

CHAPTER 8 - ELECTIONS

SECTION 101

In accordance with the provisions of the City Charter, the ward boundaries as they currently exist, are hereby discontinued and the City shall be consolidated into a single ward effective January 1, 2004. This amendment is subject to approval by the voters of the City of Brewer casting ballots on an amendment to the City Charter at the regular annual municipal election held on November 4, 2003. The City Council may, by ordinance, divide this single ward into precincts for election purposes in accordance with the provision of the Revised Statutes of Maine, as amended.

SECTION 102 POLLING PLACES (#6)

The polling place for the City of Brewer shall be the Joseph L. Ferris Community Center.

ARTICLE 2.

SECTION 201 RULES AND REGULATIONS

The rules and regulations established under M.R.S.A., Title 21-A for the conduct of state elections are herewith adopted by reference. The rules and regulations established under and M.R.S.A., Title 30-A for the conduct of municipal elections are also herewith adopted by reference except where such rules and regulations conflict with the rules and regulations for municipal elections for the City of Brewer as established by the Brewer City Charter, in which case the provisions of the Brewer City Charter shall govern.

SECTION 201.1 GOVERNANCE FOR COUNTING WRITE-IN VOTES

Adopt the provisions of Title 21-A, Section 696, Subsection 2, Paragraph C and Title 21-A, Section 722-A, as governance for Counting Write-In Votes. Votes for write-in candidate are counted only if that candidate has filed a timely declaration of write-in candidacy with the municipal clerk in accordance with Title 21-A, Section 722-A, except that votes for write-in candidates must be counted if:

1. the printed ballot does not include a properly nominated candidate for the office; or
2. a properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day.

ARTICLE 3. MUNICIPAL ELECTIONS

SECTION 301 BALLOT FORMAT

Ballots for candidate for city or school elective offices shall contain the name and street address of each candidate as shown on the nomination petitions. To the left of each name shall be one of the following: an oval which voters shall completely fill in, or a broken arrow which voters shall connect to designate their choices. A blank space or spaces shall be at the end of the list of candidates for each office in which voters may insert the first and last name and street address of any person whose name not printed on the ballot for whom he or she desires to vote. The surname of any person so inserted may be given either first or last and his or her street address shall be given.

The ballot shall be printed substantially as follows:

OFFICIAL BALLOT FOR CITY OF BREWER
MUNICIPAL ELECTION, TUESDAY, MONTH, DAY, YEAR

_____ A.D.

To vote for a candidate do one of the following: fill in the oval (); or complete the arrow → in the square or space to the left of the name and street address.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

For Member(s) of the City Council

Vote For not more than (number)

Name of Candidate _____	Street Address _____
Name of Candidate _____	Street Address _____
Name of Candidate _____	Street Address _____
Name of Candidate _____	Street Address _____

For Superintending School Committee

Vote For not more than (number)

Name of Candidate _____	Street Address _____
Name of Candidate _____	Street Address _____

For Trustee of the Brewer High School District

Vote For not more than (number)

Name of Candidate _____	Street Address _____
Name of Candidate _____	Street Address _____

To have Referendum Question included on same ballot as candidate ballot the procedure is:

On your ballot, do one of the following: fill in the oval () or, complete the arrow → in the square or space to the left at the bottom of the question.

Yes _____ Shall (continuation of question)

No

(A brief explanation of the referendum question)

(Facsimile of Signature) City Clerk

SECTION 302 NOMINATION PETITIONS

The nomination of all candidates for elective office shall be by petition as provided in Article VI, Section 3 of the Brewer City Charter. The nomination petitions shall be on forms prepared by the City Clerk. The City Clerk shall type or print, on the nomination petition, the name and address of the candidate and the office that candidate is seeking. Only nomination petitions prepared by the City Clerk shall be valid for candidates for local elective office. Any change or alteration of a name, address or office sought entered on the nomination petition prepared by the City Clerk shall render that nomination petition null and void. The City Clerk shall maintain a list of candidates to whom nomination petitions were issued and this list shall be a public record. As of January 1, 2005, many City of Brewer nomination petitions that have not prepared by the City Clerk as provided above shall be invalid.

