

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1102

H.P. 697

House of Representatives, March 9, 2023

An Act to Authorize a Recall Election for a School Board Member

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

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

ROBERT B. HUNT
Clerk

Presented by Representative BAGSHAW of Windham.
Cosponsored by Senator STEWART of Aroostook and
Representatives: ANDREWS of Paris, HYMES of Waldo, PERKINS of Dover-Foxcroft,
RISEMAN of Harrison, RUDNICKI of Fairfield, SMITH of Palermo, WILLIAMS of Bar
Harbor, Senator: LIBBY of Cumberland.

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

2 **Sec. 1. 30-A MRSA §2506** is enacted to read:

3 **§2506. Recall of school board member**

4 Except as otherwise provided by municipal ordinance or charter, a member of a school
5 board may be recalled from office pursuant to this section.

6 **1. Petition for recall.** On the written petition pursuant to subsection 5 of a number of
7 voters equal to at least 10% of the number of votes cast in the municipality at the last
8 gubernatorial election, an election must be held to determine the recall of an elected
9 member of a school board within that municipality.

10 **2. Notice of intention.** In order to initiate a recall election under subsection 1, the
11 initiator of the petition shall file a notice of intention of recall with the municipal clerk of
12 the municipality. A notice of intention of recall under this subsection must include the
13 name, address and contact information of the person filing the notice and the name of the
14 school board member subject to recall under this section. Only a person registered to vote
15 in the municipality in which the school board member was elected may file a notice of
16 intention of recall under this subsection.

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

23 A. At the top of the form, the name of the school board member subject to recall, the
24 name and contact information of the initiator of the petition and the date by which the
25 signatures must be submitted to the municipal clerk under subsection 4;

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

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

29 **4. Collection and submission of signatures.** A petition form under subsection 3 may
30 be circulated or signed only by a registered voter of the municipality in which the school
31 board member was elected. A circulator of a petition form shall fill in the information
32 required under subsection 3, paragraph C and sign the form prior to submission of the form
33 to the municipal clerk. The initiator of the petition under subsection 2 shall collect the
34 petition forms from all circulators and submit the signed petition forms to the municipal
35 clerk within 14 days of receipt of notice from the clerk that the petition forms are available
36 under subsection 3. A municipal clerk may not accept a petition form submitted more than
37 14 days after sending notice of availability to the initiator under subsection 3, and any voter
38 signatures on that form are invalid.

39 **5. Petition certification and notification.** Within 7 business days of receiving
40 petition forms under subsection 4, the municipal clerk shall determine whether the petition
41 forms meet the criteria under subsection 4 and certify the validity of any signatures on the
42 petition forms. If the municipal clerk finds that the number of valid signatures submitted
43 under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall

1 certify the petition and immediately send notification of the certification to the municipal
2 officers, the initiator of the petition and the school board member subject to the recall. If
3 the municipal clerk finds the number of valid signatures submitted under subsection 4 does
4 not meet the requirements for a petition under subsection 1, the municipal clerk shall file
5 the petition and the petition forms in the clerk's office and notify the initiator of the petition.

6 **6. Scheduling recall election.** Within 10 business days of certification of the petition
7 under subsection 5, the municipal officers shall schedule a recall election to determine
8 whether the school board member subject to the recall petition should be recalled. The
9 election must be held no less than 45 days nor more than 75 days after certification of the
10 petition under subsection 5 unless a regular municipal election is scheduled to be held
11 within 90 days of the certification of the petition under subsection 5, in which case the
12 recall election must be held on the date of the regular municipal election. If the municipal
13 officers fail to schedule a recall election within 10 days of certification of the recall petition
14 under subsection 5, the municipal clerk shall schedule the recall election pursuant to the
15 date requirements of this subsection.

16 **7. Ballots for recall election.** If the school board member subject to the recall does
17 not resign from the member's position within 10 business days of certification of the recall
18 petition under subsection 5, the ballots for the recall election under subsection 6 must be
19 printed. A ballot for a recall election under this section must read:

20 "Do you authorize the recall of (name of school board member) from the (school unit)
21 school board?

22 Yes No"

23 **8. Results of recall election.** Within 2 business days of a recall election under
24 subsection 6, the municipal clerk shall certify and record the election results and notify the
25 municipal officers of those results. If a majority of voters vote to remove the school board
26 member, the recall takes effect on the date the election results are recorded pursuant to this
27 subsection.

28 SUMMARY

29 This bill authorizes a municipality to hold a recall election for a member of a school
30 board elected from that municipality. Only a person registered to vote in the municipality
31 that elected the school board member may initiate, circulate or sign a recall petition. A
32 school board member may be recalled for any reason.