

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 849

H.P. 535

House of Representatives, March 4, 2025

An Act to Establish a Recall Process for Public School Board Members

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SAYRE of Kennebunk.
Cosponsored by Senator INGWERSEN of York and
Representatives: ANKELES of Brunswick, BRIDGEO of Augusta, ROLLINS of Augusta,
Senator: RAFFERTY of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §1005** is enacted to read:

3 **§1005. Recall of school board members**

4 **1. Grounds for recall.** Notwithstanding any provision of law, ordinance or municipal
5 charter to the contrary, a school board member may not be recalled unless the school board
6 member:

7 A. Has been convicted of a crime punishable under the laws of this State or another
8 jurisdiction by imprisonment for a term of one year or longer, the conduct of which
9 occurred during the school board member's term of office;

10 B. Has failed to perform duties prescribed by law; or

11 C. Has willfully misused, converted or misappropriated, without legal authority, public
12 property or public funds.

13 A school board member's performance of a required duty or a discretionary duty is not a
14 ground for recall.

15 **2. Petition for recall.** A written petition to recall a school board member must be
16 signed:

17 A. If the school board member was elected by the voters of a municipality, by a number
18 of voters equal to at least 25% of the number of voters in that municipality who voted
19 in the last gubernatorial election; or

20 B. If the school board member was elected as a school board member-at-large in a
21 school administrative unit, by a number of voters equal to at least 25% of the number
22 of voters in the school administrative unit who voted in the last gubernatorial election.

23 **3. Notice of intention.** In order to initiate a recall election under subsection 2, the
24 initiator of the petition shall file a notice of intention of recall with the municipal clerk of
25 the municipality in which the school board member was elected or with each municipal
26 clerk of all municipalities in a school administrative unit, if the school board member was
27 elected at large. A notice of intention of recall under this subsection must include the name,
28 address and contact information of the person filing the notice, the name of the school board
29 member subject to recall under this section and the reason for the recall initiative, which
30 must comply with subsection 1. Only a person registered to vote in the municipality in
31 which the school board member was elected, or in a municipality in the school
32 administrative unit if the school board member was elected at large, may file a notice of
33 intention of recall under this subsection.

34 **4. Petition forms.** Within 3 business days of receipt of a notice of intention of recall
35 under subsection 3, the municipal clerk shall prepare petition forms for the collection of
36 signatures under subsection 5 and send notice to the initiator of the petition under
37 subsection 3 that the petition forms are available. If the school board member was elected
38 at large, the municipalities shall coordinate in preparing and providing the petition forms
39 and sending notice and shall designate one municipal clerk to handle the submission of
40 signatures under subsection 5. A municipality may charge the initiator of the petition a
41 reasonable fee for preparing and providing the petition forms under this subsection. A
42 petition form under this subsection must include:

1 A. At the top of the form, the name of the school board member subject to recall, the
2 name and contact information of the initiator of the petition and the date by which the
3 signatures must be submitted to the municipal clerk under subsection 5;

4 B. The reason for the recall initiative;

5 C. Spaces for each voter's signature, street address and printed name; and

6 D. Space at the bottom of the form for the name, address and signature of the person
7 circulating the petition form.

8 **5. Collection and submission of signatures.** A petition form under subsection 4 may
9 be circulated or signed only by registered voters of the municipality in which the school
10 member was elected, or of a municipality within the school administrative unit if the school
11 board member was elected at large. A circulator of a petition form shall oversee the
12 collection of signatures and ensure that the information required under subsection 4,
13 paragraph C is accurate and complete. The initiator of the petition under subsection 3 shall
14 collect the petition forms from all circulators and submit the signed petition forms to the
15 municipal clerk who prepared the petition forms within 14 days of receipt of notice from
16 the municipal clerk that the petition forms are available under subsection 4. A municipal
17 clerk may not accept a petition form submitted more than 14 days after sending notice of
18 availability to the initiator under subsection 4, and any voter signatures on that petition
19 form are invalid.

