

TOWN OF LIMERICK, MAINE

RECALL ORDINANCE

SECTION 1. Establishment

This ordinance is enacted pursuant to Title 30-A M.R.S.A. 2602 (6) amended Oct. 13,1993. A town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in Title 30-A M.R.S.A §2602.

SECTION 2. Purpose and Authority

This ordinance provides the means and methods by which citizens of the Town of Limerick seek the removal from office, a Town of Limerick elected official. This ordinance is enacted pursuant to Title 30-A M.R.S.A., §2528, §2602, §3001, and §3002.

SECTION 3. Procedure

- a. Recall shall be initiated by petition
- b. The petition for recall must contain only signatures of the registered voters of the Town of Limerick, equal to ten percent (10%) of the number of votes cast in the last gubernatorial election.
- c. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition; if petitions for the recall of all Selectmen are submitted, then the petitions shall be addressed to the Town Clerk but the petitions shall, in all cases, be filed with the Town Clerk or Deputy Clerk.
- d. The petition shall state the name and office or offices of the municipal official whose removal is being sought and a general statement of the reasons why such removal is desired.
- e. If recall of more than one municipal official is being sought there shall be a separate petition for each municipal official whose removal is being sought.
- f. Each page of the petition shall provide a space for the voter's signature, address and printed name
- g. All petition pages thereof shall be filed as one document.

Section 4. Incumbent Duties Continued

The incumbent (unless he/she has submitted a written resignation to the selectmen) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in the office for the remainder of the unexpired term, subject to subsequent recall. If recalled, the official shall be deemed removed from the office upon certification of the election results.

SECTION 5. Clerk's Certification

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in

Section 3 of this ordinance. Should the petition be found insufficient, the petition will be filed in the clerk's office and the voter who filed the petition will be notified.

SECTION 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action
- b. The Selectman upon receipt of the certified petition shall within ten (10) days time of receipt order an election by written ballot, pursuant to 30-A M.R.S.A. §2528, to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition. In this case the selectmen may, at their discretion, for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Town Selectman fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 30 days nor more than 60 days following the selectmen's failure or refusal to order the required election
- d. If, between the time of ordering the recall election and the 21st day before said election, the official whose recall is being sought requests a public hearing, the Selectmen shall promptly schedule such a hearing to occur not fewer than 7 days before the election, and shall provide adequate posting a least 7 days before said hearing.

SECTION 7. Ballots for Recall Election

Unless the official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall ask the question, "SHALL (name of official) BE RECALLED FROM THE POSITION OF (name of office)?" and provide adjacent boxes for "Yes" or "No" responses.

SECTION 8. Result of Election

- a. In the event of an affirmative vote for removal, such vote shall take effect immediately upon the recording of the vote tabulation into the records.
- b. A tie vote will defeat the recall

SECTION 9. Vacancies to be filled

A vacancy resulting from removal from office under this ordinance shall be filled in accordance with Title 30-A M.R.S.A. §2602

SECTION 10. Limitations

- a. No petition for recall shall be filed against an official that has held office less than 4 months, or with fewer than 60 days of a multiyear term remaining.

- b. If an official has been subjected to a recall election and not removed, no recall petition shall be filed against that official until at least six (6) months have passed since said recall election.

SECTION 11. Validity

It is the intention that each section of this ordinance shall be deemed independent of all other sections herein and that if any provision within this ordinance is declared invalid, all other sections shall remain valid and enforceable.

SECTION 12. Effective date

This ordinance shall be in full force and effect as soon as the town votes to enact it