



To: Town Council

From: Debra M. Lane, Town Clerk

Re: Appointment of Registration Appeals Board Chair

Date: July 5, 2022

Registration Appeals Board

Municipalities with a population of 5,000 or more must have a Registration Appeals Board (Title 21-A §103) to hear appeals of persons aggrieved by a decision of the registrar to either remove a name from the voting list or refuse to place a name on the voting list.

The Board consists of 3 members appointed by the municipal officers and 2 alternates. One of the 3 members is nominated by the municipal clerk to serve as chair for a term of 4 years.

Anne E. Swift-Kayatta was initially appointed on April 14, 2014 to serve as the Registration Appeals Board Chair. She was reappointed on June 11, 2018 for a term until June 11, 2022.

Although the board has never convened for an appeal the town needs to be prepared. I am confident the citizens of Cape Elizabeth will be well-served with the continued service of Anne Swift-Kayatta. Ms. Swift-Kayatta is fair, thoughtful, and civic-minded. She has agreed to serve if reappointed.

It is with pleasure I nominate Anne E. Swift-Kayatta to serve as the Chair of the Registration Appeals Board for a term to expire July 11, 2026.

Recommended Motion

ORDERED, the Cape Elizabeth Town Council confirms the nomination of the Town Clerk to appoint Anne E. Swift-Kayatta, 14 Stone Bridge Road to serve as the chair of the Registration Appeals Board for a term until July 11, 2026 and until a successor is sworn.

Please feel free to contact me if you have any further questions.

Thank you for your consideration.

Title 21-A

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision. [PL 2019, c. 371, §4 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board. [PL 1997, c. 436, §19 (AMD).]

2. Population of 4,000 to 5,000. [PL 1999, c. 426, §4 (RP).]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn. [PL 1995, c. 459, §8 (AMD).]

4. Chair of the board. The member nominated by the clerk of the municipality is chair of the board. [RR 2019, c. 2, Pt. B, §35 (COR).]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office. [PL 1991, c. 466, §2 (AMD).]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure. [PL 2009, c. 253, §9 (AMD).]

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action. [PL 1995, c. 459, §10 (RPR).]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term. [PL 1995, c. 459, §11 (AMD).]

