

Chapter 32

ELECTIONS*

Article I. In General

- Sec. 32-1. Wards described.
- Sec. 32-2. Write-in vote.
- Sec. 32-3. Validity of vote.
- Sec. 32-4. Voter approval required.
- Sec. 32-5. Affidavit of Residency
- Secs. 32-6--32-25. Reserved.

Article II. Initiative and Referendum

- Sec. 32-26. Established.
- Sec. 32-27. How to invoke.
- Sec. 32-28. Form of petition.
- Sec. 32-29. Ordinances subject to initiative or referendum.
- Sec. 32-30. Number of votes required.
- Sec. 32-31. Submission to voters; municipal action eliminating an election.
- Sec. 32-32. Effective date after election.
- Sec. 32-33. Conflicting ordinances.
- Sec. 32-34. Order upon the ballot.
- Sec. 32-35. Amending and repealing matters enacted by the people.
- Sec. 32-36. Authority to submit question to a popular vote.
- Sec. 32-37. Publication required.
- Sec. 32-38. Form of ballot.
- Sec. 32-39. Ordinances not retroactive.
- Sec. 32-40. Additional ordinances authorized.
- Sec. 32-41. Authority of council to submit question for nonbinding vote.

***Cross references:** Administration, ch. 2.

State law references: Municipal elections generally, 30-A M.R.S.A. § 2501 et seq.

ELECTIONS

ARTICLE I. IN GENERAL

Sec. 32-1. Wards described.

Official Ward Map. The wards of the city for all elections of the city shall be as shown on the map dated June 13, 2014 and maintained on file in the office of the city clerk.

The map shall depict the boundaries of each of the seven city electoral wards.

All amendments to the map shall be approved by the city council, and all amendments so approved shall be recorded in the office of the city clerk.

(Code 1982, § 9-1; Ord. No. 93-10, § 9-1, 7-1-93; Ord. No. 93-14, § 9-1, 8-19-93; Ord. No. 4-22, 9-9-04; Ord. No. 14-08, 6-13-14)

Sec. 32-2. Write-in vote.

If a voter wishes to vote for a person whose name is not on the ballot, he shall write the full name in the blank space provided at the end of the list of nominees for the office in question, with the surname first or last. The voter shall then complete the voting indicator next to the name.

(Code 1982, § 9-3, Ord. No. 14-01, 3-6-14)

Sec. 32-3. Validity of vote.

If a voter marks his ballot or casts a write-in vote in a manner which differs from the instructions at the top of the ballot, but in such a manner that it is possible to determine the voter's choice, then the vote for the office or question concerned shall be counted.

(Code 1982, § 9-4)

Sec. 32-4. Voter approval required.

No local tax monies shall be spent to build a convention center or civic center in the City of Lewiston. The construction of a convention center or civic center shall not be funded through the city's general budget, general obligation bonds, and/or community development block grants unless approved by the voters at a regular or special municipal election.

(Ord. No. 98-10, 11-5-98)

Sec. 32-5. Affidavit of Residency.

Any person filing for any elected city office shall, no later than the closing date for the receipt of nomination papers, file with the City Clerk a statement made under oath and notarized, indicating their place of residence and obligating them to notify the Clerk, during the term of the office to which elected of any change in that place of residence, within or outside the ward, to which the candidate was elected unless the candidate is a mayor or an at large member of the School Committee, in which case it is a change of residence outside the City.

ELECTIONS

AFFIDAVIT OF RESIDENCE

(To Be Submitted To The Lewiston City Clerk On Or Prior To The Last Date On Which
Nomination Papers Are Due)

I _____, being first duly sworn, do hereby state that I am a resident of the City of Lewiston, a registered voter in Ward ____, that on or prior to the last date on which nomination papers are due I will have been qualified to vote in Ward ____ for a period at least three (3) months (at least six months for mayoral candidate) and a candidate for _____ an elected office within said city, do hereby affirm that I reside at _____ within said city, that it is my residence within the meaning of state law, 21-A M.R.S.A. §112, as that place where I have established a fixed and principal home to which I, whenever temporarily absent, intend to return, and has been my residence since _____.

