

Recall Ordinance for the Town of New Sharon, Maine

Section 1. Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A. 2602 (6).

Section 2. Applicability

Any elected official of the Town of New Sharon may be recalled at town meeting and removed from office as herein provided for. This ordinance does not apply to Maine Regional School Unit #9 directors.

Section 3. Grounds for Recall

An elected official may be recalled for having been indicted for, or convicted of a crime under the laws of the State of Maine; or for a felony under the laws of the United States, or for entry of a plea of guilty to such an offense.

Section 4. Recall election shall be by petition

The petition for recall must contain only signatures of registered voters of the Town of New Sharon. The petition shall contain a number of valid signatures equal to at least twenty five (25) percent of the number of votes cast in the last gubernatorial election in The Town of New Sharon.

Section 5. Notice of Intention

- a. The initiator of a recall petition shall be a registered voter of the Town of New Sharon and shall file a written Notice of Intention of Recall with the Town Clerk.
- b. To be accepted as complete by the Town Clerk: The Notice of Intention of Recall must include the name, address, and contact information of the initiator; the name and position of the official subject to recall; and a factual statement of sufficient clarity of why removal is sought (per Sec. 3).
- c. Within five business days of receipt of a complete Notice of Intention of Recall the Town Clerk shall prepare petition forms for the collection of signatures as provided for herein, and send notice to the initiator that the petition forms are available. The Town of New Sharon may charge the initiator of the petition a reasonable fee for preparing and providing petition forms.

d. Within five days of receipt of an incomplete Notice of Intention of Recall the Town Clerk shall send notice to the initiator with specifics for finding the Notice of Intention of Recall incomplete.

Section 6. Petition Forms

- a. If recall of more than one municipal official is being sought there shall be separate petition forms for each municipal official to be removed.
- b. Petition forms shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition. If petitions for recall of all selectmen are submitted, then the petition forms shall be addressed to the Town Clerk, but shall in all cases be filed with the Town Clerk or Deputy Clerk.
- d. Petition forms shall at the top state the name and office, or offices, of the town official whose removal is being sought, a statement of why removal is sought; the name and contact information of the petition initiator; and the date by which the signatures must be submitted to the municipal clerk.
- e. Petition forms shall provide a space for the voter's signature, actual street address and printed name.
- f. Petition forms shall provide space at the bottom for the name, address, and signature of the person circulating the form.

Section 7. Circulation and submission of forms

- a. A petition form may be circulated or signed only by a registered voter of The Town of New Sharon.
- b. Petition forms shall be filed as a single document for each official subject to recall.
- c. All petition forms shall be completed as specified herein and submitted to the Town Clerk within fourteen (14) days of receipt of notice from the clerk that petition forms are available.

Section 8. Clerk's Certification

Within ten (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition forms and shall determine if the petition meets all of the procedural qualifications as set forth in this ordinance. Should the petition be found insufficient, the petition shall be filed in the Clerk's office and the petition initiator shall be notified.

Section 9. Calling the Recall Election

- a. If the petition is certified by the 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 in writing the person or persons whose removal is being sought by such action.
- b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days of receipt, call a special town meeting to be held not less than 45 nor more than 60 days thereafter, for the purpose of acting on the petition, and place the petition on the warrant for that meeting, provided that if a regular town meeting is scheduled to be held within 90 days of receipt of the certified petition, the selectmen at their discretion may instead place the petition on the warrant for that regular town meeting.
- c. In the event the Selectmen fail or refuse to comply with paragraph b. above, the town clerk shall call the special town meeting to be held not less than 45 days nor more than 60 days following the Selectmen's failure or refusal to do so, and shall place the petition on the warrant for that regular town meeting.
- d. The Selectmen shall hold a public hearing on the petition at least ten (10) days prior to the town meeting at which the petition will be considered.

Section 10.

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