

ORDINANCE FOR THE RECALL OF ELECTED MUNICIPAL OFFICIALS

SECTION 1: AUTHORITY

This ordinance is enacted pursuant to 30-A M.R.S.A., s/s 2602(6) and 3001.

SECTION 2: APPLICABILITY

Any Elected Municipal Official, with the exception of School Board Members, of the Town of Acton may be recalled and removed from office as here in provided for.

SECTION 3: PETITION FOR RECALL

- a. The petition for recall must contain signatures of registered voters of the Town of Acton equal to 10% of the number of votes cast in the last Gubernatorial Election, but in all cases no fewer than (100) one hundred.
- b. The petition shall be addressed to the board of Selectman as the Board with the power to call elections pursuant to 30-A M.R.S.A., s/s 2528.
- c. The petition shall state the name and office of the person whose removal is being sought, a specific statement of the reason such removal is desired, and the names of the persons circulating the petition.
- d. If recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought.
- e. Each page of the petition shall provide a space for the voter's signature, printed name, and physical address.
- f. All petition pages thereof shall be filed as one document.

SECTION 4: CLERK CERTIFICATION

Within ten (10) days of the receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all 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 5: 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/her certification to the board at their next regular meeting and shall notify the Officials whose removal is being sought by such action.

- b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt, order an election by Secret Ballot to be held not less than Forty-five (45) days nor more than sixty (60) days of, thereafter, provided that a regular municipal election will not be held within ninety (90) days of receipt by the Selectmen of the certified petition. In the case of such an election, the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular Municipal Election.
- c. In the event that the Town Selectmen unreasonably refuse to order an election as herein provided, a Notary Public may call the election to be held not less than forty-five (45) days nor more than sixty (60) days following the Selectmen's refusal to order the required election.

SECTION 6: BALLOT FOR RECALL ELECTION

The ballots shall be printed and shall read "Shall _____ Be Recalled?" with the name of the official whose recall is being sought inserted in the blank space.

SECTION 7: RESULTS OF ELECTION

In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records, after any inspection or recount, or after the time for an inspection or recount has expired.

SECTION 8: VACANCIES TO BE FILLED

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

SECTION 9: INCUMBENT TO CONTINUE DUTIES DURING RECALL PROCESS

The incumbent (unless he/she has submitted a written resignation to the Select Board) 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 office for the remainder of the unexpired term. If recalled, the official shall be deemed to be removed from office upon the certification of the election results.

SECTION 10: SUCCESSIVE PETITIONS

A subsequent recall petition may not be filed for at least six (6) months after a failed recall election on that official.

SECTION 11: APPOINTMENT

A person recalled from office may (*not*) be appointed to the same office.

Adopted January 8th, 2010; Amended June 11th, 2011