

## CHAPTER 7

### ELECTION OFFICIALS

#### §501. Wardens and ward clerks

**1. In a city.** In a city, the selection, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this Title. [PL 1987, c. 188, §4 (AMD).]

**2. In a town.** In a town, with the approval of the municipal officers, the clerk of the municipality shall appoint a warden and may appoint one or more deputy wardens to assist in the duties on election day. If the clerk appoints another person as warden, the clerk may serve as deputy warden. It does not constitute an incompatibility of office for the clerk to serve as warden or deputy warden. The warden and deputy warden are entitled to a reasonable compensation as determined by the municipal officers. [PL 1995, c. 459, §32 (AMD).]

**3. Provisions applicable to both towns and cities.** A warden, ward clerk or any deputy warden may not be an officer of a municipal committee of a political party. Ward clerks or deputy wardens shall perform the duties of the warden when necessary and may not replace election clerks prescribed by this Title. The warden, ward clerk and deputy wardens must be registered voters of the municipality, except when a nonresident clerk is acting as either warden, ward clerk or deputy warden. When there is a vacancy in the office of warden, ward clerk or deputy warden, a person who is a resident of the county may serve as a replacement on a per election basis until the end of the vacated term. Before assuming the duties of office, the warden is sworn by the municipal clerk, and the ward clerk or deputy warden is sworn by the municipal clerk or by the warden. [PL 2009, c. 538, §6 (AMD).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §4 (AMD). PL 1995, c. 459, §32 (AMD). PL 1997, c. 436, §65 (AMD). PL 2001, c. 310, §27 (AMD). PL 2009, c. 538, §6 (AMD).

#### §502. Duties and vacancies -- warden and ward clerk

In the event of a vacancy in the office of warden or in the absence or incapacity of the warden, the ward clerk may perform the duties of the warden. A vacancy in the office of ward clerk may be filled by an election clerk appointed by the warden. When a ward clerk is elected in a partisan election, an election clerk appointed by the warden must be enrolled in the same political party as the ward clerk and shall serve as ward clerk pro tem. [PL 1997, c. 436, §66 (AMD).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 447, §8 (AMD). PL 1997, c. 436, §66 (AMD).

#### §503. Election clerks

##### (REPEALED)

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 314 (AMD). PL 1991, c. 399, §2 (AMD). PL 1991, c. 466, §18 (AMD). PL 1993, c. 473, §10 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 459, §33 (RPR). PL 1999, c. 450, §14 (AMD). PL 2001, c. 310, §28 (AMD). PL 2001, c. 415, §2 (AMD). PL 2001, c. 415, §5 (AFF). PL 2003, c. 584, §4 (AMD). PL 2007, c. 422, §§1, 2 (AMD). PL 2013, c. 131, §14 (AMD). PL 2019, c. 64, §1 (RP).

#### §503-A. Election clerks

Election clerks are governed by the following provisions. [PL 2019, c. 64, §2 (NEW).]

**1. Qualifications; compensation.** Election clerks must be at least 18 years of age, must be registered to vote and must be residents of the municipality or the county in which they serve, except that residents of a municipality or county who are 16 years of age and who are conditionally registered to vote pursuant to section 155 also qualify to serve as election clerks. Election clerks are entitled to reasonable compensation as determined by the municipal officers.

[PL 2021, c. 273, §9 (AMD).]

**2. Nomination.** All nominations for election clerks must be submitted to the municipal officers by April 1st of each general election year. Nominations may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

[PL 2019, c. 64, §2 (NEW).]

**3. Appointment.** The municipal officers shall appoint election clerks by May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. In making the appointments, the municipal officers shall consider all nominations received by April 1st but may appoint any qualified voters. The municipal officers shall appoint a sufficient number of election clerks to meet the requirements of subsections 4 and 5. A list of the election clerks appointed under this subsection must be posted at each voting place for each election during the 2-year term following appointment. For each election, the municipal clerk shall select the election clerks from the list of appointees and assign their duties.

[PL 2019, c. 64, §2 (NEW).]

**4. Minimum number of election clerks.** There must be at least 2 election clerks, one from each of the major parties, selected from the list of appointees to serve at each voting place during the entire time the polls are open and as counters after the polls close. The municipal clerk may select additional election clerks for each voting place as needed in accordance with subsection 5.

[PL 2019, c. 64, §2 (NEW).]

**5. Selection of additional clerks; representation of parties.** If a municipality requires more election clerks than the minimum number prescribed in subsection 4, the municipal clerk must select additional election clerks from the list of appointees to work at each election as follows.

