

6/19/2007

TOWN OF MILFORD
RECALL ORDINANCE

Any elected official may be recalled and removed by the voters of the Town as herein provided.

A. Procedure for filing petition:

1. Any voter may submit an affidavit with the signatures of five (5) or more registered voters of the Town and file that affidavit with the Town Clerk in order to seek the removal of any elected official of the Town provided that such affidavit shall contain the following information:

- a. The name and address of the five or more registered voters.
- b. The address to which all notices are to be sent from the Town Clerk to the person submitting the petition.
- c. The name and address of the elected official whose removal is sought.
- d. A detailed statement of the reasons why the removal of that official is sought.

2. Upon receipt of the affidavit, in proper form, the Town Clerk shall thereupon within five days deliver to the person submitting such affidavit, copies of petition blanks (printed forms of which shall be kept on hand for that purpose). Such blanks shall be issued by the Town Clerk with the Clerk's signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen, shall contain the name of the persons to whom issued, the number of blanks shall be issued and circulated for each official whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

3. The recall petition, to be effective, must be returned and filed with the Town Clerk within thirty (30) calendar days after the filing of the affidavit.

4. The petition, upon being returned and filed, shall contain the signatures of no less than twenty (20) percent of the voters of the municipality voting in the last gubernatorial election.

5. The petition, to be valid, must also contain the following information:

- a. The name and address of the elected official whose removal is sought by the petition.
- b. The name and address of the five registered voters who commenced the circulation of the petition.
- c. A detailed statement of the reason why the removal from office is sought by the petitioners.

B. Signatures to Petitions

1. The signatures to petitions need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that the circulator, and they only, personally circulated the foregoing paper; that it bears a stated number of signatures; that each signature appended thereto was made in the circulator's presence and is to the best of the circulator's knowledge and belief the genuine signature of the person whose name it purports to be.

2. With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number or other description sufficient to identify the same.

C. Filing, Examination, and Certification of Recall Petitions.

1. All petition papers comprising a recall petition shall be assembled and filed with the Town Clerk as one instrument.

2. Within ten (10) working days after a petition is filed, the Town Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.

3. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted, unless void on other grounds.

4. If the Town Clerk's certificate shows the petition to be insufficient, the Town Clerk shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the five (5) days after giving of the notice of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition.

5. The Town Clerk shall, within ten (10) working days after such amendment, make like examination of the amended petition, and attach thereto the certificate of the result. If then found to be insufficient, or if no timely amendment was made, the Town Clerk shall file the petition in the Town Clerk's office and shall notify each of the persons, designated thereon as filing it, of that fact.

6. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. After completing examination of the petition, the Town Clerk shall certify the result thereof to the Board of Selectmen at its next regular meeting. If the Town Clerk shall certify that the petition is insufficient, the particulars in which it is defective shall be set forth in the certificate.

D. Calling of recall election.

1. If the petition or amended petition shall be certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with the certificate to the Board of Selectmen at its next meeting and shall notify the member or members whose removal is sought of such action.

2. The Board of Selectmen shall at such meeting order an election to be held not less than thirty (30) nor more than sixty (60) days after the Selectmen meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular or state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

E. Form of ballot in recall election

1. Unless the member or members whose removal is sought shall have resigned before the receipt by the Board of Selectmen of the Town Clerk's certificate, the form of the ballot at such election shall be as nearly as may be "Shall "A" be recalled? Shall "B" be recalled?"etc., (the name of the member or members whose recall is sought being inserted in place of "A", "B", etc.)

2. In case of a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed, provided however that the total number of votes cast equal or exceed 40% of the votes cast in the last gubernatorial election.

3. Any such vacancy shall be filled at the next regular or special election. Should the Board of Selectmen by vote deem it in the best interest of the Town to fill such vacancy before the next scheduled election, then the vacancy shall be filled within sixty (60) days by a special election called by the Board for that purpose.

F. Procedure on refusal of the Board of Selectmen

1. In the event the Board of Selectmen fails or refuses to order a recall election, pursuant to the provisions set forth in this ordinance, then such election may be ordered by any Justice of the Superior Court, upon complaint to the Superior Court by an registered voter of the Town, such complaint shall be filed pursuant to Rule 80-B of the Maine Rules of Civil Procedure and in accordance with the time limits for filing of such complaint set forth in Rule 80-B.