

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3-20-98

(Filing No. H-988)

LEGAL AND VETERANS AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1492, L.D. 2091, Bill, "An Act Providing for Additional Elections for Ties for School Board Membership"

Amend the bill by striking out the title and substituting the following:

'An Act Providing for Additional Meetings in the Event of a Tie Vote at Town Meetings'

Further amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 30-A MRSA §2528, sub-§10, as amended by PL 1995, c. 13, §1, is further amended to read:

10. Election by plurality vote; tie vote. Election must be by plurality vote. In the case of a tie vote, the meeting must

COMMITTEE AMENDMENT

2 be adjourned to a day certain, when ballots are again cast for
the candidates tied for the office in question, unless all but
4 one tied candidate withdraw from a subsequent election by
delivering written notice of withdrawal signed by the candidate
6 and notarized to the municipal offices within the 5-day 7-day
period following the election. After the 5-day 7-day period has
8 expired, the municipal officers shall call a run-off election
between the remaining candidates by posting a warrant in the
10 manner required for calling a town meeting. If only one
candidate remains, that candidate is declared the winner and
sworn into office.

12
14 If the meeting is adjourned sine die before a tie vote is
resolved or the tie vote is discovered after the meeting adjourns
sine die and more than one candidate remains, a new meeting must
16 be called to conduct a run-off election by the method described
in this subsection.'

18
20 Further amend the bill by inserting at the end before the
summary the following:

22
24 **'FISCAL NOTE**

26 This bill requires municipalities to have an additional
meeting to conduct a run-off election in the event of a tie vote
28 during any town meeting election. The additional costs of this
state mandate can not be determined at this time. Pursuant to
30 the Mandate Preamble, the two-thirds vote of all members elected
to each House exempts the State from the constitutional
32 requirement to fund 90% of the additional local costs.'

34
36 **SUMMARY**

38 This amendment replaces the bill. It provides for the
calling of an additional town meeting in the event of a tie vote
40 for any candidate elected at town meeting, not just for school
board candidates. If the tie vote is discovered during the
42 initial town meeting, the moderator is required to adjourn the
meeting to a day certain. If the moderator fails to do that, or
44 the tie vote is discovered after the meeting adjourns sine die as
a result of a recount, challenge or other reason, a new town
46 meeting must be called to conduct a run-off election.

48 The amendment also adds a mandate preamble.