

MAINE STATE LEGISLATURE

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Date 6/15/23 *Minority* L D 1443
(Filing No H-563)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H P 939, L D 1443, "An Act to Establish a Recall Process for Public School Board Members"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 30-A MRS A §2506 is enacted to read

§2506. Recall of school board member

Except as otherwise provided by municipal ordinance or charter, a member of a school board may be recalled from office pursuant to this section. For purposes of this section, "school board" has the same meaning as in Title 20-A, section 1, subsection 28.

1. Petition for recall. On a written petition pursuant to subsection 5 containing a number of voters equal to at least 20% of the number of votes cast in the municipality at the last gubernatorial election, an election must be held to determine the recall of an elected member of a school board representing the voters of that municipality.

2. Notice of intention. In order to initiate a recall election under subsection 1, the initiator of the petition shall file a notice of intention of recall with the municipal clerk of the municipality in which the school board member was elected. A notice of intention of recall under this subsection must include the name, address and contact information of the person filing the notice, the name of the school board member subject to recall under this section and a general statement of the reason why the recall is sought. Only a person registered to vote in the municipality in which the school board member was elected may file a notice of intention of recall under this subsection.

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

1 A. At the top of the form, the name of the school board member subject to recall, the
2 general statement of the reason why the recall is sought, the name and contact
3 information of the initiator of the petition and the date by which the signatures must be
4 submitted to the municipal clerk under subsection 4,

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

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

8 **4. Collection and submission of signatures.** A petition form under subsection 3 may
9 be circulated or signed only by a registered voter of the municipality in which the school
10 board member was elected. A circulator of a petition form shall fill in the information
11 required under subsection 3, paragraph C and sign the form prior to submission of the form
12 to the municipal clerk. The initiator of the petition under subsection 2 shall collect the
13 petition forms from all circulators and submit the signed petition forms to the municipal
14 clerk within 14 days of receipt of notice from the clerk that the petition forms are available
15 under subsection 3. A municipal clerk may not accept a petition form submitted more than
16 14 days after sending notice of availability to the initiator under subsection 3, and any voter
17 signatures on that form are invalid.

18 **5. Petition certification and notification.** Within 7 business days of receiving
19 petition forms under subsection 4, the municipal clerk shall determine whether the petition
20 forms meet the criteria under subsection 4 and certify the validity of any signatures on the
21 petition forms. If the municipal clerk finds that the number of valid signatures submitted
22 under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall
23 certify the petition and immediately send notification of the certification to the municipal
24 officers, the initiator of the petition and the school board member subject to the recall. If
25 the municipal clerk finds the number of valid signatures submitted under subsection 4 does
26 not meet the requirements for a petition under subsection 1, the municipal clerk shall file
27 the petition and the petition forms in the clerk's office and notify the initiator of the petition.

28 **6. Scheduling recall election.** Within 10 business days of certification of the petition
29 under subsection 5, the municipal officers shall schedule a recall election to determine
30 whether the school board member subject to the recall petition should be recalled. The
31 election must be held no less than 45 days nor more than 75 days after certification of the
32 petition under subsection 5 unless a regular municipal election is scheduled to be held
33 within 90 days of the certification of the petition under subsection 5, in which case the
34 recall election must be held on the date of the regular municipal election. If the municipal
35 officers fail to schedule a recall election within 10 days of certification of the recall petition
36 under subsection 5, the municipal clerk shall schedule the recall election pursuant to the
37 date requirements of this subsection.

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

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

44 Yes No"

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

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
7 number to read consecutively

8 **SUMMARY**

9 This amendment, which is the minority report of the committee, replaces the bill. The
10 amendment authorizes a municipality to hold a recall election for a member of a school
11 board elected from that municipality. Only a person registered to vote in the municipality
12 that elected the school board member may initiate, circulate or sign a recall petition. A
13 school board member may be recalled for any reason.