SECTION 303 INCOMPATIBILITY OF OFFICES (#7)

The elected municipal offices of the City of Brewer are incompatible, and a single resident cannot hold more than one elected municipal office simultaneously. A resident may not file as a candidate for more than one elected municipal office during a single municipal election. The City Clerk shall not issue nomination petitions to a resident for more than one elected municipal office during a single municipal election.

ARTICLE 4. BREWER REGISTRATION APPEALS BOARD

SECTION 400 PURPOSE

SECTION 400.1

The purpose of this ordinance shall be to regulate the affairs of the Brewer Registration Appeals Board in accordance with the Brewer City Charter and applicable State Statutes.

SECTION 401 APPOINTMENT AND REMOVAL

SECTION 401.1 APPOINTMENT

Three (3) registered voters of the City of Brewer shall be appointed to serve as members of the Brewer Registration Appeals Board, and an additional two (2) registered voters shall be appointed to serve as alternate members of said Board in accordance with Title 21-A M.R.S.A. §103(1) and as the same may be amended from time to time. Those persons serving as members and alternate members of said Board at the time this Ordinance is enacted shall continue to serve for the balance of their term and until the member's successor is appointed and sworn.

SECTION 401.2 INELIGIBILITY OF THE CITY CLERK

The Brewer City Clerk shall be ineligible to serve as a member or alternate member of the Brewer Registration Appeals Board.

SECTION 401.3 TERM

The term of any member or alternate member of the Brewer Registration Appeals Board shall be determined in accordance with Title 21-A M.R.S.A. §103(1), and as the same may be amended from time to time.

SECTION 401.4 REMOVAL

Any member or alternate member of the Brewer Registration Appeals Board may be removed prior to the end of the term in accordance with Title 21-A M.R.S.A. §103(8), and as the same may be amended from time to time.

SECTION 401.5 RESIGNATION

Any member or alternate member of the Brewer Registration Appeals Board may resign; however, such resignation shall only become effective when the successor of the member or alternate member is appointed and sworn.

SECTION 402 ORGANIZATION OF THE BOARD

SECTION 402.1 CHAIRMAN

The Chairman of the Board shall be the person nominated by the Brewer City Clerk.

SECTION 402.2 DUTY OF THE CHAIRMAN

The Chairman shall preside at all meetings and hearings conducted by the Board unless the Chairman is absent.

SECTION 402.3 VICE CHAIRMAN

The Brewer Registration Appeals Board shall annually alternate the position of Vice-Chairman for the calendar year, with the Vice-Chairman during the calendar year for 1996 being the member nominated by the Republican Party, and the Vice-Chairman for the calendar year 1997 being the member nominated by the Democratic Party. The position of Vice-Chairman of the Board shall continue to alternate between the members appointed by the major parties on the first day of each calendar year thereafter in the same order.

SECTION 402.4 DUTY OF THE VICE-CHAIRMAN

The Vice-Chairman shall preside at all meetings and hearings conducted by the Board in the absence or disability of the Chairman.

SECTION 402.5 SECRETARY

The Brewer Registration Appeals Board shall annually rotate the position, with the member nominated by the Democratic Party serving as the Secretary of the Board during the calendar year 1996 and the member nominated by the Republican Party serving as the Secretary of the Board during the calendar year 1997. The position of Secretary shall continue to rotate between the members nominated by the major parties on the first day of each calendar year thereafter in the same order.

SECTION 402.6 DUTY OF THE SECRETARY

The Secretary shall maintain a written record of all proceedings before the Board. The records of the Brewer Registration Appeals Board shall be maintained with the City Clerk.

SECTION 402.7 OFFICERS PRO TEM

In the absence of the Chairman and Vice-Chairman or the absence of the Secretary, those present and voting may elect a member or alternate member present and voting as the pro tern Chairman or Secretary, as the case may be.

SECTION 403 MEETINGS

Meetings of the Board shall be called at any time by the

Chairman or the Vice-Chairman or as the same may be required by Title 30-A M.R.S.A. §103(6), and as the same may be amended from time to time. The Board shall also be available to hear and decide any complaint made on election day during the hours of voting.

