



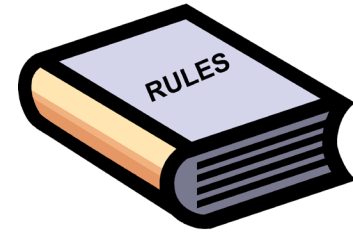
Municipal Law for Clerks

Chapter 8

Elections



Resources



- Secretary of State's staff (state elections)
- Maine Municipal Legal staff
- Municipal Clerk's Manual, revised in 2013 (MMA)
- State statutes, Title 21-A & 30-A
- Voter Registration & Elections Manual (SOS)
- CVR Manual (SOS)
- Town Meeting & Elections Manual (MMA)
- Clerk mentors
- MTCCA sponsored 21-A Elections class, Voter Registration class, and 30A Municipal Elections class



Election Laws

- The clerk and registrar's duties regarding state, federal and county elections are found in Title 21-A
- Responsibilities of the clerk for town meeting and local election are found in 30-A MRSA sec. 2501-2556
- Procedures for local elections may be specified in a municipality's charter



Election law relationships



- 30-A sec. 2501 details the relationship between Titles 21-A and 30-A regarding municipal elections.
- Generally, where a municipal charter makes provisions regarding local elections that are different than those specified in 21-A or 30-A, the local charter should be followed.
- Where 21-A provisions and a corresponding 30-A provision call for different procedures, the 30-A procedures should be followed for a local election or town meeting. Where 30-A is silent, most 21-A procedures will apply, unless 21-A provisions are specifically related only to a state, federal or county election.



State, Federal & County Elections



- Clerk's responsibilities are:
 - Administer the absentee voting process
 - Instruction election officials on election laws prior to election day
 - Coordinate and schedule election officials (wardens, ward clerks, election clerks)
 - Make arrangements in advance of election day for poll watchers, petition circulators, and others who request to be at the polls
 - Prepare and deliver to and from the polls all election equipment and materials, including the ballots
 - Advise the warden on election laws and procedures on election day
 - Timely report the return of votes cast to the Secretary of State, along with other required reports
 - Attend a training session approved by the Secretary of State every 2 years regarding the conduct of elections
 - Perform other duties as required

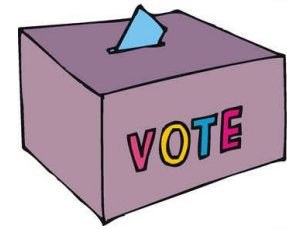


State, Federal & County Elections

- Refer to the Voter Registration and Elections Manual for details on absentee voting, preparing for election day, the voting process, restricted activity at the polls, etc.
- The clerk acts under the direction of the Secretary of State.



Municipal Elections



- Perform the duties of the Secretary of State found in 21-A, when 21-A applies to municipal elections.
- Accept and validate petitions, and communicate with petitioners and municipal officers in regards to citizen initiated referenda.
- Attest copies of the town meeting warrant to be posted.
- Open the town meeting by calling for the election of the moderator by written ballot, count the votes, and swear in the moderator.
- Prepare written ballots and record the votes of town meeting.
- Swear in municipal officials, and record the election, appointment and oath of those officials.



Municipal Election duties continued...



- Issue warrants for officials elected, but not sworn at the town meeting.
- In municipalities where the statutory alternative nomination procedure for open town meeting has been adopted, attest and post candidates' names and the office being sought.
- Issue nomination papers to prospective candidates and accept returned papers according to statutory deadlines in municipalities that have adopted secret ballot voting.
- Prepare ballots, specimen ballots and instruction cards for secret ballot elections and referenda. Post specimen ballots.
- Deliver ballots to ballot clerks on election day, receive ballots from ballot clerks, and seal and maintain ballots after the election.
- Arrange ballot inspections and recounts and perform recounts.
- Prepare ballots, specimen ballots and instruction posters; post specimen ballots and instruction posters for city elections.



just
another
example

Sample forms

- Many sample forms can be found in the appendix of the Town Meeting & Election Manual.
- The MTCCA listserv is another resource for clerks to poll the membership for forms and advice in regards to municipal elections.
- The Secretary of State's office will not provide forms or give opinions regarding municipal elections.



Clerk running for re-election



- A clerk who is running for re-election, and is opposed on the ballot, may not deliver, receive, accept, notarize or witness an absentee, other than the candidate's own absentee ballot.
- The law requires the clerk to appoint a deputy or assistant to handle absentee ballots, and the municipality is required to pay all costs associated with the temporary employment of the deputy/assistant.



Test your knowledge

- Which statute relates to state, federal and county elections
- Which statute relates to municipal elections
- The relationship between election laws and a municipal charter
- Clerk's responsibilities for state, federal and county elections
- Clerk's responsibilities for local elections



Thank You



- You have reached the end of Module 8 of Municipal Law for Clerks.
- For specific questions on state elections, please contact the staff at the Secretary of State's office. For specific questions on local elections contact MMA legal, or a clerk mentor.
- Please print this final page as proof of completion of this module.
- You may submit this final page to MMA along with the other ten modules' completion pages to obtain a certificate to be used for certification points.

