

Town of Litchfield Maine

Ordinance for the Recall of Elected Municipal Officers

Adopted October 11, 2016

SECTION 1. Establishment

Under Title 30-A, M.R.S.A., Chapter 123, Section 2602 (6), as amended, a municipality may enact an ordinance for the recall and removal of the elected municipal officers with the exception of the school board members as noted in Title 30A, M.R.S.A., Chapter 123, Section 2602.

SECTION 2. Applicability

Any elected municipal officer of the Town of Litchfield whether already holding office or elected after the enactment of this ordinance may be recalled and removed from office as herein provided for.

SECTION 3. Petitions for Recall

a. Recall shall be initiated by petition.

b. The petition for recall must contain signatures of the registered voters of the Town of Litchfield, equal to or greater than ten percent (10%) of the number of votes cast in the Town of Litchfield in the last gubernatorial election but in all cases no less than 10 signatures.

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 the 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.

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 the 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. 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 Town Clerk's office and the voter who filed the petition 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 or her certification to the Board of Selectmen at their next regular meeting and shall notify, by certified return receipt mail, the municipal official(s) whose removal is being sought of such action.

b. The Selectmen, upon receipt of the petition, shall within ten (10) days' time of the receipt, order an election by secret ballot. Pursuant to 30-A MRSA 2528, to be held not less than thirty (30) nor more than sixty (60) days thereafter, provided that a regular municipal election will not be held within ninety (90) days of the receipt of the certified petition; in this case the selectman 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 Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than thirty (30) days and no more than sixty (60) days following the Selectmen's failure to order the required election.

d. The Selectmen shall schedule such a public hearing on the recall election at least ten (10) days before the date for voting on the recall.

SECTION 6. Ballots for the recall Election

Unless the municipal 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 _____ BE RECALLED FROM THE OFFICE OF _____?" with the name and the office of the municipal official whose recall is being sought inserted into the blank spaces. If the petition seeks the recall of a municipal official from more than one office, each office must be named.

Section 7. Result of Election

In the event of affirmative vote for removal by a majority of those voting thereon, such vote shall take effect as of the recording of the vote tabulation into the records.

Section 8. Vacancies to be filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions of Maine Law.

SECTION 9. Limitations

a. No petition for recall shall be filed against an official with fewer than 3 months in office, 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 except when an elected official is convicted of a crime; the conduct of which occurred during the official's term of office and the victim of which is the municipality in which case this section would not apply to that official.

SECTION 10. Severability

If any part of this ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, then the remainder of this ordinance shall not fail, but shall continue in effect unless the loss of the part found unlawful entirely vitiates the scheme of the ordinance.

Adopted by the voters this eleventh day of October in the year 2016

