

Recall Ordinance

Town of Tremont

An Ordinance to establish and maintain a procedure for the recall and removal of elected municipal officials, excluding School Board elected officials.

The Town of Tremont ordains that the following Ordinance is adopted:

I. Purpose

The purpose of this Ordinance is to establish and maintain a procedure for the recall and removal of elected municipal officials, excluding School Board elected officials as per state law.

II. Authority

An elected official of the Town of Tremont (hereinafter the “Town”) may be recalled from office as provided by this Ordinance (see also 30-A M.R.S. §§ 2602(6) and 3001).

III. Amendments

The effective date of this Ordinance or any amendments thereto shall be the day immediately following its/their adoption.

IV. Supersedure

The adoption of this Ordinance or any amendments thereto hereby repeals and supersedes all conflicting provisions of all ordinances adopted prior to the effective date of this Ordinance.

V. Validity and Separability

Should any section or provisions of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provisions of this Ordinance.

VI. Amendments

This Ordinance may be amended in part or in whole by a majority vote of the citizens of the Town at a regular or special Town Meeting.

VII. Procedures

1. Petition for recall.

On the written petition, pursuant to subsection 5 below, of a number of voters equal to at least 25% of the number of votes cast in the Town at the last gubernatorial election, an election must be held to determine the recall of an elected official of the Town.

2. Notice of intention.

In order to initiate a recall election under subsection 1, above, the initiator of the petition shall file a notice of intention of recall with the Tremont Town Clerk. A notice of intention of recall under this subsection must include the name, address and contact information of the person filing the notice and the name and position of the official subject to recall under this section, as well as a statement of the specific reason or reasons that the alleged conduct is grounds for recall. Only a person registered to vote in Tremont may file a notice of intention of recall under this subsection.

3. Petition forms.

Within 3 business days of receipt of a notice of intention of recall under subsection 2, the Town Clerk shall prepare petition forms for the collection of signatures under subsection 4 and send notice to the initiator of the petition under subsection 2 that the petition forms are available. The municipality may charge the initiator of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form under this subsection must include:

- A. at the top of the form, the name and position of the official subject to recall, a statement of the specific reason or reasons that the alleged conduct is grounds for recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the Town Clerk under subsection 4;
- B. spaces for each voter's signature, actual street address and printed name; and
- C. space at the bottom of the form for the name, address and signature of the person circulating the petition form.

4. Collection and submission of signatures.

A petition form under subsection 3 may be circulated or signed only by a registered voter of Tremont. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the form to the Town Clerk. The initiator of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition forms to the Town Clerk within 30 days of receipt of notice from the Clerk that the petition forms are available under subsection 3. The Town Clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid.

5. Petition certification and notification.

Within 7 business days of receiving petition forms under subsection 4, the Town Clerk shall determine whether the petition forms meet the criteria under subsection 4 and certify the validity of any signatures on the petition forms. If the Town Clerk finds that the number of valid signatures submitted under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall certify the petition and immediately send notification of the certification to the municipal officers, the initiator of the petition and the official subject to the recall. If the Town Clerk finds the number of valid signatures submitted under subsection 4 does not meet the requirements for a petition under subsection 1, the Town Clerk shall file the petition and the petition forms in the clerk's office and notify the initiator of the petition.

6. Scheduling recall election.

Within 14 business days of certification of the petition under subsection 5, the Board of Selectmen shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no less than 45 days nor more than 75 days after certification of the petition under subsection 5 unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under subsection 5, in which case the recall election must be held on the date of the regular municipal election. If the Board of Selectmen fails to schedule a recall election

within 14 days of certification of the recall petition under subsection 5, the Town Clerk shall schedule the recall election pursuant to the date requirements of this subsection.

7. Public Hearing

The Board of Selectmen shall hold a public hearing on the proposed recall, as described in 30-A M.R.S. 2528(5).

8. Ballots for recall election.

If the official subject to the recall does not resign from office within 10 business days of certification of the recall petition under subsection 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a recall election under this section must read:

"Do you authorize the recall of (name of official) from the position of (name of office)?

() Yes () No"

9. Results of recall election.

Within 2 business days of a recall election under subsection 6, the Town Clerk shall certify and record the election results and notify the municipal officers of those results. If a majority of voters vote to remove the official, the recall takes effect on the date the election results are recorded pursuant to this subsection.

[end of ordinance]

Attest:

This is a true copy of an ordinance entitled "Recall Ordinance" as certified to the Town Clerk by the municipal officers of the Town of Tremont on March 21, 2016.

Dana J. Reed
Tremont Town Clerk