

COPY

Town of Belgrade
Ordinance
for
Recall of Elected Municipal Officials

SECTION I. Establishment

Under MRSA title 30-a Section 2602(6) amended October 13, 1993, a town may enact an ordinance for the recall and removal of any elected municipal official (excepting of school board members).

SECTION 2: Applicability

Any elected official of the Town of Belgrade may be recalled and removed from office by petition for any of the following circumstances:

- a. Failure to attend one (1) regular meeting per month or a total of six (6) per year unless the absence is for reasonable cause.
- b. Convicted of a criminal act and/or whose conviction causes their attendance to more than (a).
- c. Actions taken by an elected official that are severe, shocking, and discordant with the elected position held.

SECTION 3. Petitions for Recall

- a. Each page of the petition shall state the name and office of the person whose removal is being sought, and the full text of the statement of the reasons for the recall of the elected official;
- b. Each signature shall be executed in ink and shall include the signer's printed name, and shall state the legal residence of the voter with street address or other description sufficient to identify the place of residence;
- c. The petition must contain only signatures of the registered voters of the Town of Belgrade, and be equal to at least 10% of the last gubernatorial election, but not less than one hundred (100);

d. If the recall is for more than one official is being sought there shall be a separate petition for each official whose removal is being sought

e. Each page shall provide space for voters' signature, name and address.

f. All petition pages shall be filed as one document.

SECTION 4. Clerk's Certification

The Town Clerk shall, within 10 days, certify the signatures on the petition and determine if the petition meets all of the qualifications as set forth in Section 3 of this ordinance. If the petition does not meet all the qualifications, the petition will be filed with in the Clerk's Office and the voter who filed the petition will be notified.

SECTION 5. Call the Recall Election

a. Once certified by the Town Clerk, he or she will submit the same with his or her certification to the Board of Selectpersons at their next regular meeting and shall notify the officials whose removal is being sought

b. Within ten (10) days of receipt of petition, the Board of Selectpersons shall order an election by secret ballot, pursuant to 30-A MRSAS2528, 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 regular municipal election will not be held within 90 days of receipt of the certified petition. In this case, the Selectpersons, 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 Selectpersons fail or refuse 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 selectmen'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, has resigned within ten (10) days of receipt of the petition by the Board of Selectpersons, ballots shall be printed stating the name of the official whose recall is being sought.

SECTION 7. Result of Election

In the event of an affirmative vote for removal, such a 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.

SECTION 9. Limitation on Recall Petitions

No recall petition shall be filed against an elected official within four (4) months after such official first takes office. In the case of an official subject to a recall election and not removed thereby, no recall petition shall be filed against the official until at least six(6) months after the recall election.

SECTION 10. SEPARABILITY

The invalidity of any provision of the Ordinance shall not invalidate any other provision.

Given under our hands this 19 day of March of the year 2010.

David A. ...

Bob ...

Melanie Jewell

Penelope A. Howell

Ernest Rice