Furthermore, I agree that if elected, I am obligated to notify the City Clerk within ten (10) days of any change of residence to a different location within or outside of the Ward to which I am elected unless I have been elected to the position of mayor or an at large position on the School Committee in which case I am to notify the City Clerk within ten (10) days of any change of residence to a location outside of the City. Change of residence means "the act of removal, joined with the intent to remain in another place" as the phrase is used in 21-A M.R.S.A. §112.

Affiant Signature

Date

State of Maine

Androscoggin, ss

Then personally appeared before me, the aforementioned _____, and made oath to the truth of the foregoing statement to the best of my knowledge, information and belief. Subscribed and sworn to before me this ____ day of _____, 20__ under the pains and penalty of perjury.

Notary Public

My commission expires: _____ (SEAL)

(Ord. No. 21-03, 8-12-21)

ELECTIONS

Secs. 32-6--32-25. Reserved.

ARTICLE II. INITIATIVE AND REFERENDUM

Sec. 32-26. Established.

Initiative and referendum for the electors of the city in regard to its municipal affairs are hereby established in accordance with article 4, part 3, section 21, of the state constitution.

(Code 1982, § 9-18)

Sec. 32-27. How to invoke.

The submission to the vote of the people of any proposed or enacted ordinance, order or resolve, or question, may be accomplished by the presentation of a petition therefor to the council in the manner provided in this article. Any ten qualified voters of the city may originate a petition putting in operation the initiative or the referendum by signing a petition application at the office of the city clerk. The petition application shall be available to accept signatures for 10 working days. Whenever requested by ten such voters, the clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto, and upon its being signed by the ten voters, the clerk shall issue the petition forms to the ten voters and upon the request of any registered voter within the city, who shall for 60 days thereafter collect signatures of qualified voters of the city. Any signatures collected outside of the 60-day period shall be deemed invalid. Prior to the close of business on the 60th day, or in the event said day is a nonbusiness day, the immediate next business day, the petition forms shall be submitted to the city clerk, the city clerk shall declare the petition closed, shall verify the signatures on the petition within ten business days, and shall at the first regular meeting of the council thereafter present the petition with verification of the number of valid signatures thereto attached to the council. If the number of valid signatures to such petition shall amount to seven percent of the number of votes cast in the City of Lewiston at the last gubernatorial election or greater, the council shall order that the question proposed in the petition be submitted to the voters of the city at the next available, scheduled election following.

Provided, that in the case of the referendum, the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the council of the desired ordinance, order or resolve, shall put an end to all proceedings under the petition.

(Code 1982, § 9-19; Ord. No. 08-01, 7-10-08; Ord. No. 14-09, 01-01-2015)

Sec. 32-28. Form of petition.

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

PETITION TO THE CITY COUNCIL

FOR THE SUBMISSION TO THE PEOPLE OF THE QUESTION

Shall the ordinance, order, resolve or question, a copy of which is hereunto attached, be adopted?

ELECTIONS

We, the undersigned, are duly qualified voters of the City of Lewiston, residing respectively at the addresses placed opposite our names, and we hereby petition the city council to submit the foregoing question to the voters of the City of Lewiston at the next regular municipal election.

Names	Residence	Date
_____	_____	_____
_____	_____	_____

(Code 1982, § 9-20; Ord. No. 08-01, 7-10-08)

Sec. 32-29. Ordinances subject to initiative or referendum.

Initiatives and referendums are permitted on all ordinances, orders and resolves pertaining to the policing power authority of the council to regulate, govern and enforce all legislative matters on the municipal level regarding the health, safety and welfare of the general public, such as, but not limited to zoning, licensing, noise, traffic, solid waste, animals and other related issues. Any resolve dealing with appropriations or orders or resolves dealing with tax levy or budgetary matters shall be subject to the ordinance from which this section derives for the next fiscal year following the successful passage by the voters. No ordinance, order or resolve dealing with terms and conditions of employment for city employees shall be subject to the initiative and referendum provisions contained in this article.

(Ord. No. 08-01, 7-10-08)

Sec. 32-30. Number of votes required.

Whenever a petition has been originated in accordance with the provisions of this article for the reference to the people of any ordinance, order, resolve or question passed by the council, and the required number of valid signatures has been obtained thereon for its presentation to the council, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters on such question, unless otherwise restricted in section 32-29.

(Code 1982, § 9-21; Ord. No. 08-01, 7-10-08)

Sec. 32-31. Submission to voters; municipal action eliminating an election.

