

Final recommendation of the Recall Study Group

**Town of Mexico**

**Ordinance for the Recall of Elected Municipal Officials**

**Section 1) Title:**

This ordinance shall be known as the "Town of Mexico Recall Ordinance".

**Section 2) 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 elected municipal officials with the exception of school board members as noted in MRSA title 30-A, Section 2602.

**Section 3) Purpose and Authority:**

The purpose of this ordinance is to provide the means and method by which citizens of the Town of Mexico may seek the removal from office of a Town of Mexico elected official. Any elected official, with the exception of school board members, may be recalled and removed from office by the qualified voters of the town as herein provided. Recall is intended to be used when, in the opinion of the number of voters hereinafter specified, an elected official acting as such, has caused a loss of confidence in the official's judgment or ability to perform the duties and responsibilities of the office. An elected official may also be the subject of a recall petition pursuant to MRSA title 30-A, Section 2505 when the official is convicted of a crime, the conduct of which occurred during the official's term of office and the victim of which is the Town of Mexico. This ordinance is enacted pursuant to MRSA title 30-A, sections; 2528, 2602, 3001 and 3002.

**Section 4) Validity and Severability:**

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

**Section 5) Effective Date:**

The effective date of this ordinance shall be the date of the adoption by the legislative body.

**Section 6) Procedure:**

1. **Petition for recall.** On a written petition pursuant to subsection 5 of a number of voters equal to at least 10% of the number of votes cast in the Town of Mexico at the last gubernatorial election, an election must be held to determine the recall of an elected official of the Town of Mexico.

## Final recommendation of the Recall Study Group

- 2. Notice of intention.** In order to initiate a recall election under subsection 1, the initiator of the petition shall file a notice of intention of recall with the town clerk (or deputy town clerk if the town clerk is subject to the recall) of the Town of Mexico. A notice of intention of recall under this subsection must include the name, address and contact information of the person filing the notice and the name and position of the official subject to recall under this section. Only a person registered to vote in the Town of Mexico may file a notice of intention of recall under this subsection.
- 3. Petition Forms.** Within 3 business days of receipt of a notice of intention of recall under subsection 2, the town clerk shall prepare petition forms for the collection of signatures under subsection 4 and send notice to the initiator of the petition under subsection 2 that the petition forms are available. The Town of Mexico may charge the initiator of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form must include:

  - A.** At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the town clerk under subsection 4;
  - B.** Spaces for each voter's signature, actual street address and printed name; and
  - C.** Space at the bottom of the form for the name, address and signature of the person circulating the petition form.
- 4. Collection and submission of signatures:** A petition form under subsection 3 may be circulated or signed only by a registered voter of the Town of Mexico. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the form to the town clerk. The initiator of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition forms to the town clerk within 30 days of receipt of notice from the clerk that the petition forms are available under subsection 3. The town clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid.
- 5. Petition certification and notification.** Within 7 business days of receiving petition forms under subsection 4, the town clerk shall determine whether the petition forms meet the criteria under subsection 4 and certify the validity of any signatures on the petition forms. If the clerk finds that the number of valid signatures submitted under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall certify the petition and immediately send notification of the certification to the municipal officers, the initiator of the petition and the official subject to the recall. If the town clerk finds that the number of valid signatures submitted under subsection 4 does not meet the requirements for the petition under subsection 1, the clerk shall file the petition and the petition forms in the clerk's office and notify the initiator of the petition.
- 6. Scheduling recall election.** Within 10 business days of certification of the petition under subsection 5, the municipal officers shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no

Final recommendation of the Recall Study Group

less than 45 days nor more than 75 days after certification of the petition under subsection 5 unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under subsection 5, in which case the recall election must be held on the date of the regular municipal election. If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition under subsection 5, the town clerk shall schedule the recall election pursuant to the date requirements of this subsection. A Town of Mexico elected official cannot be recalled during the first 4 months after being elected and cannot be recalled a second time, after a first recall fails, for at least 1 year.

7. **Ballots for recall election.** If the official subject to the recall does not resign from office within 10 business days of certification of the recall petition under subsection 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a recall election under this section must read:

“Do you authorize the recall of (name of official) from the position of (name of office)?  
( ) yes ( ) no”

8. **Results of recall election.** Within 2 business days of a recall election under subsection 6, the town clerk shall certify and record the election results and notify the municipal officers of those results. If a majority of voters vote to remove the official, provided a minimum voter turnout of 25% of the voter turnout from the previous gubernatorial election voted on the day of the recall, the recall takes effect on the date the election results are recorded pursuant to this section.
9. **Simultaneous election of candidates may be held.** When the majority of the members of the Board of Selectmen are being recalled, a simultaneous election for Selectmen shall be held with the recall election. If one or two Selectmen are being recalled, only the recall election shall take place. If either or both Selectmen are recalled, an additional election shall be held to elect new candidates. Elections of municipal officials under this subchapter shall be conducted pursuant to current election laws and procedures.

Adopted: June 10, 2014

Attest: Penny S. Duguay  
Penny S. Duguay, Town Clerk

