

# TOWN OF MONMOUTH

## Ordinance for the Recall of Elected Municipal Officials

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### SECTION 1. Establishment

Under 30-A M.R.S.A § 2602(6) amended November 8, 2011, a municipality may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in 30-A M.R.S.A. § 2602.

### SECTION 2. Applicability

Any elected official including but not limited to; Selectmen, Assessor, Monmouth Sanitary District Trustee, Cumston Hall Trustee and Cumston Library Trustee of the Town of Monmouth may be recalled and removed from office as provided in this ordinance.

### SECTION 3. Petitions for Recall

- a. The petition for recall must contain only signatures of the registered voters of the Town of Monmouth, equal to 10% of the number of votes cast in the last gubernatorial election but in all cases no less than 10.
- 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 sought, and a specific statement of the reason or reasons for removal.
- 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, address, and printed name.
- f. All petition pages shall be filed as one document

### SECTION 4. Clerk's Certification

Within 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 qualification 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 will be notified by the Town Clerk.

### 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 the official or officials whose removal is being sought of such action.
- b. The Board of Selectmen, upon receipt of the certified petition, shall within 10 days time of receipt, order and election by secret ballot, pursuant to 30-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 Board of 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 Board of Selectmen fail or refuse to order and election, the Town Clerk shall call the election to be held not less than 30 days nor more than 60 days following the Board of Selectmen's failure or refusal to order the required election.
- d. The Board of Selectmen shall hold a public hearing on the subject of the article at least 10 days before the day for voting on the article. 30-A M.R.S.A. 2528 (5)

SECTION 6. Ballots for Recall Election

- a. Unless the official or officials whose removal is being sought have resigned within 10 days of receipt of the petition by the Board of Selectmen, 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.
- b. An affirmative vote for removal shall require: (i) a simple majority of the votes cast, and (ii) that at least 10 % of the registered voters of the Town of Monmouth have voted on the vote for removal.

SECTION 7. Result 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.

SECTION 8. Vacancies to be filled

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with Maine law.