

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

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

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

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

ARTICLE 7

PEOPLE'S VETO

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

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

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

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

3. Petition forms. Within 3 business days of receipt of a notice of intention under subsection 2, the county 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 county 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:

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

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

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

4. Collection and submission of signatures. A petition form under subsection 3 may be circulated or signed only by a registered voter of the county. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the

form to the county clerk. The initiator of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition forms to the county clerk within 30 days of receipt of notice from the county clerk that the petition forms are available under subsection 3. A county clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid.

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

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

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

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

"County of

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

() Yes () No"

9. Results of people's veto election. Within 2 business days of a people's veto election under subsection 7, the county clerk shall certify and record the election results and notify the county commissioners of those results. If a majority of voters vote to veto the vote of the county commissioners,

the veto takes effect on the date the election results are recorded pursuant to this subsection. If a majority of voters vote against vetoing the vote of the county commissioners, the county commissioners' vote takes effect on the date the election results are recorded pursuant to this subsection.

SUMMARY

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