

City Council Workshop

Agenda Item #4

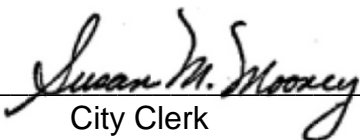
February 10, 2014

Voting District Recalibration

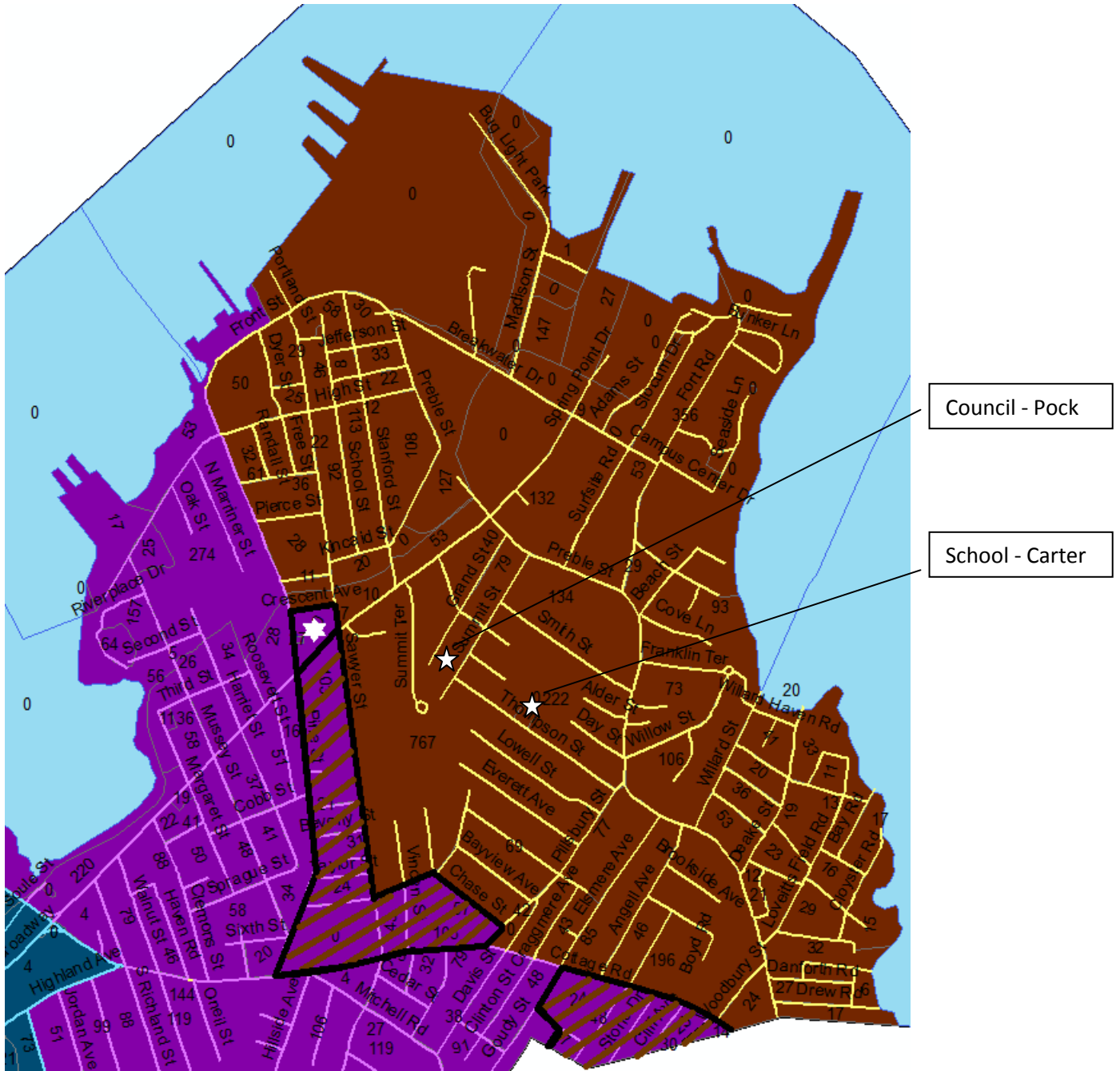
The effective date of statewide redistricting was June 14, 2013. In January the Secretary of State's Office completed its work with mapping, building new street directories and implementing these changes in the Centralized Voter Registration application. Per state law municipalities must also enact reapportionment within 12 months after the Legislature has reapportioned the House and Senate districts.

