

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2091

H.P. 1492

House of Representatives, January 20, 1998

**An Act Providing for Additional Elections for Ties for School Board
Membership.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WRIGHT of Berwick.
Cosponsored by President LAWRENCE of York and
Representatives: BOLDUC of Auburn, FARNSWORTH of Portland, GAGNE of Buckfield,
TESSIER of Fairfield, TUTTLE of Sanford, WHEELER of Eliot.

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

2 **Sec. 1. 20-A MRSA §1253, sub-§2, ¶B,** as amended by PL 1989, c.
4 104, Pt. C, §§8 and 10, is further amended to read:

6 B. Under Method C:

8 (1) Nominations for directors shall must be made on
10 petitions provided by the district secretary. The
12 petitions shall must be signed as provided in Title
14 30-A, section 2528, subsection 4, or if the candidate
is a voting resident in a municipality having less than
200 population, signed by at least 20% of the
registered voters of that municipality;

16 (2) The petitions shall must be submitted to the
18 registrar of voters in the respective municipalities
for certification of the voting residence of the
20 director nominated and of the voters signing the
petition;

22 (3) The registrar of voters shall return the certified
24 petitions to the district secretary not later than 30
days prior to the date of the annual election to be
held in the municipality;

26 (4) The ballot shall must be prepared and distributed
28 by the district secretary. It shall must give the
number of offices to be filled and list the candidates
30 by municipalities or subdistricts in which they are
resident;

32 (5) Notwithstanding any other provision of law, school
34 directors shall must be elected by secret ballot;

36 (6) If all member municipalities do not conduct the
38 election for directors on the same date, then all
ballots cast in the elections shall must be impounded
by the clerk of each municipality:

40 (a) After all municipalities have voted, the
42 clerks and one or more election supervisors
designated by the municipal officers of each
44 municipality shall meet at an agreed upon location
and tally the ballot;

46 (b) The tally shall must be completed within one
48 day of the last member municipality election;

50 (c) The election supervisors shall select from
52 among their members a ~~chairman~~ chair who shall
supervise the tally of ballots; and

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(d) The clerk of each municipality shall as promptly as possible after the election certify to the board of directors the result of the voting in that municipality; and

(7) Any recount petitions shall must be filed with the secretary of the board of directors and recounts shall must be conducted in each member municipality in accordance with the applicable laws; and

(8) In the event of a tie in the number of votes cast for 2 or more candidates and a resolution of the tie is necessary to determine membership on the board of directors, the municipality shall hold a run-off election for those candidates who were tied in the initial election.

Sec. 2. 20-A MRSA §2301, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§2301. Applicability of provisions to certain towns or cities

Sections 2302, 2303 and 2305 do not apply to municipalities whose charters specify the methods of selection, recall, resolution of tie votes and term of office of a school committee, nor to municipalities who revise their charters or adopt new charters under the "home rule" provisions of Title 30-A, chapter 111, with specifications for method of selection, recall, resolution of tie votes and term of office of a school committee, nor to municipalities authorized by private and special laws to otherwise choose a school committee.

Sec. 3. 20-A MRSA §2302, as amended by PL 1983, c. 422, §14, is further amended to read:

§2302. Election of school committee members

A municipality, not included in a school administrative district or a community school district which that operates grades one to 12, shall elect at its annual meeting a school committee of 3 to hold office as provided in section 2305. The municipality shall fill vacancies in that committee at each subsequent annual meeting. In the event of a tie in the number of votes cast for 2 or more candidates and a resolution of the tie is necessary to determine membership on the school board, the municipality shall hold a run-off election for those candidates who were tied in the initial election.

SUMMARY

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This bill requires a municipality to hold a run-off election for school committee members and school boards of directors if the initial election results in a tie vote between 2 or more of the candidates. The additional election is only required if membership on the board or committee can not otherwise be determined.

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