

ARTICLE X. NOMINATIONS AND ELECTIONS**[Sec.] 1001. Establishment of five voting districts.**

Within 30 days after the voters of the city have adopted this charter, as provided in section 1301, the city council shall by ordinance divide the city in 5 voting districts. Districts shall be as equal in population as may be and shall be compact and contiguous. There shall be one, at least, voting place established in each of the 5 districts. Once established, district boundaries may not be revised until after the next decennial Federal Census of population. In the year following each Federal Census of population the council shall review the district boundaries, and by ordinance revise said boundaries to accord with population changes, so that each district as revised will accord with the above stipulations as to equality of population, continuity and compactness.

Nothing hereinabove contained shall be in any way construed so as to affect the qualifications, tenure or terms of office of the present members of the city council or school board.

[Sec.] 1002. Date of elections and procedure to determine results.

Effective in 1989, the regular municipal elections under this charter shall be held annually on the Tuesday following the first Monday of November. At these annual elections the qualified voters of the city shall ballot within their regular districts and at their respective voting places for members of the city council and members of the board of education and the candidates for these offices shall be duly qualified under the nomination regulations contained herein: The said annual municipal election being held for the purpose of replacing by a city-wide vote the members of the city council and the members of the board of education whose terms automatically expire for the current municipal year within which that election is held, and to fill the unexpired term of any councilman or member of the board of education whose office is then vacant but whose term of office would not then have normally expired. In addition, the qualified voters of the several voting places of the 5 districts shall ballot for the following offices for each district: One warden, one ward clerk.

All votes cast for the several offices shall be counted, sorted, declared and registered in open meeting as required by law. The ward clerk shall forthwith deliver to each person elected warden or ward clerk a certificate of his election and shall forthwith deliver to the city clerk a certified copy of the record of such election.

After such elections, the then City Clerk shall examine not longer than 24 hours after such elections, the records of the several voting places, certified as aforesaid and shall determine the successful candidates according to the laws of the State of Maine and shall cause the persons who shall have been elected councilmen, members of the board of education, wardens and ward clerks to be notified in writing of their election. If it appears that no person has been elected in any district to the office of councilman or to the office of a member of the board of education or if any person refuse to accept any of the above offices to which he has been elected, then warrants shall be issued forthwith for another election to fill the vacancy.

In order to accomplish the change of date of municipal election year, there will be no election scheduled in May of 1989; those officials elected in the municipal election in 1986 shall serve a term to expire the first Monday in December following a full term for each such office. Those elected officials serving an unexpired term at the time of change of municipal election year shall have their terms extended approximately 6 months to expire on the first Monday in December, effective 1989.

(Ref. of 11-2-76; Ref. of 12-3-79; Ref. of 11-8-88; Amend. of 11-5-91; Ref. passed 11-5-91)

[Sec.] 1003. Warden and ward clerk; eligibility, tenure, qualifications, powers and duties; vacancies.

The warden and ward clerk chosen as provided in the foregoing section shall be residents of the district for which they are elected and they shall enter upon their duties on the first Monday following their election and hold their offices three years therefrom and until others are chosen and qualified in their places. The warden and ward clerk shall be sworn to the faithful performance of their duties by a person

qualified under the statutes of the State to administer oaths, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all meetings of his voting district with the powers of moderators of town meetings and if at any meeting the warden shall not be present, the clerk of the voting district shall call the meeting to order and preside until a warden pro tempore shall be chosen. The warden shall have all the rights and powers now held by the wardens of existing districts. If neither the warden nor ward clerk is present, any legal voter in the district may preside until a clerk pro tempore shall be chosen and qualified.

Immediately following the election of a clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver to his successor in office all such records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk.

The ward clerk shall have and perform all rights and duties now held and performed by the ward clerks of existing districts so far as consistent with this charter. All voting district meetings shall be notified and called by the city council in the manner provided by the laws of this State for notifying and calling town meetings by the selectmen of the several towns.

(Ref. of 11-7-89)

[Sec.] 1004. Nominations.

The nominations of all candidates for elective offices provided for in this charter shall be by petition. The petition for a candidate for the city council or board of education shall be signed by not less than 100 nor more than 300 of the qualified voters of the city. The petition of candidates for wardens, ward clerks shall be signed by not more than 100 nor less than 30 qualified voters of that district within which they are registered as voters. No voter shall sign petitions for more than one candidate for each office to be filled at the election and should any voter sign more than one such petition his signature shall be counted only upon the petition first filed and shall be held to be void upon all other petitions.

(Ref. of 11-2-76)

[Sec.] 1005. Form of nomination paper.

The signatures to nomination papers need not all be affixed to one 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 other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

The city clerk of the City of South Portland:

We, the undersigned voters of the City of South Portland, hereby nominate _____ whose residence is _____ for the office _____ to be voted for at the election to be held in the City of South Portland 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 nomination petition containing _____ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose name 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 _____ No. _____ Street.

[Sec.] 1006. Filing nomination papers; acceptances of nominations must be filed.

The nomination petitions for any one candidate shall be assembled and united into one petition and filed with the city clerk not earlier than 73 nor later than 59 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 59 calendar days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

(P.&S.L. 1967, Ch. 37, § 5; Ref. of 6-12-90; Ref. of 11/4/97, effective 7/1/98)

[Sec.] 1007. 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 published in South Portland or Portland the names, the residences and office[s] to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

[Sec.] 1008. 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.] 1009. Form of ballot.

Ballots for use in elections under this charter shall contain 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 left of the candidate's name and residence. Such ballots shall be without party mark or designation and shall be in form as prescribed by the city clerk. The effective date of this amendment shall be May 1, 1987.

(Ref. of 11-4-86)

[Sec.] 1010. Arrangement of names of candidates.

The city clerk in preparing all ballots for election under this charter shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames, as to districts.

[Sec.] 1011. Count of ballots.

As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and with the assistance of the ward clerk and the ballot clerks sort and count them and the warden shall declare them in open meeting in the presence of the ward clerk; and the ward clerk shall form a list of the person[s] voted for with the number of votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward meeting enter the total number thereof on a tally sheet provided by the city clerk. The ward clerk shall enter the number of votes for each candidate on said tally sheet, and make return thereof to the city clerk on a blank by said city clerk provided. Only one vote shall be counted for any candidate on any one ballot.

[Sec.] 1012. Specimen ballots to be published and posted.

The city clerk shall cause specimen ballots to be posted in public places in each district 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.