

RECALL OF ELECTED MUNICIPAL OFFICERS ORDINANCE OF THE TOWN OF JONESPORT

SECTION 1. Establishment

Under Title 30-AM.R.S.A Sections 2505 and 2602 a town may enact an ordinance for the recall and removal of elected municipal officers with the exception of school board members as noted in the same statutes.

SECTION 2. Purpose and Authority

This ordinance provides the means and method by which citizens of the Town of Jonesport may seek the removal from office of a Town of Jonesport elected officer. This ordinance is enacted pursuant to Title 30-AM.R.S.A. §2528, §2602, §3001 and §3002.

SECTION 3. Procedure

- a. The petition for recall must contain only signatures of registered voters of the Town of Jonesport. The number of signatures shall equal at least twenty-five percent (25%) of the total number of registered voters of the TOWN of Jonesport as of the preceding municipal election, but no fewer than 100.
- b. The petition shall be addressed to those members of the Board of Selectmen (hereinafter referred to as "the 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 and detail the petitioner's reason(s) such removal is desired in accordance with Section 3d.
- d. An elected officer may be recalled for:
 - (i) failure to appropriately carry out duties and responsibilities of the office (such as failure to represent the will of the people of Jonesport);
 - (ii) engaging in conduct which brings the office into disrepute;
 - (iii) engaging in conduct which displays an unfitness to hold the office; or
 - (iv) for the indictment or conviction of a crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense.
- e. If recall of more than one officer is being sought there shall be a separate petition for each officer whose removal is being sought.
- f. Each page of the petition shall provide space for each voter's signature, printed name and address.
- g. The blank petition signature pages shall be dated with the date petitioner initiates the recall request.
- h. All petition pages thereof shall be filed as one document.

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SECTION 4. 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 officer shall continue in office for the remainder of the unexpired term, subject to subsequent recall except as provided in Section 12b. If recalled, the officer shall be deemed removed from the office immediately upon certification of the election results.

SECTION 5. Clerk's Certification

Within ten (10) 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 3 of this ordinance. Should the petition be found insufficient, the petition will be filed in Town Office in accordance with prevailing filing practices with no further action taken other than that the Town Clerk will notify the petitioner of the petition's insufficiency.

SECTION 6. Calling the Recall Election

a. If the petition is certified by the Town Clerk to be sufficient, he/she will submit it with his/her certification to the Selectmen at their next regular meeting and shall notify the officer(s) whose removal is being sought by such action.

b. Within 10 days of receiving the certified petition, the Selectmen shall order an election by written ballot, pursuant to Title 30-A M.R.S., §2528. If no regular municipal election is scheduled to be held within 90 days of receipt of the petition, the Selectmen shall order the recall election be held no fewer than 30 days nor more than 60 days after receipt. If a regular municipal election is scheduled to be held within 90 days of receipt of the petition, the Selectmen may, at their discretion, hold the recall election on the same date.

c. In the event the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not fewer than 30 days nor more than 60 days following the Selectmen's failure or refusal to order the required election.

d. The officer whose recall is being sought may request a public hearing. Such request may be made no fewer than 21 days before the scheduled recall election. Upon receiving said request, the Selectmen shall promptly schedule such a hearing to be held no fewer than 7 days before the election, and the Selectmen shall provide adequate posting at least 7 days before the hearing.

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SECTION 7. Ballots for Recall Election

Unless the officer(s) whose removal is being sought has resigned within 10 days of receipt of the petition by the Selectmen, the ballots shall be printed and shall ask the question, "SHALL (name of officer) BE RECALLED?" and provide adjacent boxes for "YES" or "NO" responses.

SECTION 8. Result of Election

- a. A simple majority vote shall decide the election.
- b. In the event of an affirmative vote for removal, such vote shall take effect immediately-upon recording of the vote tabulation into the records.
- c. A tie vote will defeat the recall.
- d. A negative vote will be duly recorded, and there will be no recriminations toward or restrictions of duties of the unsuccessfully recalled officer.

SECTION 9. Prohibition against Appointment of Recalled Officer

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him/her shall be appointed to any Town Office within two years after such removal by recall or resignation.

SECTION 10. Reassignment of Duties

All duties assigned in this ordinance to an officer who is the subject of a recall shall be reassigned in accordance with State Statutes and prevailing municipal practices,

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.

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SECTION 12. Limitations

a. No petition for recall shall be filed against an officer who has been in office for fewer than 4 months, or who has fewer than 90 days remaining of his/her term.

b. If an officer has been subjected to a recall election and not removed, no recall petition shall be filed against that officer for the same offenses until at least twelve months (1 year) have passed since said recall election. This restriction will not apply to a petition initiated for new offenses committed after the recall election.

SECTION 13. Validity

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

SECTION 14. Amendments

This ordinance may be amended by a majority vote at any legal town meeting when such amendment is published in the warrant calling for the meeting.

SECTION 15. Effective Date

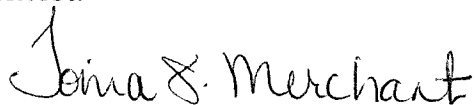
This ordinance shall be in full force and effect as soon as the town votes to enact it.

Annual Town Meeting March 9, 2015

Motion was made and seconded to accept as written.

Motion carried. 30-21.

Attest:



Tonia J. Merchant, Clerk