

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 82

S.P. 33

In Senate, January 22, 2013

### **An Act To Establish a People's Veto Process for Actions of County Commissioners**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator THOMAS of Somerset.  
Cosponsored by Representative JOHNSON of Greenville and  
Senator: SAVIELLO of Franklin, Representatives: BLACK of Wilton, DOAK of Columbia  
Falls, GIFFORD of Lincoln, GRAHAM of North Yarmouth, JACKSON of Oxford.

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

2 **Sec. 1. 30-A MRSA c. 1, sub-c. 2, art. 7** is enacted to read:

3 **ARTICLE 7**

4 **PEOPLE'S VETO**

5 **§131. People's veto of county commissioners' actions**

6 Notwithstanding section 102, a vote of the county commissioners may be overturned  
7 by a people's veto pursuant to this article.

8 **1. Petition.** On the written petition pursuant to subsection 5 of a number of voters  
9 equal to at least 5% of the number of votes cast in the county at the last gubernatorial  
10 election, an election must be held to determine whether a vote by the county  
11 commissioners is vetoed or upheld.

12 **2. Notice of intention within 5 days.** In order to initiate a people's veto under  
13 subsection 1, the initiator of the petition shall file a notice of intention to overturn a vote  
14 of the county commissioners with the county clerk within 5 days of that vote. A notice of  
15 intention under this subsection must include a description of the vote subject to veto.  
16 Only a person registered to vote in the county may file a notice of intention under this  
17 subsection.

18 **3. Petition forms.** Within 3 business days of receipt of a notice of intention under  
19 subsection 2, the county clerk shall prepare petition forms for the collection of signatures  
20 under subsection 4 and send notice to the initiator of the petition under subsection 2 that  
21 the petition forms are available. The county may charge the initiator of the petition a  
22 reasonable fee for preparing and providing the petition forms under this subsection. A  
23 petition form under this subsection must include:

24 A. At the top of the form, a description of the vote subject to veto, the name and  
25 contact information of the initiator of the petition and the date by which the  
26 signatures must be submitted to the county clerk under subsection 4;

27 B. Spaces for each voter's signature, actual street address and printed name; and

28 C. Space at the bottom of the form for the name, address and signature of the person  
29 circulating the petition form.

30 **4. Collection and submission of signatures.** A petition form under subsection 3  
31 may be circulated or signed only by a registered voter of the county. A circulator of a  
32 petition form shall fill in the information required under subsection 3, paragraph C and  
33 sign the form prior to submission of the form to the county clerk. The initiator of the  
34 petition under subsection 2 shall collect the petition forms from all circulators and submit  
35 the signed petition forms to the county clerk within 30 days of receipt of notice from the  
36 county clerk that the petition forms are available under subsection 3. A county clerk may

1 not accept a petition form submitted more than 30 days after sending notice of availability  
2 to the initiator under subsection 3, and any voter signatures on that form are invalid.

3 **5. Petition certification and notification.** Within 7 business days of receiving  
4 petition forms under subsection 4, the county clerk shall determine whether the petition  
5 forms meet the criteria under subsection 4 and certify the validity of any signatures on the  
6 petition forms. If the county clerk finds that the number of valid signatures submitted  
7 under subsection 4 meets or exceeds the requirements under subsection 1, the county  
8 clerk shall certify the petition and immediately send notification of the certification to the  
9 county commissioners. If the county clerk finds the number of valid signatures submitted  
10 under subsection 4 does not meet the requirements for a petition under subsection 1, the  
11 county clerk shall file the petition and the petition forms in the county clerk's office and  
12 notify the initiator of the petition.

13 **6. Effect of petition certification.** Certification of the petition under subsection 5  
14 results in the immediate suspension of the county commissioners' vote at issue in the  
15 people's veto election. If the vote is related to the county budget or a particular item of  
16 the budget, the county shall operate on an interim budget for the county budget or for that  
17 particular item of the county budget that may not exceed the previous year's budget.

18 **7. Scheduling people's veto election.** Within 10 business days of certification of  
19 the petition under subsection 5, the county commissioners shall schedule an election to  
20 determine whether the vote of the county commissioners is vetoed or upheld. The  
21 election must be held no fewer than 45 days nor more than 75 days after certification of  
22 the petition under subsection 5 unless a regular county election is scheduled to be held  
23 within 90 days of the certification of the petition under subsection 5, in which case the  
24 people's veto election must be held on the date of the regular county election. If the  
25 county commissioners fail to schedule a people's veto election within 10 days of  
26 certification of the petition under subsection 5, the county clerk shall schedule the  
27 people's veto election pursuant to the date requirements of this subsection.

28 **8. Ballots for people's veto election.** If the vote of the county commissioners that is  
29 the subject of the people's veto petition is not reversed by the county commissioners  
30 within 10 business days of certification of the petition under subsection 5, the ballots for  
31 the people's veto election under subsection 7 must be printed. A ballot for a people's veto  
32 election under this section must read:

33 "County of .....

34 Are you in favor of vetoing the decision of the county commissioners to (description  
35 of the vote)?

36 ( ) Yes ( ) No"

37 **9. Results of people's veto election.** Within 2 business days of a people's veto  
38 election under subsection 7, the county clerk shall certify and record the election results  
39 and notify the county commissioners of those results. If a majority of voters vote to veto  
40 the vote of the county commissioners, the veto takes effect on the date the election results  
41 are recorded pursuant to this subsection. If a majority of voters vote against vetoing the

1 vote of the county commissioners, the county commissioners' vote takes effect on the date  
2 the election results are recorded pursuant to this subsection.

3

### **SUMMARY**

4 This bill establishes a people's veto process for the actions of county commissioners.  
5 The process allows 5 days for a notice of intention to be filed with the county clerk and  
6 30 days to collect signatures. The number of signatures must be equal to no less than 5%  
7 of the total votes cast in the county at the last gubernatorial election. Once the petition is  
8 certified by the county clerk, the action that was the subject of the county commissioners'  
9 vote must be suspended until a countywide election is held. If the action that was the  
10 subject of the county commissioners' vote is budget-related, an interim budget that is  
11 equal to the previous year's budget goes into effect until a countywide election is held. If  
12 the majority of voters cast their vote in opposition to the veto, the action that was the  
13 subject of the county commissioners' vote takes effect.