

Effective January 1, 2011

ARTICLE IV Nominations and Elections

Sec. 4.01 - Conduct of Elections.

- (a) The regular City of Ellsworth election will be held on the Tuesday following the first Monday of November in each year.
- (b) Special City of Ellsworth elections will be held when called by the City Council or as required by this Charter, and in the same manner as regular City of Ellsworth elections.
- (c) Except as otherwise provided by this Charter, the provisions of the Maine Revised Statutes relating to qualifications of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, govern all municipal elections.

Sec. 4.02 - Nominations for Elective Officers to Be Made by Petition.

The nomination of all candidates for elective offices provided for by this Charter is by petition. The nomination petition of a candidate for election must be signed by at least fifty (50) but less than 100 Registered Voters of the City of Ellsworth.

Sec. 4.03 - Form of Nomination Petition.

- (a) Form and Content. The City Clerk will develop and maintain a standardized nomination petition form for use for all elections. A nomination petition may contain as many separate nomination petition papers as necessary, but will be considered a single nomination petition. All nomination petition papers must be uniform in size and style and must be assembled as one instrument for filing. Each Registered Voter who signs a nomination petition must add his or her printed name and Physical Address. Each signature must be in ink. A Registered Voter may not sign any candidate's nomination petition more than once.
- (b) Affidavit of Circulator. Each separate petition paper must have an attached affidavit from the circulator stating the number of signatures on each petition and certifying that:
 - (1) he or she personally circulated the petition paper,
 - (2) each signature was made in the circulator's presence,
 - (3) each signature is the genuine signature of the person whose name it purports to be, and
 - (4) the circulator has advised each signatory that the signatory may only sign a nomination petition once.

Effective January 1, 2011

Sec.4.04 - Filing Nomination Petitions; Acceptance of Nomination Must Be Filed.

The City Clerk will make nomination petitions available to qualified prospective candidates during the period beginning eighty-five (85) Days prior to the election date and continuing until forty-five (45) Days prior to the election date. Before issuance, the City Clerk may complete each petition paper by filling in the name of the candidate, title and term of office which is being sought.

- (a) Nomination petitions must be filed with the City Clerk during business hours on or before the forty-fifth (45th) Day prior to the election date.
- (b) Written consent of the person proposed as a candidate must be filed along with the nomination petitions. The consent must include a statement that the proposed candidate agrees to accept the nomination, and if elected, intends to serve in the office to which the person is elected.
- (c) When filed, each nomination petition and written consent must be open to public inspection under proper supervision by the City Clerk. The City Clerk must keep the nomination petitions and written consent in the City Clerk's office for six (6) months.

Sec. 4.05 - List of Candidates to Be Published.

The City Clerk must notify the candidates who have duly filed nomination petitions and written consents and cause a list of the candidates to be published in a newspaper of general circulation in the City of Ellsworth no less than ten (10) Days prior to the date of the election. The list must include each candidate's legal name and office to which the candidate has been nominated, as it will appear on the ballot.

Sec. 4.06 - Ballots to Be Prepared by the City Clerk.

The City Clerk will prepare and furnish all official ballots for use in all City of Ellsworth elections.

Sec. 4.07 - Contents and Form of Ballot.

The ballot will include a heading, voter instructions, the offices for election, and measures to be voted upon, if any. The ballot must be designed to allow the voter to clearly indicate the voter's intent. It may contain one or more pages and will be printed substantially as follows:

- (a) Heading: The ballot will contain a heading that clearly identifies it as an official ballot. The heading will include the type of election, the date, and the City Clerk's facsimile signature, similar to the following:

OFFICIAL BALLOT
CITY OF ELLSWORTH, MAINE
MUNICIPAL ELECTION
(DATE)
(Facsimile of Signature)

Effective January 1, 2011

City Clerk

- (b) Voter Instructions: Voter instructions will be clearly printed above all election information and will include directions how to mark the ballot to vote, cast a vote for an individual not listed on the ballot (write-in vote), and what to do in the event of an error or defaced ballot.
- (c) Order of Election. The City Clerk will determine the order of offices for election and layout of the ballot.
- (d) Office for Election. Each office for election will be clearly identified and include the term of the office and the number of positions to be filled. The full legal name of each qualified nominated candidate will appear on the ballot, grouped by office, and arranged in alphabetical order by surname. The ballot will be without party mark or designation. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name of any person not printed on the ballot for which the voter desires to vote.

Sec. 4.08 - Specimen Ballot.

The City Clerk will post specimen ballots in each polling place and publish specimen ballots in a newspaper of general circulation in the City of Ellsworth not less than ten (10) Days prior to the election date. Such specimen ballots will be printed on colored paper marked "Specimen Ballot".

Sec. 4.09 - Election Results.

The election results will be delivered to the City Clerk, who will then present the results to the Council. As soon as possible following an election, the Council will meet, examine the election record, and declare the results. At any election the person receiving the highest number of votes for an office will be deemed and declared elected to such office by the Council. In the event that a person elected does not take office, the Council will address the vacancy in accordance with the provisions of this Charter.

Sec. 4.10 - Ballot Inspection, Recount, Challenge for Office.

Ballot inspections, recounts of elections of office, referenda and the procedure for challenging a person who claims title to an office are allowed as provided for in state law.