

**ORDINANCE for a
RECALL ELECTION
for the
TOWN OF PARIS**

ENACTED: June 8, 2010

Date

EFFECTIVE: June 8, 2010

Date

CERTIFIED BY: Elizabeth J. Knox
Signature

CERTIFIED BY: Elizabeth J. Knox
Printed Name

Town Clerk

Title

Ordinance for a Recall Election in the Town of Paris, Maine

Section 1. TITLE

This ordinance shall be known and may be cited as the "Ordinance for a Recall Election in the Town of Paris, Maine."

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 provides the means and method by which citizens of the Town of Paris may seek the removal from office of a Town of Paris elected official.

Section 4. APPLICABILITY

Town of Paris elected officials, with the exception of members of the board of directors of School Administrative District 17.

Section 5. PROCEDURE

A. Petitioning for Recall Election

The Petition for Recall Election:

- (1) Shall be addressed to the Board of Selectmen.
- (2) Shall state the name and office of the elected official whose removal is being sought, and incorporate the petitioners' statement of the reason(s) such removal is desired.
- (3) Shall only seek the recall of one official, i.e., a separate petition is required for each official whose removal is sought.
- (4) Shall only be signed by registered voters of the Town of Paris.

(5) Shall, on each page, provide spaces for each voter's signature, printed name and address.

(6) Shall require certification by the Town Clerk, within 10 days of the filing of the petition, that the petition bears the signatures of registered voters whose number equals or surpasses 10% of the number of voters registered in the Town of Paris on the date of said certification.

(7) Shall not be filed unless and until the name and contact information of at least one representative of the petitioners is provided to the Town Clerk.

(8) Shall, upon certification by the Town Clerk, and accompanied by documentation of said certification, be presented by the Town Clerk to the Board of Selectmen at their next duly-called meeting; and further, within 2 business days of said certification, the Town Clerk shall send written notice of the recall petition to the official whose removal is being sought.

B. Calling the Recall Election

On receipt of a certified recall petition, the Board of Selectmen shall within 7 day's time of receipt, cause a warrant to be issued ordering an election by secret ballot (pursuant to Title 30-A, M. R. S. A., §2528), to be held on the first Tuesday following the 45th day thereafter; although:

(1) If the first Tuesday following the 45th day after certification of the recall petition falls on a legal holiday, then a recall election shall be ordered to be held within 7 days following the first Tuesday.

(2) If a regular municipal election is to be held within 60 days of receipt of the certified petition, the Board of Selectmen may, at their discretion, schedule a recall election to coincide with the regular municipal election.

C. The Recall Election Ballot

(1) Shall be printed within 15 days of the Board of Selectmen's ordering of the recall election, providing that the official whose removal is sought has not resigned.

(2) Shall ask the question, "SHALL (name of official) BE RECALLED?" and provide adjacent boxes for "Yes" or "No" responses.

D. Hearing

If, between the time of ordering the recall election and the 21st day before said election, the official whose recall is being sought requests a public hearing, the Selectmen shall promptly schedule such a hearing to occur not fewer than 7 days before the election, and shall provide adequate posting at least 7 days before said hearing.

E. The Result of Election

1. In the event of an affirmative vote for removal, such vote shall take effect immediately upon the recording of the vote tabulation into the records.

2. A tie vote will defeat the recall.

F. Vacancies to be filled

A vacancy resulting from removal from office under this ordinance shall be filled in accordance Title 30-A, M.R.S.A., §§2528 and 2602.

Section 6. 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 official has been subjected to a recall election and not removed, no recall petition shall be filed against that official until at least six (6) months have passed since said recall election.

Section 7. VALIDITY

It is the intention of the municipality 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 8. 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 9. EFFECTIVE DATE

This ordinance shall be in full force and effect as soon as the town votes to enact it, and shall repeal and replace all prior Town of Paris recall ordinances.

Approved, as amended, at Town Meeting, June 8, 2010.