

## **Ordinance for the Recall of Elected Municipal Officers**

### SECTION 1. Establishment

Under MRSA Title 30-A Section 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 MRSA 30-A section 2602.

### SECTION 2. Applicability

Any elected selectman, tax collector or road commissioner of the Town of Waterford may be recalled and removed from office as herein provided for.

### SECTION 3. Petitions for Recall

- a. The petition for recall must contain only signatures of the registered voters of the town of Waterford and equal in number to ten percent (10%) of the voters.
- 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 a specific statement and supporting data of the causes as under Section 5 below.
- 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 thereof shall be filed as one document.

### SECTION 4. Clerk's Certification

Within ten (10) days of receipt of the petition the Town Clerk or the Selectmen 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 5. Causes for Removal

- g. Missing consecutive meetings or work days for three months.

- h. Conviction of a crime greater than a misdemeanor or infraction during the member's term of office.
- i. Conduct detrimental to the welfare of a significant population of the people.
- j. Conduct involving conflict of interest.

#### 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 secret ballot, pursuant to 30-A MRSA § 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 Selectman fails or refuses 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 selectman's failure or refusal to order the required election.

#### SECTION 6. 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 \_\_\_\_\_ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space.

#### 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 the provisions contained in the Maine State Statutes.