

Town Of Buckfield, Maine
Oxford County
ORDINANCE TO RECALL ELECTED OFFICIALS

Section 1. Establishment

Under M.R.S.A. Title 30-A § 2602 (6), a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in Title 30—A, M.R.S.A § 2602.

Section 2. Authority

This ordinance is enacted pursuant to Title 30-A, M.R.S.A. §2528, §2602, §3001 and §3002.

Section 3. Purpose

This ordinance is created for the removal of elected officials in the Town of Buckfield, Maine. A recall petition is subject to section 4 in this document or any amendments added after the adoption of this original document.

Section 4. Causes for Removal

Reasoning for a recall will be left to the petitioner and shall be noted on such petition as required in section "6c" of this document.

Section 5. Limitations

- a) No petition for recall shall be filed against an official with fewer than 4 months in office, or with fewer than 60 days of a multiyear term remaining.
- b) If an office has been subjected to a recall election and not removed thereby, no recall petition shall be filed against that official until at least twelve months (1 year) have passed since said recall election.

Section 6. Procedure

- a) The petition for recall must contain only signatures of the registered voters from the Town of Buckfield, Maine, equal in number to ten percent (10%) of the number of votes cast in the town in the last gubernatorial election, but in all cases no less than fifty (50) registered voters.
- b) The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.
- c) The petition shall state the name and office of the person whose removal is being sought accompanied with an explanation for the recall.
- d) If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- e) Each page of petition shall provide a space for the voter's signature, address and printed name.
- f) All petition pages thereof shall be filed as one document.

Section 7. Incumbent Duties Continued

The incumbent (unless he/she has submitted a written resignation to the Selectmen) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office of the remainder of the un-expired term, subject to the subsequent recall. If recalled, the official shall be deemed removed from the office upon certification of the election results.

Section 8. Clerk's Certification

Within five (5) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 5 of this ordinance. Should the petition be found insufficient, the petition will be filed in the clerk's office and the voter who filed the petition shall be notified.

Section 9. Calling the Recall Election

- a) If the petition is certified by the 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 official(s) whose removal is being sought of such action.
- b) Upon delivery to the Selectman a secret ballot election shall be held, pursuant to Title 30-A, M.R.S.A. §2528, on the fifth Tuesday following the delivery of said recall petition.

Section 10. Ballots for Recall Election

Unless the official(s) whose removal is being sought, have resigned with 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 official whose recall is being sought inserted in the blank space. In addition, the answer to the question shall be **"YES"** or **"NO"** in that order.

Section 11. Vacancies to be Filled

A vacancy resulting from removal from office under this ordinance shall be filled in accordance with Title 30-A, M.R.S.A., §2602.

Section 12. Validity

It is the intention of the municipality that each section of this ordinance shall be deemed independent of all other sections of this document, and that, if any provision within this ordinance is declared invalid, all other sections shall remain valid and enforceable.

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.

Section 14. Effective Date

This ordinance shall be in full force and effective as soon as the town votes to enact it.

Adopted 9/7/10

