

Secret Ballot Voting and Open Town Meeting
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Eaton and Peabody
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The municipal voting process is controlled by Titles 21-A and 30-A of the Maine Revised Statutes. There are two paths that allow for voting by secret ballot at town meeting.

The secret ballot process is described principally in 30-A M.R.S. § 2528. It sets out the process for the town to adopt the secret ballot process for the election of its offices of selectman and school committee members. See 30-A M.R.S. §§ 2528(1) and 2525(1)(B) and (C). A town can also designate any additional offices for which it wishes elections to be by secret ballot. § 2528(2). A town must hold a open town meeting at least 90 days prior to the secret ballot election to vote on whether to allow for secret ballot votes.

In a town that has accepted the secret ballot process for election of officials, other business items may also be decided by secret ballot if the municipal officers order (or a properly submitted citizens petition demands) that the particular issue be decided by secret ballot. The term “referendum” is used to refer to a business item that is decided by secret ballot. 30-A M.R.S. § 2528(5). If the voters have not approved the secret ballot method process for election of certain officials, those offices must be filled by nomination from the floor and vote of the open town meeting. Similarly, items of business that have not been ordered by the municipal officers or petitioned by the voters to be voted on by secret ballot referendum are taken up by those assembled at the open town meeting.

The only other way to allow for a secret ballot vote at town meetings is if a town adopts a charter that requires town meetings be done by secret ballot. See *Blanchet v. Town of Waldoboro*, Mem-11-605 (Aug. 16, 2012); see 30-A M.R.S. § 2501.

So, unless the Town follows the process set forth in 30-A M.R.S. § 2528 to allow for secret ballot votes on particular issues, or adopts a charter that requires secret ballot voting, the Town must continue to conduct Town Meetings using the traditional, open town meeting format.