MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1758

H.P. 1202

House of Representatives, May 1, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LEMKE of Westbrook.

ntin sangar dikasa kan jiga saka dibangan diabahat dikasa saga saga sa

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials.



Constitutional amendment. RESOLVED: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed: Constitution, Art. IX, §5-A is enacted to read Section 5-A. Removal by recall. Every person holding any elective civil office under this State is subject to recall and discharge by the legal voters of the State or of the political subdivision of the State from which that person was elected 10 pursuant to the following procedures. 12 A petition demanding recall and reciting that such officer 14 has committed some act or acts of malfeasance or misfeasance while in office or has violated the oath of office and describing 16 those acts in 200 words or less must be signed by a number of voters qualified to vote in the recall election at least equal to 18 35% of the number of votes cast for all candidates for that person's office at the preceding election. This petition must be filed with the officer with whom a petition for nomination to such office must be filed under the laws of this State and such officer shall verify the signatures 24 and call a special election of required. 26 The ballot at the election must describe in not more than 200 words the reasons for demanding the recall of the officer, as set forth in the recall petition, and must set forth in not more than 200 words the officer's justification for the actions complained of in the petition. The Legislature shall provide such other procedures as will facilitate the implementation of this section. Constitutional referendum procedure; form of question; effective 36 date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question: "Shall the Constitution of Maine be amended as proposed by a resolution of the Legislature to provide for the recall and discharge of state elective officials for commission of acts

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of misfeasance or malfeasance while in office or violation of oath of office upon the petition of a number of voters

qualified to vote in the recall election at least equal to

35% of the number of votes cast for all candidates for that

office in the preceding election?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

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Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

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STATEMENT OF FACT

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This constitutional resolution provides for citizen recall of elected officials for misfeasance, malfeasance or violation of oath while in office on the petition of qualified voters equal to 35% of the total number of votes cast for that office in the preceding election. The provision for the recall of elective officials and the procedures set forth for its implementation are based on similar constitutional provisions in other states.