

TOWN OF ALNA ORDINANCE FOR THE RECALL OF ELECTED MUNICIPAL OFFICIALS

SECTION 1. Authority

This ordinance is adopted pursuant to Title 30-A M.R.S.A. §2602(6) and §3001.

SECTION 2. Applicability

Any elected official of the Town of Alna, Maine, may be recalled and removed from office as provided herein. This ordinance shall apply to elected officials in office at the time of adoption, as well as those elected subsequently.

SECTION 3. Grounds for Recall

An elected official may be recalled for reasons specified by the petitioner.

SECTION 4. Notice of Intention

To initiate a recall election under Section 2, the initiator of the petition shall file a notice of intention to recall with the Town Clerk. A notice of intention of recall under this section must include the name, address, and contact information of the person filing the notice and the name and position of the official subject to recall under this section, the date the notice is being filed, along with the reason for the recall.

Only a person registered to vote in the Town of Alna may file a notice of intention to recall under this section.

SECTION 5. Petition Forms

Within five business days of receipt of a notice of intention to recall under Section 4, the Town Clerk shall prepare petition forms for the collection of signatures under Section 6 and send notice to the initiator of the petition under Section 4 that the petition forms are available. The Town may charge the initiator of the petition a reasonable fee for preparing and providing the petition forms under this section. In addition:

- A.** The petition shall be addressed to those members of the select board who are not subjects of a recall petition. If petitions for the recall of all select board members are submitted, the petitions shall be addressed to the Town Clerk.
- B.** Each page of the petition shall state the name and office of the person whose removal is being sought, the name and contact information of the petition initiator, the date by which the signatures must be submitted to the Town Clerk under Section 6, and the full text of the statement of the reasons for the recall of the elected official.
- C.** If the recall of more than one official is being sought, there shall be a separate petition for each.
- D.** Each signature line shall include space for the signer's printed name, signature, signature date, and legal residence address.

- E. At the bottom of each page of the petition shall be space for the circulator of that page to specify their name and address, the certification date, and a signature certifying that to the best of his or her knowledge, each signature is genuine.

SECTION 6. Collection and Submission of Signatures

A petition form under Section 5 may be circulated and signed only by registered voters of the Town of Alna. A circulator of a petition form shall fill in the information required under Section 5, paragraph E and sign the form prior to submission of the form to the Town Clerk. The initiator of the petition under Section 4 shall collect the petition forms from all circulators and submit the signed petition forms to the Town Clerk within 21 days of receipt of notice from the Clerk that the petition forms are available under Section 5. A clerk may not accept a petition form submitted more than 21 days after sending notice of availability to the initiator under Section 5. The petition must contain signatures in ink of registered voters of the town of Alna equal to at least 25% of the number of votes cast in the last gubernatorial election, but not fewer than thirty (30).

SECTION 7. Petition Certification and Notification

Within ten business days of receiving petition forms under Section 6, the Town Clerk shall determine whether the petition forms meet the criteria under Section 6, and certify the validity of any signatures on the petition forms. If the Town Clerk finds the number of valid signatures submitted under Section 6 does not meet the requirements for a petition under Section 6, the Clerk shall file the petition and the petition forms in the Clerk's office and notify the initiator of the petition.

SECTION 8. Call the Recall Election

If the petition is certified by the Town Clerk to be sufficient, the Clerk shall submit the same with their certification to the select board at their next regular meeting and shall notify the petitioner and the person whose removal is being sought.

The select board, upon receipt of the certified petition, shall within ten (10) days' time of receipt order an election by secret ballot, pursuant to 30-A M.R.S.A. §2528 to be held not less than 45, nor more than 60 days thereafter, provided that a regular town election is not scheduled to be held within 90 days of receipt of the certified petition and, in this case, the select board may at their discretion provide for the holding of the recall election on the date of the regular town election.

If the select board fails to or refuses to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the select board's failure or refusal to order the required election.

SECTION 9. Ballots for the 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 read, "Shall (name of official, his or her title) be recalled?," and provide adjacent boxes for "YES" and "NO" responses.

SECTION 10. Result of Election

To be valid, the total number of votes cast in the recall election shall be at least 25% of the number of votes cast in Alna for and against Governor in the last previous gubernatorial election.

If a 65% majority, or more, of those voting in a recall election shall vote in favor of recalling such official, he or she shall be thereby removed from office upon certification of the vote. In that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

SECTION 11. Separability

It is the intention of the Town of Alna that each section of this ordinance shall be deemed independent of all other sections herein, and that if any provision within this ordinance is determined to be invalid, all other sections shall remain valid and enforceable.

SECTION 12. Limitations

- (a) No petition for recall shall be filed against an official with fewer than 60 days of a multiyear term remaining.
- (b) If an official has been the subject of an unsuccessful recall election, no new recall petition shall be filed against that official until at least twelve months have passed since said recall election.

SECTION 13. Amendments

This ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting. Any amendment to this ordinance shall apply only to officials elected after the date the amendment is adopted.

SECTION 14. Effective Date

This ordinance shall become effective upon approval at town meeting.

SECTION 15. Definitions

Business Day: For purposes of this ordinance, the term “business day” shall be understood to include the days Monday through Friday, except for state or national holidays.