

**The Town of Sangerville, Maine.**

**Recall Ordinance**

**Recall of Municipal Officers**

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**Authority.**

This ordinance is enacted pursuant to the Town of Sangerville's local home rule authority under Title 30A-M.R.S. sections 2602(6) and 3001-3002.

**Purpose.**

This ordinance provides the means and method by which the registered voters of the town may seek the removal from office a municipal officer by a vote of the registered voters of the town. At a special town meeting or the annual town meeting, if that officer commits at least three acts of Malfeasance. The officer will be given notice of the proceedings, ( see Section 4 of this Ordinance ) The officer will have an opportunity to be heard before the vote for removal at that meeting.

**For the purpose of this Recall Ordinance,**

Municipal Officer has the same meaning as Title 30A- M.R.S. section 2001- (10).  
"Municipal officers" means: The selectmen or councilors of a town;

**For the Purpose of this Recall Ordinance,**

Malfeasance, [mal-fee-zuh ns] noun, Law (definition), "Malfeasance" means:  
The performance by a public officer of an act that is legally unjustified, harmful, contrary to law; or wrongdoing ( used especially of an act in violation of a public trust).

**Purpose. To validate a notice of intent.** To petition for the Recall of a Municipal Officer.

The Initiator shall submit an affidavit with signatures and mailing address of 5 or more registered voters of the town of Sangerville. As a notice of intent to petition for Recall. That affidavit shall contain a detailed statement as to why the removal of that officer is sought, and file that affidavit with the town clerk in order to initiate a petition for the removal of a town officer. For the Recall petition to be valid, the petition must be filed by the initiator with the town clerk within (30) days after the filing of the initiators affidavit for notice of intent to petition for Recall. The affidavit forms and the petition forms will be made available from the town clerk within 5 business days of the written request for such forms from a registered voter of Sangerville.

**Applicability.**

This ordinance shall apply to any selectmen or councilors of the Town of Sangerville, Maine.

## **Section 1: Procedure.**

On the written petition a number of voters equal to at least 10% of the number of votes cast in the Town of Sangerville at the last gubernatorial election, of registered voters of the Town.  
(An election must be held to determine the recall of a municipal officer of the town.)

## **Section 2: Petition Form Contents.** The petition form shall contain the following:

- (A) At the top of the petition form, the heading and ID # of the recall ordinance.
- (B) The name and position of the officer subject to recall. If recall for more than one officer is being sought, there shall be separate petitions for each officer concerned. Only one officer may be recalled in any one petition.
- (C) The name and contact information of the initiator of the petition.
- (D) The petition shall state that only registered voters of the Town of Sangerville may sign the petition. The petition shall also state that if the petition is successful, a recall vote will be held to determine if the officer concerned shall remain in office. This information must be repeated on each page of the petition, and each page shall be numbered.
- (E) In the middle, spaces for each voter's signature, address, printed name; and the date signed.
- (F) Spaces at the bottom of the form for the name, address and signature of the initiator of the petition form, and the name, address and signature of the person circulating the petition form.

## **SECTION 3: Collection of signatures.**

- (A) A petition form may be circulated or signed only by a registered voter of the municipality.
- (B) The initiator of the petition shall collect the petition forms from all circulators and submit the signed petition forms to the Town clerk.
- (C) An affidavit signed by the initiator stating under oath to the best of his or her knowledge that the following is true.
  - 1. The circulator or the initiator personally circulated the petition;
  - 2. All voters that signed petition in the presence of the circulator, or the initiator;
  - 3. Each signer was the genuine signature of the persons whose names they purport to be;
  - 4. Each signer only signed the petition only once;
  - 5. Each signer had an opportunity to read the petition before he or she signing it.
- (D) This affidavit shall be signed and stamped by the notary public when submitting the petition to the town clerk for verification of signatures. And attached to the petition.

## **SECTION 4: Review by the Town Clerk**

The Town clerk shall review and certify the validity of signatures on the petition forms. If the clerk finds that the number of valid signatures submitted meets or exceeds the requirements under section 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 officer subject to the recall.

If the town clerk finds the number of valid signatures submitted does not meet the requirements under section 1, the clerk shall file the petition and the petition forms in the clerk's office and immediately send notification of the results of none compliance of certification to the municipal officers, the initiator of the petition and the officer subject to the recall.

**SECTION 5: Scheduling the recall election.**

(A) If the officer subject to the recall does not resign from office within 10 business days after certification of the recall petition, the municipal officers shall schedule a recall election to determine whether the officer subject to the recall petition should be recalled.

(B) The election must be held no less than 45 days nor more than 75 days after certification of the petition unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition, in which case the recall election must be held on the date of the regular municipal election.

(C) If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition, the town clerk shall schedule the recall election pursuant to the date requirements of this section.

**SECTION 6: Ballots for recall election.**

(A) The ballots for the recall election must be printed.

(B) The ballots for the recall election must read: Do you authorize the recall of ( name of the officer ) from the position of ( name of office ) ? ( ) yes. ( ) no.

**SECTION 7: Results of recall election.**

(A) Within 2 business days after a recall election, the municipal clerk shall certify and record the result and notify the municipal officers and the officer subject to the recall petition of those results.

(B) If a majority of voters vote to remove the officer, the recall takes effect on the date of the election results.

**SECTION 8: Vacancy.**

Following a successful recall election, the municipal officers may act to fill the vacancy in the manner provided by law. If the person concerned was removed from office of selectman, the remaining municipal officers shall call a special town meeting in accordance with 30-A M.R.S. section 2602(3) for this purpose. A person who has been successfully removed from office by recall election may not subsequently be elected or appointed to fill out the remaining term of the position from which that person was recalled.

**SECTION 9: Exception:**

If a municipal officer has been subjected to a recall election and not removed thereby. No recall petition shall be filed against that officer, unless at least six months have passed since from the Date of certification and filing of the previous or last recall petition.