When an initiative or referendum petition meeting the requirements of this article is presented by the city clerk, the city council shall order that the proposed or referred ordinance, order, resolve or question be submitted to the voters of the city at the next available, scheduled election following if not otherwise earlier authorized by a special election, unless the city council proceeds to repeal the ordinance, order, resolve or question in the case of a referendum, or to pass the desired ordinance, order, resolve or question in the case of the initiative.

(Code 1982, § 9-22; Ord. No. 08-01, 7-10-08)

ELECTIONS

Sec. 32-32. Effective date after election.

If a majority of the qualified voters voting on a proposed initiative ordinance, order, resolve or question or a referred ordinance, order, resolve or question shall vote in favor thereof, such ordinance, order, resolve or question shall take effect upon the declaration of the official canvass of the return of such election and the mayor shall forthwith make proclamation thereof.

(Code 1982, § 9-23; Ord. No. 08-01, 7-10-08)

Sec. 32-33. Conflicting ordinances.

Any number of proposed or referred ordinances, orders, resolves or questions may be voted upon at the same election. If two or more ordinances, orders, resolves or questions adopted at the same election shall contain conflicting provisions, the ordinance, order, resolve or question receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

(Code 1982, § 9-24; Ord. No. 08-01, 7-10-08)

Sec. 32-34. Order upon the ballot.

If two or more ordinances, orders, resolves or questions are submitted at the same election, they shall be placed upon the ballot in the 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 council on its own initiative.

(Code 1982, § 9-25; Ord. No. 08-01, 7-10-08)

Sec. 32-35. Amending and repealing matters enacted by the people.

An ordinance, order, resolve or question proposed by petition or adopted by vote of the people shall not be repealed or amended except by a vote of the people, unless such ordinance, order, resolve or question shall otherwise expressly provide.

(Code 1982, § 9-26; Ord. No. 08-01, 7-10-08)

Sec. 32-36. Authority to submit question to a popular vote.

The council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order, resolve or question except as otherwise provided in this article, to be voted upon at a regular or special city election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order, resolve or question shall be enacted, repealed or amended accordingly.

(Code 1982, § 9-27; Ord. No. 08-01, 7-10-08)

Editor's note: Lewiston voters accepted this ordinance, that was passed by the council, at an election held on Feb. 17, 1947.

State law references: City council's authority to establish the initiative and referendum, the Maine Constitution, art. IV, § 21.

ELECTIONS

Sec. 32-37. Publication required.

Whenever any ordinance, order, resolve or question is required by the provisions of this article to be submitted to the voters of the city, the city council shall order one publication of the complete text thereof to be made in the daily newspapers published in the city, such publication to be made not less than seven days, nor more than 15 days prior to the election.

(Code 1982, § 9-30; Ord. No. 08-01, 7-10-08)

Sec. 32-38. Form of ballot.

The ballots used when voting upon proposed ordinances, orders, resolves or questions shall set forth the title in full and state its general nature and shall contain the words: "For the ordinance, order, resolve or question" and "Against the ordinance, order, resolve or question".

(Code 1982, § 9-31; Ord. No. 08-01, 7-10-08)

Sec. 32-39. Ordinances not retroactive.

All ordinances, orders, resolves or questions and parts thereof which are hereafter repealed through the initiative and referendum provided for in this article shall remain in force for the trial and punishment of all past violations of them and for the recovery of penalties and forfeitures already incurred and for the preservation of all rights and remedies existing by them and, so far as they apply, to any office, trust, proceeding, right, contract or event already affected by them. (Code 1982, § 9-29; Ord. No. 08-01, 7-10-08)

Sec. 32-40. Additional ordinances authorized.

The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article. (Code 1982, § 9-28; Ord. No. 08-01, 7-10-08)

Sec. 32-41. Authority of council to submit question for nonbinding vote.

The council may submit to the electorate on its own initiative a nonbinding question, to determine the collective views of the voters, to be voted upon at a regular or special city election. Such question shall be entitled on the Ballot "Nonbinding Question To Voters" and the vote thereon shall not be binding upon the council. The city clerk shall report to the council the results of such vote at the next council meeting occurring at least ten days after the date of such election. Such question shall not be subject to sections 32-26 through 32-36 or 32-38.

(Ord. No. 01-15, 10-4-01; Ord. No. 08-01, 7-10-08)