The 2010 Census estimated South Portland's population to be 25,002. With five City districts each section must have approximately 5,000 inhabitants. In redrawing the new lines I have made sure that all City Councilors and School Board members have remained in their representative districts. It is virtually impossible to ensure that all Board and Committee members remain in the districts that they have been appointed from. As you can see from the attached list, eight Board and Committee members that have been impacted by the redistricting could be moved around to allow them to continue serving on the committees that they have been appointed to. Both Councilors and Board members would have to agree to these adjustments. Five others plus one Ward Clerk have been moved out of their district without there being an easy fix to resolve the displacement. The five committee members would be allowed to continue to serve up to six months unless their term expires before the six month period ends. There could also be some discussion around whether the Council might consider an amendment to Chapter Two to allow the effected members to serve to the end of their term to minimize the impact to the Committees they support.

I would recommend that the ordinance be placed on the February 19th agenda for first reading and final passage on March 3rd. The street library revisions should be sent to the State as soon as possible for programming revisions. If the reapportionment can be in place for June it will give those voters impacted by the change an opportunity to adjust to both the Legislative District changes and the City district changes before the November Gubernatorial Election. I intend to send a mailing to all voters impacted by the district line changes at least 30 days prior to the election.


City Clerk

DISTRICT ONE

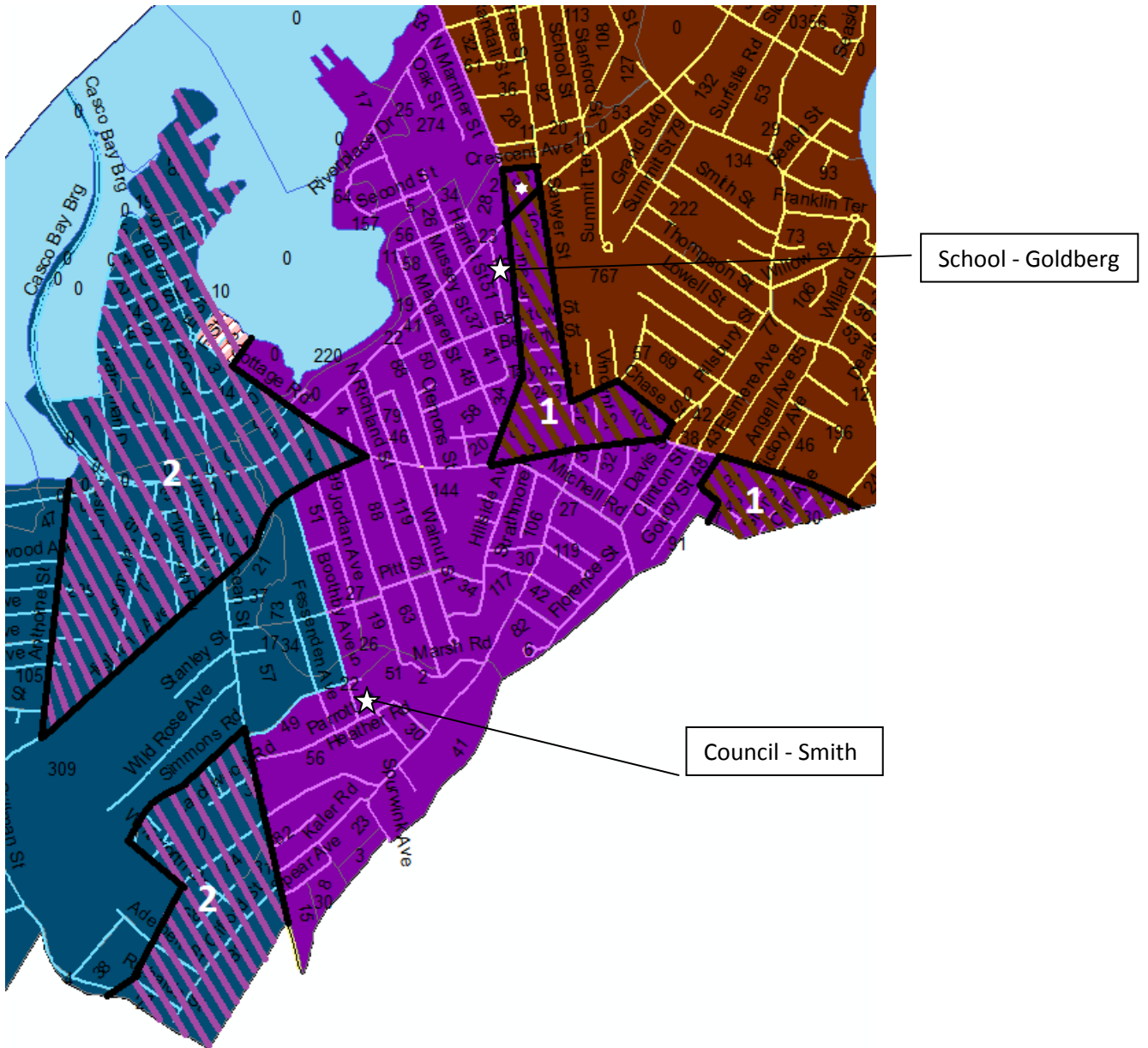


District One 4413

Starred area is actually part of District One now...It will remain in District One.

