

**TOWN OF WEST GARDINER ORDINANCE  
RECALL OF ELECTED MUNICIPAL OFFICERS**

**SECTION 1. Establishment**

Under M.R.S.A. Title 30-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 method by which citizens of the Town of West Gardiner may seek the removal from office of a Town of West Gardiner elected official. This ordinance is enacted pursuant to Title 30\_a M.R.S.A., §2528, 2602, §3001, and §3002.

**SECTION 3. Procedure**

- a. The petition for recall must contain only signatures of the registered voters of the Town of West Gardiner, equal to ten percent (10%) of the number of votes cast in the last gubernatorial election.
- b. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.
- c. The petition shall state the name and office of the person whose removal is being sought, and incorporate the petitioners' statement of the reason(s) such removal is desired as outlined in Section 3. d.
- d. An elected official may be recalled for (i) failure to appropriately carry out duties and responsibilities of the office (such as failure to represent the will of the people of West Gardiner); (ii) engaging in conduct which brings the office into disrepute; (iii) engaging in conduct which displays an unfitness to hold the office; or (iv) for the indictment or conviction of a crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense.
- e. If recall of more than one official is being sought there shall be a separate petition for each 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. The petition blanks shall be the date the petitioner initiates the recall request. The petition shall be available for signatures for 30 business days. At the expiration of said 30 business days, the Town Clerk shall declare the petition closed.

- h. 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 office for the remainder of the unexpired term, subject to the 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 Selectmen 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, provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Town Selectmen 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 21<sup>st</sup> day before said election, the official whose recall is being sought requests a public hearing, the Selectmen shall promptly schedule such hearing to occur no fewer than 7 days before the election, and shall provide adequate posting at 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?," and provide 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 as of 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 with fewer than 4 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 was not removed, no recall petition shall be filed against that official until at least twelve months (1 year) has passed since said recall election.

## **SECTION 11. Validity**

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 12. Amendments**

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

## **SECTION 13. Effective date**

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

Article 50: Shall an Ordinance entitled "Recall of Elected Municipal Offices be enacted?"

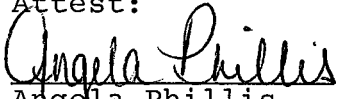
Adopted as read March 22, 2014

  
Gregory Couture

  
Merton Hickey

  
Earle McCormick

Attest:

  
Angela Phillis  
Town Clerk