



# *Bustins Island Village Corporation*

*Established 1913*

## **BOARD OF OVERSEERS**

Policy Number: 106

Policy Name: Voting Eligibility Policy

Version: 3.0

Related Documents: Certificate of Change of Trustees

Approved: May 3, 2023

Original/Prior: April 7, 2019

### **Voting Eligibility Policy**

Pursuant to Section 9 of the Bustins Island Village Corporation enabling act of 1913 as subsequently amended, Article VI of the Bustins Island Village Corporation (BIVC) By-Laws and with consideration of the opinion of corporation counsel dated April 30, 2011 the Board of Overseers adopts the following voting policy:

1. Persons entitled to vote shall be the natural persons who own a lot of land either directly or as trustees in a trust. Non-natural persons such as corporations, limited liability companies (LLCs) and partnerships of any type, are not entitled to vote.
2. Lots and voting.
  - a. To be entitled to a vote, a lot of land must be a numbered lot conforming to the provisions of the Bustins Island Zoning Ordinance and shown on the current Zoning Map of Bustins Island or a pre-existing, non-conforming lot shown on the Zoning Map of Bustins Island dated September 1, 1975
  - b. Except as may otherwise be expressly provided below, no one shall be deprived of a vote, properly held at present, solely because of the adoption of these rules.
  - c. Henceforth only new lots that conform to the Zoning Ordinance lot size minimum for their district shall carry a vote.
  - d. All numbered lots shown on the original September 1, 1975 zoning map shall be entitled to a vote no matter their size.
  - e. Any unnumbered parcel described separately by metes and bounds in a deed recorded in the Cumberland County Registry of Deeds prior to September 1, 1975 shall be entitled to a vote.
  - f. When numbered lots shown on the September 1, 1975 map have had portions donated to the BIVC for any reason, the portion retained by the owner shall continue to carry the vote no matter the size. Any property conveyed by the BIVC to others does not carry a vote unless expressly provided. No slivers created at any time during the streets acceptance program shall carry a vote.
  - g. Parcels formed by the division and/or merger of all or a portion of numbered or separately described and recorded lots shown on the 1975 map shall carry no more votes than the same group would have carried before the division or merger except that each parcel so formed that conforms to the ordinance for minimum lot size shall carry a vote, and any non-conforming parcel shall not carry a vote if that would bring the total votes to more than the total prior to the division or merger. In no case, shall an individual have more than one vote.

## *Bustins Island Village Corporation*

3. No lot may have more than one vote even if there be multiple owners.
4. If multiple lots be owned by one person or more than one person, the number of votes shall be the lesser of the number of owners or the number of lots; however, in no case shall any person have more than one vote.
5. In the case of trusts, the number of votes shall be the lesser of the number of lots owned by the trust or the number of trustees. In no case shall any individual who is a trustee have more than one vote even if that individual be a trustee of multiple trusts owning multiple lots or owns lots outside the trust.
6. If a lot of land entitled to a vote has divided ownership, the owners may decide among themselves who will exercise the vote in any election subject to the restriction that no person may have more than one vote.
7. Pursuant to state law MSRA 30-A §2529, no person shall be permitted to vote or otherwise participate by proxy or by absentee ballot.
8. As provided in the enabling act, the above notwithstanding, any person residing on Bustins Island who would as a result be a legal voter in the Town of Freeport is entitled to vote at Bustins Island Village Corporation meetings subject to the restriction that no person may have more than one vote.
9. Voter Eligibility Qualifying Documentation:
  - a. Individual - Current Freeport real estate tax records as held by the BIVC Clerk.
  - b. Trust
    - i. Current Freeport real estate tax records as held by the BIVC Clerk indicating the trust name and trustees.
    - ii. When there is a change of trustees, a BIVC Certificate of Change of Trustees for Voting Eligibility must be provided to the Clerk.
  - c. For a recent transaction not yet processed by Freeport, the Clerk must be informed of the book and page number in the Cumberland County Registry of Deeds , or receive a copy of the deed.
  - d. A non-property owner claiming Bustins Island as legal residence and requesting a ballot for any BIVC meeting must provide the same documentation as required to vote in Freeport, ME, except listing Bustins Island, ME as legal residence.

Documentation to support qualification for voting rights must be submitted to the BIVC Clerk before the beginning of the Annual Meeting.

**The Board of Overseers shall have the final decision on any matter relating to voter eligibility.**