+ 550 from District Two = 4963

DISTRICT TWO

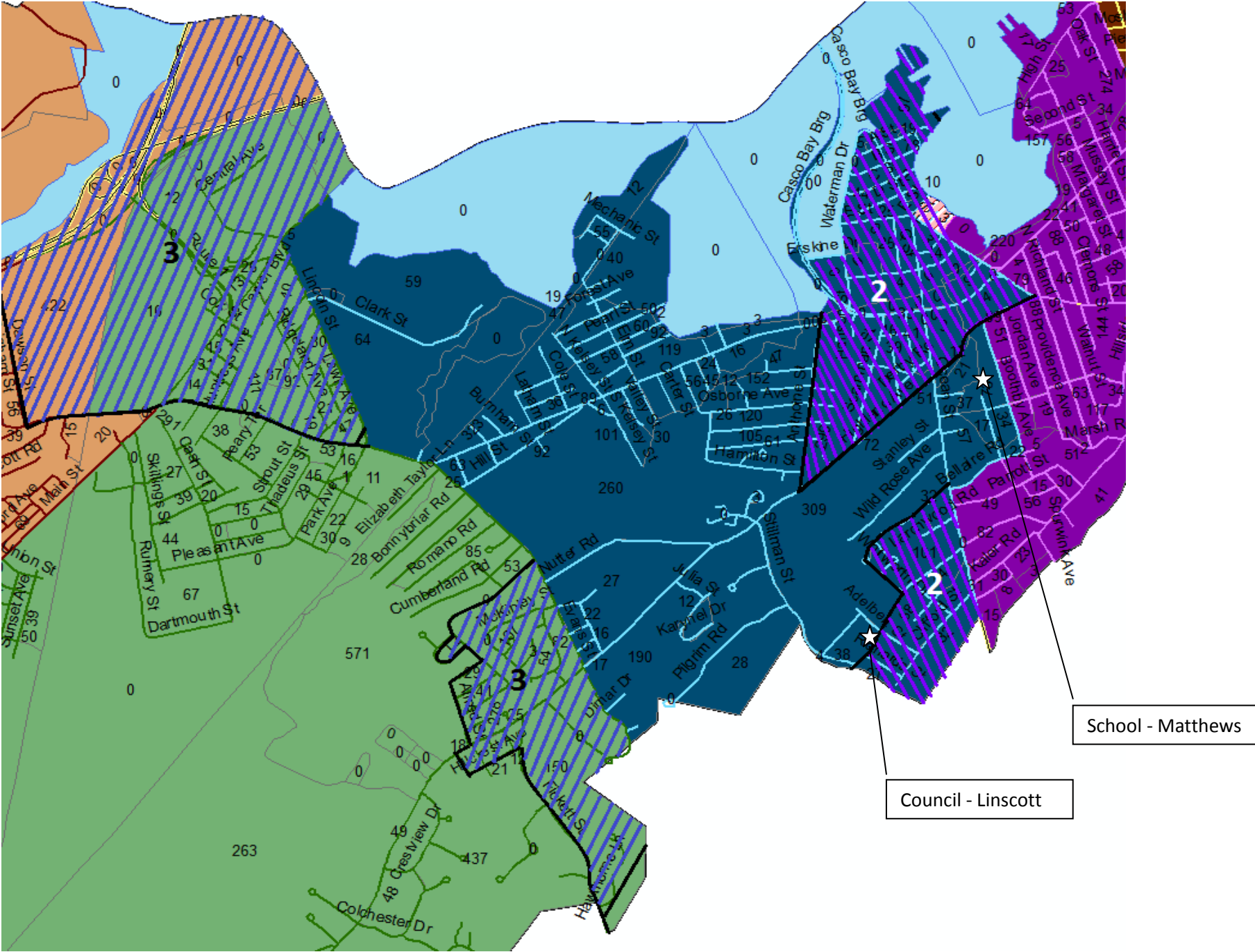


District Two 4217

Moved to District One - 550

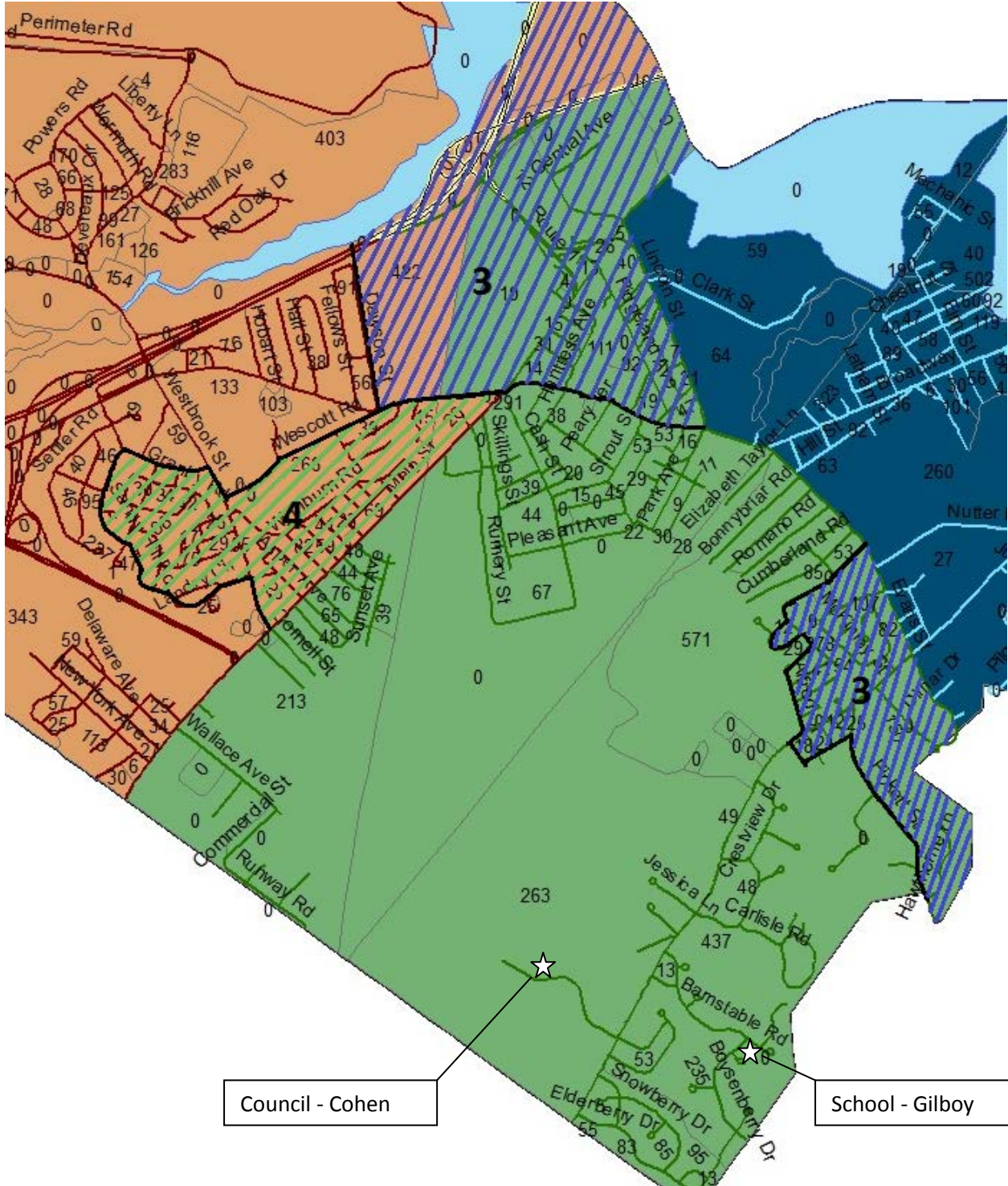
Add from District Three 1,374 = 5041

DISTRICT THREE



District Three 4868 + 70 (Right side of Dawson Street) Moved to District Two -1,374 From District Four +1,527 = 5091

