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An Act To Clarify the Election of Municipal Charter Commission Members

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, changes to the law governing the creation of charter commissions in 2008 inadvertently failed to allow sufficient flexibility in the election of charter commission members for municipalities to conveniently schedule special referenda elections; and

Whereas, there is no regularly scheduled June primary election in 2009; and

Whereas, there can be a significant municipal expense in holding a special election outside of a regular election schedule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §2103, sub-§1, ¶A, as amended by PL 2007, c. 495, §1, is further amended to read:

A. Voter members must be elected by one of the following methods:

- (1) Six voter members are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations;
- (2) One voter member is elected from each voting district or ward in the same manner as municipal officers, except that the voter member must be elected without party designation; or
- (3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission or at the next scheduled regular or special municipal or state election ~~that is no more than 200 days after the referendum authorizing the charter commission.~~ The names of the candidates on the ballot must be arranged alphabetically by last name. If the elections are held at the same time, the names of the candidates must appear immediately below the question relating to the charter commission.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill amends the procedure that guides the election of members to a municipal charter commission. In current law, the election of the members can be held at either the same election as the referendum establishing the charter commission or at the next scheduled regular or special municipal or state election if that election is no more than 200 days after the referendum authorizing the charter commission. The bill removes the 200-day limit.