for seven days, and at least seven days remain before the town meeting or election day, the municipal officers should vote to take down the warrant and to prepare and post a new warrant showing the new meeting location.
- If the warrant has already been up for seven days, or when there are less than seven days remaining before the meeting day, then the meeting must be convened at the announced location, a moderator must be elected, and the a motion called for to recess the meeting to reconvene at a substitute location at a time stated in the motion.

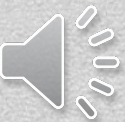
## **change of location after warrant posted**



- State law says that the warrant shall state in distinct articles the business to be acted on at the meeting and that no other business may be acted upon.
- Each article is intended to be a warning to the voters of what elections will be held and what business will be voted on, so that they can decide whether or not to attend the meeting.
- Catch-all articles, such as ones that simply read “new business”, that are wide-open give no fair warning to voters of the business of the meeting, and should be avoided.
- It is recommended that straw polls or verbal presentations from a professional be included on the warrant, since they are intended to either inform voters or to elicit their opinions.

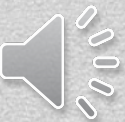
# articles to be distinct

23



- If the municipal officers intend to stay after the meeting is adjourned to discuss certain issues with voters, they must give advance warning to be in compliance with Maine's Freedom of Access Law.
- Notice of such a meeting should be given by noting in the warrant or by the usual means employed by the town to give notice of meetings of the municipal officers.

# meeting of municipal officers





- The warrant must be signed by at least a majority of the full number of municipal officer seats, including any vacant seats or absentees or abstentions.
- The signing of the warrant must take place during a meeting of the municipal officers, since this act constitutes a transaction of public business.



# signing the warrant





- Some items may be mentioned in the warrant in addition to the actual business of the meeting, such as:
  - A notice of the hours of voter registration
  - A notice of a statutory ban on smoking in public meetings

**warrant can include  
notice of related matters**



- State law provides that a warrant shall be directed to a town constable, or to any resident by name, ordering that person to notify all voters to assemble at the time and place appointed.



# posting of warrant





- The warrant must be posted in some conspicuous public place in the town, unless the town has adopted a different method of notification.

# where posted



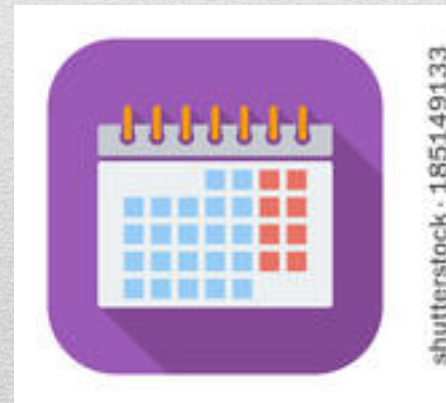
- It is normally the municipal clerk who would prepare the attested copies of the warrant.
- Some towns use the warrant return forms indicating that the person posting has attested the posted copies.



# attestation



- The warrant must be posted at least 7 days before the meeting.
  - To determine the 7<sup>th</sup> day, start with the day before the planned meeting day being one, then count backwards with each day until you reach day seven, which would be the last day on which the warrant can be posted.



# when posted



- The return of the warrant is a certification by the person who posted it that one or more attested copies of it have been duly posted.
- The return should be executed on the original warrant at the clerk's office; the clerk should not release the original to the person doing the posting.
- The return is essential to the validity of the town meeting and is the only proper evidence of the meeting's legality.

# return of warrant



- When a constable make an original return, it need not be under oath, because the constable is a sworn officer.
- When a resident makes an original return, it should be made under oath.



**oath/attestation of return**

**32**







- The return can be amended if it contains errors or omissions, but the same person who made the original return must amend it, and the amended return must be made under oath.

# amending the return



- Before posting the warrant, it can be reprinted or retyped to add, delete or change articles as long as a majority of the municipal officers have not signed it.
- If a majority have signed it, they can vote at a regular meeting to rescind it.



# changes to the warrant



- After posting, if the original warrant has not been posted for 7 days, the municipal officers can vote to direct the person who posted it to take it down and return it with any attached postings, and can also vote to direct that it be replaced with a new or expanded warrant.
- An alternative to taking down and replacing the warrant is the addendum warrant, which can add articles. The addendum warrant must be posted at least 7 days before the meeting and should contain it's own greeting and it is recommended to direct it to the person who posted the original.

# changes to the warrant



**Sample Warrant Form and Return--Addendum (Supplemental) Warrant**

Note: This sample Addendum, or Supplemental Warrant may be used to add articles to a warrant which has already been posted, but may not be used to change the date or time of a town meeting or election.

**TOWN OF EVERYTOWN  
ADDENDUM (SUPPLEMENTAL) 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, qualified by law to vote in said Town, 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(s), to wit:

Art. 54. To see if the Town will vote to appropriate the sum of \$2,000 from the Undesignated General Fund to help cover costs of equipment, supplies, and insurance for the Everytown Area Rescue Squad.

Information and recommendation: This article was inadvertently omitted from the Town meeting warrant already posted. This supplemental warrant adds the article to the agenda for the meeting called for April 12, 2014. The rescue squad is a Maine not-for-profit corporation serving Everytown and four area towns.

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

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

A true copy of the warrant,

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

Clerk of: Everytown

287

**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)

288

# sample addendum warrant and return



- Many towns include the warrant in the annual report, so that voters will have a copy of the warrant in advance of the meeting. If the warrant in the annual report ends up being incorrect, it is the contents of the posted warrant that officially constitute the business of the meeting, so the meeting is not bound by the version of the warrant contained in the annual report.

## **relation of posted warrant to annual report version**



- The three distinct parts of the warrant
- The difference between a narrow article and a wide article
- The difference between a traditional open town meeting and a bifurcated meeting
- The required time that a warrant must be posted
- Who posts the warrant
- How the warrant gets approved and signed
- How to change a warrant

# Knowledge check

---





- You have reached the end of Module 2 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

