

TOWN OF CLIFTON, MAINE

RECALL ORDINANCE

SECTION 1. Establishment

This ordinance is enacted pursuant to 30-A M.R.S. §§ 2505, 2528, 2602, 3001, and 3002.

SECTION 2. Purpose and Authority

This ordinance provides the means and methods by which citizens of the Town of Clifton may seek to remove from office a Town of Clifton elected official.

SECTION 3. Procedure

- a. Recall shall be initiated by petition. Each page of the petition shall state the name and office of the person whose removal is being sought.
- b. The petition for recall must contain only signatures of the registered voters of the Town of Clifton, equal to ten percent (10%) of the number of votes cast in the last gubernatorial election, but in all cases no less than thirty (30) signatures.
- c. The petition shall be addressed to those members of the Select Board having no interest in the subject matter of the petition; if petitions for the recall of all Select Board members 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 or Deputy Clerk.
- d. The petition shall state the name and office or offices of the municipal official whose removal is being sought.
- e. If 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. At the bottom of each page of the petition, the circulator of that page shall certify that to the best of his or her knowledge, each signature is genuine.
- g. 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 Select Board) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the incumbent shall continue in the office for the remainder of the unexpired term, subject to subsequent recall. If recalled, the incumbent 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 Clerk shall notify the filer of the petition and keep on file in the Clerk's office a copy of the petition.

SECTION 6. Calling the Recall Election

- a. If the Town Clerk certified the petition as sufficient, the Town Clerk shall submit the certified petition to the Select Board at its next regular meeting and shall notify the official or officials whose removal is being sought of such action.
- b. The Select Board 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. §2528, to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election is not scheduled within 90 days of receipt of the certified petition, and, in this case, the Select Board may, at its discretion, provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Select Board 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 Select Board's failure or refusal to order the required election.

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 Select Board, the ballots shall be printed and shall ask the question, "SHALL [name of official] BE RECALLED FROM THE POSITION(S) OF [name of office(s)]?" and provide adjacent 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 immediately upon 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. § 2602.

SECTION 10. Limitations

- a. No petition for recall shall be filed against an official that has held office less than 4 months or has 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 election.

SECTION 11. Validity

It is the intention 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. Effective Date

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