

RECALL ORDINANCE FOR THE TOWN OF BERWICK, MAINE

SECTION 1. Authority

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

SECTION 2. Applicability.

Any elected municipal official of the Town of Berwick may be recalled and removed from office as herein provided for. This Ordinance does not apply to Maine School Administrative District #60 Directors.

SECTION 3. Petitions for Recall.

- a. Recall shall be initiated by petition.
- b. The petition for recall must contain only signatures if the registered voters of the Town of Berwick, equal to ten percent (10%) of the number of votes cast in the Town of Berwick in the last gubernatorial election.
- c. The petition shall be addressed to those members of the Board of selectmen having no interest in the subject matter of the petition; if petitions for the recall of all Selectmen 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, and a general statement of the reasons why such removal is desired.
- 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.
- g. All petition pages thereof shall be filed as one document.

SECTION 4. Clerk's Certification.

Within ten (10) days of receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where removal of the Town Clerk is sought, 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 petition will be filed in the Town Clerks' office and the voter who filed the petition notified.

SECTION 5. Calling the Recall Election

- a. If the petition is certified by the Town Clerk, or Deputy Town 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 the municipal officials whose removal is being sought of such action.

- b. The Selectmen upon receipt of the certified petition, shall within ten (10) days' time of receipt order an election by secret ballot. Pursuant to 30-A MRSA 2528, to be held 45 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition, in which case, the selectmen 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 Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held 45 days following the Selectmen's failure or refusal to order the required election.
- d. The Selectmen shall schedule such a public hearing on the recall election at least ten (10) days before the date for voting on the recall.

SECTION 6. Ballots for the recall Election.

Unless the municipal official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED?" with the name of the municipal official whose recall is being sought inserted into the blank space. If the petition seeks the recall of a municipal official from more than one office, each office must be named.

SECTION 7. Result of Election

In the event of an affirmative vote for removal by a majority of those voting thereon, such 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 of Maine Law.

Adopted by the voters the 8th day of November, 2011.