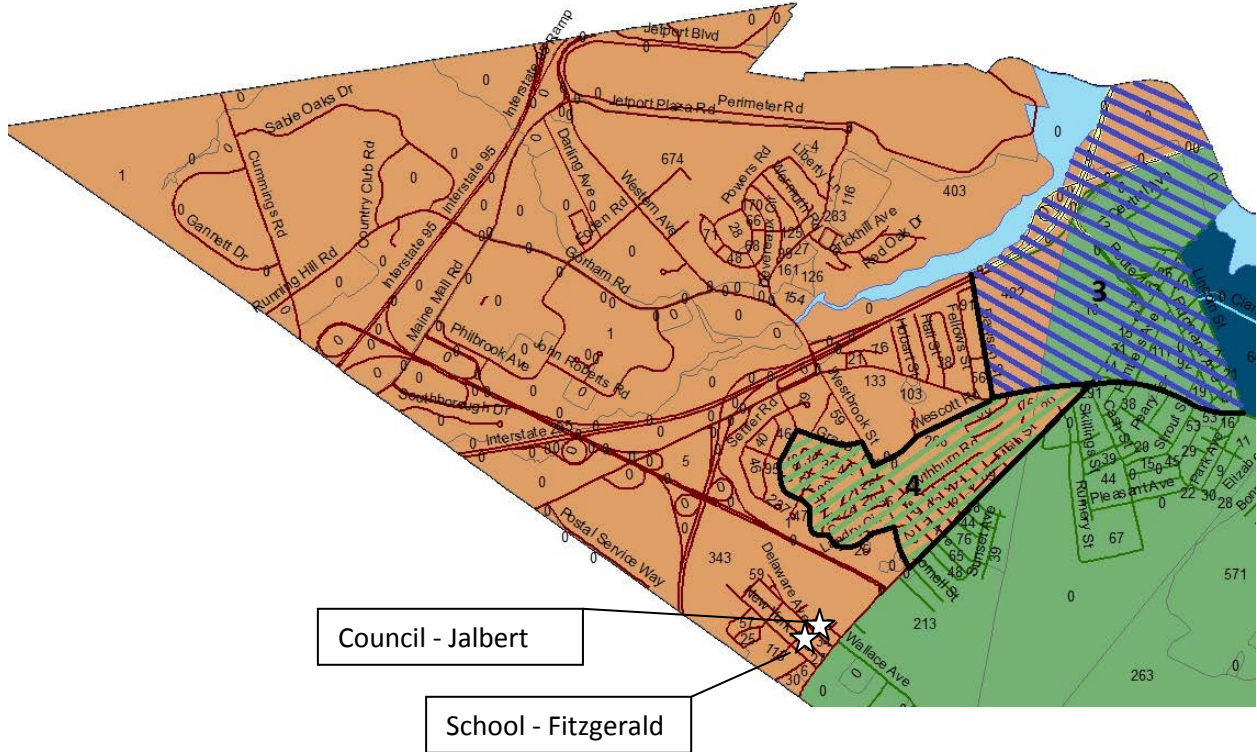
DISTRICT FOUR



District Four 5041

Moved to District Three -1,527 From District Five +1,317 = 4,831

DISTRICT FIVE



District Five 6460

-70 (Right side of Dawson Street) Moved to District Four - 1,317 = 5,073

Board members whose redistricting issue could be resolved

Board of Appeals	Cara Alex	Biddings Anastasoff	57 Burwell Ave 115 New York Ave	clovejoy@rkmlegal.com	District 5 At Large	7 2014 7 2015	Was in Five - Now in Four - Move to At Large Seat Move to District Five Seat
Board of Assessment Review	Randall	Scott	13 Ocean Street	rscott@nne.aaa.com	District 3	3 2015	Was in Three - Now in Two - Move to At Large
Board of Assessment Review	Paul	Cloutier	14 Whitehall Avenue	pcloutier@nea.cc	District 4	3 2014	Was in Four - Now in Three - Move to Three seat
Board of Assessment Review	Christopher Margaret	Kovacs Johnson	64 Sandy Hill Road 54 Pennsylvania Ave.	ckovacs@maine.rr.com	District 5 At Large	12 2016 12 2016	Was in Five - Now in Four - Move to Four seat Move to District Five Seat
Civil Service Commission	James Lee	Hendry Harvey	75 B Street 21 Elmwood Ave	happyjim@maine.rr.com	District 3 At Large	3 2014 12 2014	Was in Three - Now in Two - Move to At Large Move to District Three Seat
Conservation Commission	Mitchell Robert	Sturgeon Klotz	E Street 10 Whitehall Ave	msturgeon63@gmail.com	District 3 At Large	11 2015 11 2016	Was in Three - Now in Two - Move to At Large Move to District Three Seat
Conservation Commission Associate	Alison	Shea	19 Buchanan Street	saffron919@gmail.com	District 4	3 2016	Move to vacant District Three Seat
Economic Development Committee	Martin Stephen	Macisso Jr. Bushey	70 D Street 69 Adelbert Street	mmacisso@hotmail.com	District 3 At Large	3 2016 3 2014	Was in Three - Now in Two - Move to At Large Move to District Three Seat

Board members whose redistricting issue can not be resolved

Energy & Recycling Committee	George Michael	Shutts	14 Wythburn Road	michaelshutts@gmail.com	District 5	5 2015	
Energy & Recycling Committee Associ	Julie	Silverman	10 Derby Road Apt 6	jsilverwoman@yahoo.com	District 3	5 2016	
Library Advisory Board	Lynne	Joys	6 Kenneth Road	Lejoys67@aol.com	District 5	12 2015	
Planning Board	Caroline	Hendry	75 B Street	chendry@maine.rr.com	District 3	4 2015	
Planning Board	Kathleen	Phillips LaBombard	51 Scott Road	kathy@oceangaterealty.com	District 5	4 2014	
Ward Clerk	Judy	Carpenter	25 Washington Ave.	acarpen2@maine.rr.com			

