

**WESTBROOK CITY COUNCIL  
COMMITTEE OF THE WHOLE AGENDA  
MONDAY APRIL 22, 2019 AT 8:30PM  
WESTBROOK HIGH SCHOOL ROOM 114**

---

Westbrook City Council's Committee of the Whole will meet on Monday April 22, 2019 immediately following a Public Safety Committee meeting (est. 8:30pm). The agenda item(s) are as follows:

1. **Submitting Charter Amendment Question to Referendum – Appointed Wardens and Ward Clerks**

Presented by Angela Holmes, City Clerk



# CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

## COMMITTEE REFERRAL FORM

**REFERRAL TITLE:** Submitting Charter Amendment Question to Referendum – Appointed Wardens & Ward Clerks

**REQUESTED BY:** Angela Holmes, City Clerk

**DATE CREATED:** March 28, 2019

**COMMITTEE:** Committee of the Whole

---

### **Description of referral:**

See attached.

### **Name, address and telephone number of citizen(s) to contact for additional information:**

Angela Holmes, City Clerk  
207-591-8115  
[aholmes@westbrook.me.us](mailto:aholmes@westbrook.me.us)



# City of Westbrook, Maine

## OFFICE OF THE CITY CLERK

City Clerk's Office  
2 York Street  
Westbrook, Maine 04092

Phone: 207-591-8131  
Fax: 207-854-0635  
Email: [clerk@westbrook.me.us](mailto:clerk@westbrook.me.us)

### MEMO

TO: Honorable City Council Members  
FROM: Angela Holmes, City Clerk  
DATE: March 28, 2019  
RE: Submitting Charter Amendment Question to Referendum – Appointed Wardens & Ward Clerks

#### **Overview**

Section 6.2 of the Westbrook City Charter provides that each municipal ward shall have an elected Warden and Ward Clerk. This is a request to submit a referendum question to voters for consideration at the November 5, 2019 election to amend the City Charter to make Wardens and Ward Clerks appointed for a period of 1 year instead of elected for a period of 3 years.

#### **History & Justification**

21-A M.R.S.A. §501 states: "In a city, the selection, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter." Since its inception, the City of Westbrook has determined that these should be elected positions. However, changes in the election process through the years has made this structure a hindrance to the effective management of election operations.

The primary points justifying this amendment are as follows:

- *Administrative, not political.* These positions oversee polling place activities on Election Day, including voter registration, ballot distribution, providing voter assistance and tallying results. This position is purely administrative in nature and should be filled based upon qualifications and experience rather than selected through popular vote.
- *Running for office.* Municipalities throughout the state struggle to find enough people to staff elections in general, let alone to find individuals willing to accept the increased responsibilities of overseeing election operations. The added pressure of running for office has been cited as the reason why several people who would otherwise be interested in serving their community decide not to participate.
- *Length of term.* Since the November 2016 election, Westbrook has seen a 90% turnover in Wardens and 100% turnover in Ward Clerks, as it is difficult for people to commit to the 6 elections which occur during a 3-year term. The last several elections have seen vacancies in these positions due to scheduling conflicts. By default, the City Council is already appointing Wardens and Ward Clerks to fill these vacancies. Reducing the term to 1 year would reduce turnover by allowing individuals to commit to fewer elections at a time.
- *City Clerk responsibilities.* In accordance with State law, the Municipal Clerk is the supervisor of all elections. However, with elected Wardens and Ward Clerks, the City Clerk does not have the authority to match a person's skills, experience and capabilities to the tasks to be performed. In some cases, this has necessitated the hiring of additional staffing. Furthermore, the current

arrangement requires the City Clerk to answer for any errors which occur but handicaps the ability to prevent them from recurring.

### **Support**

At a post-election debrief session with Wardens and Ward Clerks, the group was presented with this proposal. All Wardens and Ward Clerks in attendance were in support of this amendment.

After surveying municipalities throughout the State, we found that many municipalities with elected Wardens and Ward Clerk struggle with the same issues facing Westbrook. Appointing these positions allows for a flexibility in staffing that doesn't otherwise exist.

Julie Flynn, Deputy Secretary of State, noted that the City of Portland moved from elected to appointed positions when she served as their Assistant City Clerk, stating "it is difficult enough to get election workers without having to have them run for election. It makes much more sense to appoint all election officials and will decrease costs of putting these offices on the ballot."

Former City Clerk and current City Councilor Lynda Adams has expressed her support for this proposal.

### **Process**

Per legal counsel, this amendment does not require the formation of a Charter Commission as it does not change the fundamental nature of the existing governmental structure and is limited to a single subject.

If supported by the Committee of the Whole, the committee would move to refer this matter to City Council for consideration.

If adopted by City Council, the question would be included on the November 5, 2019 ballot. Per 30-A M.R.S.A. § 2105(4), the total number of votes cast on either side of a Charter change referendum question needs to be at least 30% of the total votes cast in the City at the last gubernatorial election (2,584 total votes cast required), with a majority vote required to approve the question.

If approved by voters, the amended language would go into effect January 1, 2023, following the next 3-year term, as we are required by law to include the election of Wardens and Ward Clerks on the November 5, 2019 ballot.