1 L.D. 1533

2 Date: (Filing No. S-   )

3 Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

SENATE AMENDMENT "   " to H.P. 1125, L.D. 1533, Bill, "An Act To Provide for a Method To Remove an Elected Municipal Official"

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'

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.

SENATE AMENDMENT

1 **§1302. Recall petition; number of signatures**

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

5 **§1303. Recall of Governor, senators, representatives or county officials; filing**
6 **petitions**

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

10 **§1304. Recall of elected county commissioner; filing petition**

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

14 **§1305. Sufficiency or insufficiency of recall petition; determination; notice; special**
15 **election**

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

23 **2. Calling of recall election.** Immediately upon determining pursuant to subsection
24 1 that a petition is sufficient, but not later than 35 days after the date of filing the petition,
25 the filing official with whom the petition is filed shall call a recall election to determine
26 whether the voters will recall the official whose recall is sought. The election must be
27 held on the next regular election date that is not less than 95 days after the date the
28 petition is filed.

29 **§1306. Recall election procedure**

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

SENATE AMENDMENT

1 **§1307. Recall of elected official; vacancy**

2 After the recall election held pursuant to section 1306, if the results support the recall
3 of the elected official, the official empowered by law to perform the duties of that
4 recalled official in the event of that official's absence, death, illness or inability to act
5 shall perform and discharge the duties of the office vacated until the successor to fill the
6 vacancy is duly elected and qualified. If the power to fill a vacancy by appointment
7 exists, the office must be filled in the same manner by temporary appointment until a
8 successor is duly elected and qualified. If there is no official empowered by law to
9 perform the duties of the recalled official and there is no existing power to fill the
10 vacancy by appointment, the Governor may fill the vacancy until the recalled official's
11 successor is elected and qualified.

12 **§1308. Rulemaking**

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

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

18 **SUMMARY**

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

20 **SPONSORED BY:** _____

21 **(Senator DILL)**

22 **COUNTY: Cumberland**

SENATE AMENDMENT