Sec. 2-121. Vacancies on boards and commissions.

A vacancy on any appointive board or commission of the city shall exist upon the occurrence of any of the following events:

(a) Death of a member.

(b) Resignation of a member.

(c) Moving by a member of the member's place of residence from the City of South Portland, or, in the case of district representation, the moving by a member of the member's place of residence from the district from which that member was appointed. When a member moves from the City of South Portland, the vacancy shall occur immediately and the member shall not serve at any further meetings. When a member appointed as a district representative moves from that district, the vacancy shall occur six weeks from the date the member moves from the district and the member shall continue to serve for this six week period. **If a district representative's district of residence changes following a change to the district boundaries, a vacancy shall occur six months from the effective date of the redistricting and the member shall continue to serve for this six-month period, unless the representative's term expires before the six-month period ends, in which case the member shall serve out the term and until a successor is appointed and sworn, provided that the total length of time served following the effective date of the redistricting shall not exceed six months."**

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, c. 737,
Pt. A, §2 (new)

Chapter 121: MEETINGS AND ELECTIONS HEADING: PL 1987, c. 737, Pt. A, §2 (new)

§2503. REAPPORTIONMENT

1. Adoption by ordinance. Districts established for the purpose of electing, from each district, an equal number of municipal officers may be adjusted, by ordinance, by the municipal legislative body subject to the following conditions.

A. Each district must be formed of compact, contiguous territory. Its boundary lines may follow the center lines of streets.

B. Each district must contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts may not differ in number of inhabitants by more than 10% of the inhabitants in the smallest district created.

C. The ordinance must include a map and a description of the districts.

D. The ordinance takes effect on the 30th day after adoption by the legislative body. The new districts and boundaries, as of the effective date, supersede previous districts and boundaries for the purposes of the next regular municipal election, including nominations.

