

**Ordinance for the Recall of Elected Officials
of the Town of Harpswell
Enacted March 13, 2005
Amended March 14, 2009**

SECTION 1. Authority

This Ordinance is adopted pursuant to Title 30-A MRSA § 2602(6).

SECTION 2. Applicability

Any elected official of the Town of Harpswell, Maine, may be recalled and removed from office as provided herein.

This Ordinance does not apply to Directors of S.A.D. 75.

SECTION 3. Grounds for Recall

An elected official may be recalled for (a) failure to appropriately carry out the duties and responsibilities of the office; (b) engaging in conduct which brings the office into disrepute; (c) engaging in conduct which displays an unfitness to hold the office; or (d) 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.

SECTION 4. Petitions for Recall

- a. Only registered voters of the Town of Harpswell may sign petitions for recall. To be valid the recall petition shall contain a number of valid signatures equal to twenty-five percent (25%) of the number of votes cast for Governor in the last gubernatorial election in Harpswell.
- b. The petition shall be addressed to those members of the Board of Selectmen who are not subjects of the petition; if petitions for the recall of all Selectmen are submitted, the petitions shall be addressed to the Town Clerk.
- c. The petition shall state the name and office of the person whose removal is being sought and shall list the specific reasons for recall and cite specific examples of behavior for which recall is being sought.
- d. If recall of more than one person is being sought, there shall be a separate petition for each person whose removal is being sought.
- e. Each page of the petition shall provide a space for each voter's signature, address and printed name.
- f. All petition pages shall be filed as a single document.
- g. At the bottom of each page of the petition, the circulator of that page shall certify that to the best of his or her knowledge, each signature is genuine.

SECTION 5. Clerk's Certification

Within ten (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the 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 procedural qualifications as set forth in Section 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition shall be filed in the Clerk's office and the voter who filed the petition shall be notified.

SECTION 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, he or she shall submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the person or persons 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 not less than 45 nor more than 60 days thereafter, provided that a regular municipal election is not scheduled to be held within 90 days of receipt of the certified petition and, in this 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 not less than 45 days nor more than 60 days following the Selectmen's failure or refusal to order the required election.
- d. If at any time between the time of ordering the election and the date of the election the person whose recall is sought requests a public hearing, the Selectmen shall promptly schedule such a public hearing on the recall election.

SECTION 7. Ballots for the Recall Election

Unless the official(s) whose removal is being sought resigns within ten (10) days of receipt of the certified petition by the Board of Selectmen, the ballots shall be printed and shall read: "SHALL _____ BE RECALLED?" with the name of the person whose recall is being sought inserted in the blank space.

SECTION 8. Result of Election

If a fifty-five percent (55%) majority of those voting in a recall election shall vote in favor of recalling such official, such official is thereby removed from office upon certification of the vote by the Town Clerk or Deputy Town Clerk.

SECTION 9. 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.