

## TOWN OF LIBERTY

### Ordinance for the Recall of Elected Municipal Officials

#### **SECTION 1. Authority**

This Ordinance is adopted pursuant to Title 30-A MRSA § 2602(6).

#### **SECTION 2. Applicability**

Any elected official of the Town of Liberty, Maine, may be recalled and removed from office as provided herein.

#### **SECTION 3. Grounds for Recall**

An elected official may be recalled for reasons specified by the petitioner.

#### **SECTION 4. Petitions for Recall**

- a. Each page of the petition shall state the name and office of the person whose removal is being sought, and the full text of the statement of the reasons for the recall of the elected official.
- b. Each signature shall be executed in ink and shall include the signer's printed name, and shall state the legal residence of the voter with street address or other description sufficient to identify the place of residence.
- c. The petition must contain only signatures of the registered voters of the Town of Liberty, and be equal to at least 10% of the last gubernatorial election, but not less than twenty (20).
- d. If the recall is for more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- e. All petition pages shall be filed as one document.
- f. The petition shall be addressed to those members of the Board of Selectmen who are not subjects of the petition; if petitions for the recall of all Selectmen are submitted, the petitions shall be addressed to the Town Clerk.
- g. At the bottom of each page of the petition, the circulator of that page shall certify that to the best of his or her knowledge, each signature is genuine.

#### **SECTION 5. Clerk's Certification**

Within ten (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition and shall determine if the petition meets all of the procedural qualifications as set forth in Section 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition shall be filed in the Clerk's office and the voter who filed the petition shall be notified.

#### **SECTION 6. Call the Recall Election**

If the petition is certified by the Town Clerk to be sufficient, he or she shall submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.

The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA § 2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election

is not scheduled to be held within 90 days of receipt of the certified petition and, in this case, the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.

In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectmen's failure or refusal to order the required election.

#### **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 read, "Shall (name of official and his or her title) be Recalled?," and provide adjacent boxes for "Yes" or "No" responses.

#### **SECTION 8. Result of Election**

In case a majority of those voting for and against the recall of any elected official shall vote in favor of recalling such official, he or she shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

#### **SECTION 9. Separability**

It is the intention of the municipality 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 10. Amendments**

This ordinance may be amended by a majority vote of any legal Town meeting when such amendment is published in the warrant calling for the meeting.