2. Failure to enact ordinance. The municipal legislative body must enact the reapportionment ordinance within 12 months after the Legislature has reapportioned the House and Senate districts pursuant to the Constitution of Maine, Article IV, Part First, Section 3 and Article IV, Part Second, Section 2 or after a court decision finalizing the reapportionment of districts. The ordinance must be enacted at least 90 days before a regular municipal election occurring within that 12-month period or the previous reapportionment ordinance applies to that election. If the legislative body fails to enact an ordinance within the 12-month period or at least 90 days before a regular election occurring after the 12-month period, all municipal officers to be elected must be elected at large and serve until their terms expire. Such at-large elections continue until the legislative body enacts an ordinance in accordance with subsection 1 at least 90 days before a regular municipal election.

3. Referendum. Except when the municipal legislative body is the town meeting, the voters of the municipality may require the municipal legislative body to reconsider any ordinance adopted under subsection 1. If the legislative body does not repeal an ordinance so reconsidered, the voters may approve or reject it at a municipal election.

A. Any 5 voters may commence referendum proceedings by filing an affidavit with the municipal clerk stating:

- (1) They will constitute the petitioners' committee;
- (2) They will be responsible for circulating the petition and filing it in proper form;
- (3) Their names and addresses;
- (4) The address to which all notices to the committee are to be sent; and
- (5) The ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

B. Petitions under this subsection must meet the following requirements.

(1) Petitions must be signed by a number of voters of the municipality equal to at least 15% of the total number of voters in the municipality at the last presidential election.

(2) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the address of the person signing. While being circulated, petitions must have the full text of the ordinance sought to be reconsidered contained in or attached to the petition.

(3) When filed, each paper of a petition must have an affidavit, executed by the circulator of the petition, attached to it stating:

(a) That the circulator personally circulated the paper;

(b) The number of signatures on the paper;

(c) That all the signatures were signed in the circulator's presence;

(d) That the circulator believes them to be the genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

(4) Petitions must be filed within 30 days after the municipal legislative body adopts the ordinance sought to be reconsidered.

C. The following procedure shall be followed after the petition is filed with the municipal clerk.

(1) Within 20 days after the petition is filed, the municipal clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the clerk's certificate and files a supplementary petition upon additional papers within 10 days after receiving a copy of the certificate. This supplementary petition must comply with the requirements of paragraph B, subparagraphs (2) and (3). Within 5 days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of that certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend the petition or request review under subparagraph (2), within the time required, the clerk shall promptly present the clerk's certificate to the municipal legislative body and the certificate is then a final determination as to the sufficiency of the petition.

(2) If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, within 2 days after receiving the copy of the certificate, may file a request that it be reviewed by the municipal legislative body. The legislative body shall review the certificate at its next meeting following the filing of the committee's request and approve or disapprove it. This determination is then final as to the sufficiency of the petition.

(3) A final determination as to the sufficiency of a petition is subject to court review. A final determination of insufficiency, even if sustained upon court review, does not prejudice the filing of a new petition for the same purpose.

D. When a petition is filed with the clerk under this subsection, the ordinance sought to be reconsidered is suspended from taking effect. This suspension ends when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The council repeals the ordinance; or
- (4) Thirty days have elapsed after a vote of the municipality on the ordinance.

E. The following procedure shall be followed if a petition is determined to be sufficient.

(1) When a petition has been finally determined sufficient, the municipal legislative body shall promptly reconsider the referred ordinance by voting its repeal. If the legislative body fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the voters of the municipality.

(2) The vote of the municipality on a referred ordinance shall be held at least 30 days and not more than one year after the municipal legislative body's final vote on the ordinance. If no regular municipal election is to be held within this period, the legislative body shall provide for a special election; otherwise the vote shall be held at the same time as a regular election occurring within this period, except that the legislative body, in its discretion, may provide for a special election at an earlier date within the prescribed period. Copies of the referred ordinance shall be made available at the polls.

(3) The form of the ballot for the repeal of the ordinance shall be substantially as follows:

"Shall the ordinance entitled '.....' be repealed?

YES // NO // "

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box opposite the words YES or NO.)

(4) A petition may be withdrawn at any time before the 15th day prior to the day scheduled for a vote of the municipality. The petitioners' committee must file with the municipal clerk a request for withdrawal signed by at least 4 members of the petitioners' committee. Upon filing this request, the petition has no further effect and all proceedings on the petition shall be terminated.

F. If a majority of the voters who vote on a referred ordinance vote for its repeal, it is considered repealed upon certification of the election results.

4. Exception. This section does not apply to municipalities whose charters specify different methods of reapportionment.

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