A. The number of election clerks selected from one major party may not exceed the number of election clerks from another major party by more than one. [PL 2019, c. 64, §2 (NEW).]

B. The number of election clerks selected from the major parties must comprise at least half of the total number of election clerks selected. The remaining number of election clerks may be enrolled in a minor party or may be unenrolled. [PL 2019, c. 64, §2 (NEW).]

C. If the municipal officers did not appoint a sufficient number of election clerks representing the major parties or there is an insufficient number of appointees from the major parties who are available to serve at an election, the municipal clerk may select as many election clerks from minor parties or who are unenrolled as needed to serve at that election. [PL 2019, c. 64, §2 (NEW).]

[PL 2019, c. 64, §2 (NEW).]

**6. Vacancies.** Notwithstanding subsection 5, if a sufficient number of appointed election clerks are not available to serve on election day, the municipal clerk may appoint the necessary number of election clerks, without regard to party affiliation, to fill the vacancies at that election.

[PL 2019, c. 64, §2 (NEW).]

**7. Oath of office.** Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden, and the oath is recorded.

[PL 2019, c. 64, §2 (NEW).]

**8. Term of office.** An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified.

[PL 2019, c. 64, §2 (NEW).]

**9. Duties.** Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

[PL 2019, c. 64, §2 (NEW).]

#### SECTION HISTORY

PL 2019, c. 64, §2 (NEW). PL 2021, c. 273, §9 (AMD).

#### §504. Persons ineligible to serve

The following may not serve as election officials: [PL 1985, c. 161, §6 (NEW).]

**1. Certain employees.** An employee of a party or candidate;  
[PL 1985, c. 161, §6 (NEW).]

**2. Direct pecuniary interest.** A person having a direct pecuniary interest in the result of a referendum question; or  
[PL 1985, c. 161, §6 (NEW).]

**3. Candidate and certain relatives.** A candidate or member of the candidate's immediate family, in the electoral division from which the candidate seeks election.

A. This subsection does not apply to a candidate for warden or ward clerk or the immediate family of the candidate for warden or ward clerk. [PL 1993, c. 447, §9 (AMD).]

B. This subsection does not apply to municipalities with a population of less than 500. [PL 1985, c. 161, §6 (NEW).]  
[RR 2019, c. 2, Pt. B, §51 (COR).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 447, §9 (AMD). RR 2019, c. 2, Pt. B, §51 (COR).

#### §505. Municipal clerk

The clerk of the municipality is the supervisor of all elections and is entitled to a reasonable compensation as determined by the municipal officers and has the following duties: [PL 1995, c. 459, §34 (NEW).]

**1. Absentee voting.** Administer the absentee voting procedures;  
[PL 1995, c. 459, §34 (NEW).]

**2. Instruction.** Instruct election officials on election laws and procedures prior to election day;  
[PL 1995, c. 459, §34 (NEW).]

**3. Election officials.** Coordinate and schedule election officials to work at the polls on election day;  
[PL 1995, c. 459, §34 (NEW).]

**4. Poll watchers and others.** Make arrangements in advance of election day for poll watchers, petition circulators and others who request to be present at the polls;  
[PL 1995, c. 459, §34 (NEW).]

**5. Election materials and equipment.** Prepare and deliver to and from the polls all election equipment and materials, including the ballots;  
[PL 1995, c. 459, §34 (NEW).]

**6. Advise warden.** Advise the warden on election laws and procedures on election day; [PL 1995, c. 459, §34 (NEW).]

**7. Report to the Secretary of State.** Report the return of votes cast and other voter registration or election information to the Secretary of State upon request or as otherwise required by this Title. The clerk shall notify the Secretary of State of the name of the clerk and any deputy or assistant clerks within 10 days after the official is elected or appointed and sworn by revising the election official's information listing within the central voter registration system; [PL 2005, c. 568, §12 (AMD).]

**7-A. Training.** Attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State. The Secretary of State shall offer training sessions regionally at least once every 2 years at no fee. The Secretary of State shall encourage municipalities to provide training biennially to all election officials; and [PL 2021, c. 568, §4 (AMD).]

**8. Other duties.** Perform any other duties required for conducting an election. [PL 1995, c. 459, §34 (NEW).]

#### SECTION HISTORY

PL 1995, c. 459, §34 (NEW). PL 2001, c. 415, §§3,4 (AMD). PL 2001, c. 415, §5 (AFF). PL 2005, c. 568, §12 (AMD). PL 2021, c. 568, §4 (AMD).

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