SECTION 404 DECISIONS

All decisions shall be by a simple majority of the members and/or alternate members voting.

SECTION 405 RULES FOR CONDUCTING THE MEETINGS

All meetings shall be conducted in accordance with Maine Revised Statutes and this Ordinance. If neither controls the affairs of the meeting, the meeting shall use the 2007 edition of "The Modern Rules of Order" by the Pennsylvania Bar Institute. The Board may adopt additional rules of order as long as the adopted rules are not inconsistent with State Law. If there is conflict between The Modern Rules of Order, adopted rules of order and State Law, State Law prevails.

SECTION 406 COMPLAINTS

SECTION 406.1 FILING THE COMPLAINT

Any person aggrieved by the decision of the Registrar may file a complaint with the Brewer Registration Appeals Board by filling out the form adopted by the Board and delivering it to the City Clerk. The Clerk shall forward copies of the complaint to the members and alternate members of the Board within two (2) business days after it is received. The Board will be deemed to have received the complaint one (1) business day after it is sent, except for election days. On election days, the Board shall hear and decide the complaint during the hours of voting.

SECTION 407 FORM

The Board shall adopt a form to be filled out when a complaint is filed and shall amend the form as necessary.

SECTION 408 HEARING

SECTION 408.1 HEARING

All hearings shall be conducted at a meeting of the Board.

SECTION 408.2 PRESENTATION

The Board shall allow the complainant and the Registrar or their respective agents to fully and fairly present their respective positions.

SECTION 408.3 BURDEN

The complainant shall have the ultimate burden of satisfying the Board by a preponderance of the evidence.

SECTION 408.4 EVIDENCE

Evidence shall be admitted before the Board in the same manner as similar evidence would be admitted before any board or agency under the Administrative Procedures Act.

SECTION 408.5 DELIBERATION

Upon the close of hearing, the Board shall deliberate and render a written decision and deliver the written decision to the complainant and Registrar of Voters.

SECTION 409 SCOPE OF AUTHORITY

The Board shall have the authority given to it by the State Statutes and the Ordinances of the City of Brewer to affirm, modify, or reverse the decision of the Registrar of Voters.

ARTICLE 5. CAMPAIGN REPORTS AND FINANCES

SECTION 501 REPORTING REQUIREMENT

Each candidate for a city elective office, as provided in the City Charter, shall file with the City Clerk a report of all contributions made in his or her behalf to promote his or her candidacy in any city election in the amount Fifty (\$50.00) Dollars or greater in the aggregate, whether in money, food or services.

SECTION 502 DISCLOSURE OF CONTRIBUTIONS

The report required in Section 101 shall contain the names of contributors, their addresses, occupations, dates of contributions, amounts of contributions, and type of contributions.

SECTION 503 REPORT FORM

The report required in Section 101 shall be made on a form designed by the City Clerk.

SECTION 504 REPORT DEADLINE

The report required in Section 101 must be filed with the City Clerk within forty-five (45) days after the election to which it applies.

SECTION 505 RETENTION OF REPORTS

All reports required to be filed by this ordinance shall be retained by the City Clerk for a period of not less than three (3) years.

SECTION 506 PENALTY

Any candidate who fails to file a report as required by this ordinance shall be subject to a fine of Five (\$5.00) Dollars per day not to exceed One Hundred Fifty (\$150.00) Dollars.

END OF CHAPTER NOTATIONS

Created and enacted July 16, 2002 Effective July 21, 2002 (2002-C037)

1. Enacted 10/14/03, Effective 01/01/04 (2003-C017)
2. Enacted 10/12/04, Effective 10/17/04 (2004-C023)
3. Enacted 04/03/12, Effective 04/08/12 (2012-C002)
4. Enacted 03/18/13, Effective 03/23/13 (2013-C003)
5. Enacted 05/31/16, Effective 06/05/16 (2016-C003)
6. Enacted 10/12/21, Effective 10/17/21 (2021-C012)
7. Enacted 08/08/23, Effective 08/13/23 (2023-C013)