20 **6. Petition certification and notification.** Within 7 business days of receiving
21 petition forms under subsection 5, the municipal clerk shall determine whether the petition
22 forms meet the criteria under subsection 5 and certify the validity of any signatures on the
23 petition forms. If the municipal clerk finds that the number of valid signatures submitted
24 under subsection 5 meets or exceeds the requirements under subsection 2, the municipal
25 clerk shall certify the petition and immediately send notification of the certification to the
26 appropriate municipal officers, the initiator of the petition and the school board member
27 subject to the recall. If the municipal clerk finds that the number of valid signatures
28 submitted under subsection 5 does not meet the requirements for a petition under subsection
29 2, the municipal clerk shall file the petition and the petition forms in the municipal clerk's
30 office and notify the initiator of the petition and, if the school board member was elected
31 at large, the clerks of the other municipalities within the school administrative unit that the
32 number of valid signatures does not meet the requirements for a petition under subsection
33 2.

34 **7. Scheduling recall election.** Within 21 business days of certification of the petition
35 under subsection 6, the municipal officers shall schedule a recall election to determine
36 whether the school board member subject to the petition should be recalled. The election
37 must be held no less than 45 days and no more than 75 days after certification of the petition
38 under subsection 6 unless a regular municipal election is scheduled to be held within 90
39 days of the certification of the petition under subsection 6, in which case the recall election
40 must be held on the date of the regular municipal election. If the municipal officers fail to
41 schedule a recall election within 21 business days of certification of the petition under
42 subsection 6, the municipal clerk shall schedule, or in the case of an at-large election, the
43 municipal clerks of the municipalities within the school administrative unit shall jointly
44 schedule the recall election in accordance with the requirements of this subsection.

1 **8. Ballots for recall election.** If the school board member subject to the recall does
2 not resign from the school board member's position within 21 business days of certification
3 of the petition under subsection 6, the ballots for the recall election under subsection 7 must
4 be printed. A ballot for a recall election under this section must read:

5 "Do you authorize the recall of (name of school board member) from the
6 (school administrative unit) school board?

7 Yes No"

8 **9. Valid election.** The recall must be approved by a majority of voters in an election
9 in which the total number of ballots is at least 35% of the number of votes cast in the
10 municipality in the last gubernatorial election or, if the school board member was elected
11 as a school board member-at-large, 35% of the number of votes cast in the school
12 administrative unit in the last gubernatorial election.

13 **10. Results of recall election.** Within 2 business days of a recall election under this
14 section, the municipal clerk, or, if the election was for a school board member-at-large, the
15 municipal clerks of each municipality within the school administrative unit, shall certify
16 and record the election results and notify the municipal officers of those results. If a
17 majority of voters vote to remove the school board member, the recall takes effect on the
18 date the election results are recorded pursuant to this subsection.

19 **Sec. 2. 30-A MRSA §2505, first ¶,** as enacted by PL 2011, c. 324, §1, is amended
20 to read:

21 Except as otherwise provided by the municipality's ordinances or charter, an elected
22 official of a municipality may be recalled from office pursuant to this section. For purposes
23 of this section, "official" has the same meaning as in section 2604, subsection 2, except that
24 "official" does not include a member of a school board whose recall is governed by Title
25 20-A, section 1005.

26 **SUMMARY**

27 This bill provides that public school board members may be recalled only for specified
28 behavior or misconduct and may not be recalled for the performance of a required duty or
29 a discretionary duty. The petition to recall the school board member must be signed by at
30 least 25% of the voters who voted in the last gubernatorial election in the municipality or,
31 if the school board member was elected as a school board member-at-large, by at least 25%
32 of the voters who voted in the school administrative unit in the last gubernatorial election.
33 The recall must be approved by a majority of voters in an election in which the total number
34 of ballots is at least 35% of the number of votes cast in the municipality or, if applicable,
35 the school administrative unit in the last gubernatorial election.