

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

'An Act To Provide for a Method To Remove an Elected Official'

Amend the bill by inserting after the enacting clause and before section 1 the following:

PART A

Sec. .

Amend the bill by inserting after section 4 the following:

PART B

Sec. B-1. 21-A MRSA c. 17 is enacted to read:

CHAPTER 17

RECALL

§ 1301. Recall

Every elected official in the State, with the exception of municipal officials subject to the provisions of Title 30-A, section 2505, is subject to recall by the voters of the district in which the official is elected as provided in this chapter. A petition may be filed against an elected official only for neglect of duty, misconduct or malfeasance in office. A petition for recall may not be filed against an elected official until the elected official has actually performed the duties of the office to which elected for a period of 6 months during the current term of that office. A petition may not be filed against an elected official during the last 6 months of the official's term of office. An elected official sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.

§ 1302. Recall petition; number of signatures

A petition to recall an elected official must be signed by a number of voters equal to not less than 10% of the number of votes cast for candidates for that office at the last preceding election in the electoral district of the elected official sought to be recalled.

§ 1303. Recall of Governor, senators, representatives or county officials; filing petitions

A petition with the signatures required under section 1302 demanding the recall of the Governor, a State Senator, a State Representative or a county official except a county commissioner must be filed with the Secretary of State.

§ 1304. Recall of elected county commissioner; filing petition

A petition with the signatures required under section 1302 demanding the recall of an elected county commissioner must be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside.

§ 1305. Sufficiency or insufficiency of recall petition; determination; notice; special election

1. Determination of sufficiency. Within 35 days after the filing of a recall petition under this chapter, the filing official with whom the recall petition is filed shall make an official declaration of the sufficiency or insufficiency of the petition. If the recall petition is determined to be insufficient, the filing official shall notify the person or organization sponsoring the recall of the insufficiency of the petition. It is not necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

2. Calling of recall election. Immediately upon determining pursuant to subsection 1 that a petition is sufficient, but not later than 35 days after the date of filing the petition, the filing official with whom the petition is filed shall call a recall election to determine whether the voters will recall the official whose recall is sought. The election must be held on the next regular election date that is not less than 95 days after the date the petition is filed.

§ 1306. Recall election procedure

The procedure governing a recall election under this chapter is the same, so far as possible and unless otherwise provided in rules adopted implementing this chapter, as that by which the relevant elected official was elected to office. If the filing official with whom the petition is filed is not required to give public notice of an election concerning the office in question, the filing official shall give notice to the official or officials required by law to give public notice of the election, cause the ballots to be printed, provide election supplies and do all things necessary to conduct the election in the manner provided in this chapter. Fewer precinct election officials than the number otherwise required under the law may be assigned to duty if it appears that the votes to be cast will not necessitate the number of precinct election officials otherwise so required.

§ 1307. Recall of elected official; vacancy

After the recall election held pursuant to section 1306, if the results support the recall of the elected official, the official empowered by law to perform the duties of that recalled official in the event of that official's absence, death, illness or inability to act shall perform and discharge the duties of the office vacated until the successor to fill the vacancy is duly elected and qualified. If the power to fill a vacancy by appointment exists, the office must be filled in the same manner by temporary appointment until a

successor is duly elected and qualified. If there is no official empowered by law to perform the duties of the recalled official and there is no existing power to fill the vacancy by appointment, the Governor may fill the vacancy until the recalled official's successor is elected and qualified.

§ 1308. Rulemaking

The Secretary of State shall adopt rules implementing this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

SUMMARY

This amendment, like the bill, establishes a procedure to recall elected officials.