

Town of Bowdoinham
Ordinance for the Recall of Elected Municipal Officers
Page 1 of 4

SECTION 1. Establishment

This ordinance is adopted pursuant to 30-A M.R.S. Section 2602 (6), which allows a municipality to enact an ordinance for the recall and removal of elected municipal officials.

SECTION 2. Applicability

Any elected Selectman of the Town of Bowdoinham may be recalled and removed from office as herein provided for. This ordinance does not apply to any other town official.

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 for a felony or conviction of any crime under the laws of the State of Maine or of the United States.

SECTION 4. Petition for Recall

- a. To be effective, a petition must contain signatures equal to or greater than fifteen percent (15%) of the number of Bowdoinham votes cast in the last gubernatorial election but in all cases no less than one hundred (100). Only signatures of registered voters of the Town of Bowdoinham may be counted to satisfy this requirement.
- 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 include a statement of the specific reasons, consistent with Section 3 of this ordinance, for recall and include specific examples of conduct which justifies recall.
- d. If recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought and each petition shall include the statements required by Section 4(c) of this ordinance.
- e. Each page of the petition shall provide a space for the voter's signature, address, printed name, and date of signature. Each page of the petition shall also include the information required by Section 4(c) of this ordinance.
- f. All petition pages thereof shall be filed as one document.
- g. All signatures on the petition must be signed within sixty (60) days of the petition being filed with the Town Clerk.

Town of Bowdoinham
Ordinance for the Recall of Elected Municipal Officers

Page 2 of 4

- h. A Selectman may not be the subject of a recall petition or recall election during the first or last one hundred (100) days of the term for which the official was elected.

SECTION 5. Clerk's Certification

Within five (5) business 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 requirements set forth in Sections 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition will 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, the Clerk shall submit the same with his or her certification to the Board of Selectmen at their next meeting and shall notify the official whose removal is being sought of such action.
- b. The Selectmen, upon receipt of the certified petition, shall within fourteen (14) days of receipt order an election by secret ballot, pursuant to 30-A M.R.S. § 2528, to be held not less than forty-five (45) nor more than sixty (60) days thereafter, provided that a previously scheduled municipal election will not be held within ninety (90) days of receipt of the certified petition. If a municipal or state election is to be held within ninety (90) days of receipt of their petition, the Selectmen may, at their discretion, provide for the holding of the recall election on the date of the municipal or state election. If a municipal or state election is to be held not less than forty-five (45) nor more than sixty (60) days of receipt of the petition, the Selectmen shall order that the recall election be held on the date of the previously scheduled municipal or state 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 forty-five (45) nor more than sixty (60) days following the selectman's failure or refusal to order the required election.
- d. The municipal officers shall hold a public hearing on the recall, pursuant to the terms of 30-A M.R.S. § 2528(5).
- e. If the Selectmen who is the subject of a recall petition resigns from the Board of Selectmen before an election is ordered, the recall petition shall be moot and no recall election shall be ordered.
- f. Notwithstanding the provisions above, at no time may recall elections be scheduled in such a manner so that the results of said elections could result in there being less than three (3) sitting members of the Board of Selectmen. If recall petitions are filed that could result in there being less than three (3) sitting members of the Board of Selectmen, the recall elections and any resulting elections to fill vacancies shall be scheduled in such a manner so that at least three (3) sitting members remain on the Board of Selectmen at

Town of Bowdoinham
Ordinance for the Recall of Elected Municipal Officers

Page 3 of 4

all times. If it is necessary to schedule multiple recall elections on different dates, the elections shall be scheduled in order of the date of the filing of the recall petitions. If multiple petitions are filed on the same date, the elections shall be set by random draw.

SECTION 7. Ballots for Recall Election

Unless the official(s) whose removal is being sought resigns before the recall election is ordered, the ballots shall be printed and shall read, "SHALL _____ BE RECALLED FROM THE BOARD OF SELECTMEN?" with the name of the official whose recall is being sought inserted in the blank space and the ballots shall allow voters to vote in the affirmative or the negative.

SECTION 8. Result of Election

In the event that the majority of the ballots cast are in the affirmative and at least 250 affirmative votes have been cast, such vote shall take effect as of the announcement of the vote tabulation. A person who has been recalled may request a recount as allowed by Maine law, however, the recall shall remain effective while a recount is conducted and unless the recount reverses the results of the election.

In the event that the majority of the ballots cast are in the negative, and the percentage difference between the negative and positive ballots cast shown by the official tabulation is equal to or less than two (2) percent, a recount may be granted upon written application of 10% or 100, whichever is less, of the persons whose names were checked on the voting list at the recall election. Such application must be filed within ten (10) days of the recall election. If a recount is requested in this matter, the person subject to the recall election may continue to carry out his or her duties as a Selectmen unless the recount reverses the results of the election.

A person who is the subject of a recall election may not participate as a municipal official in any recount hearing resulting from any recall election held on the day that said official is the subject of a recall election.

A person who has been the subject of a failed recount election may not be subject of a recall petition or recall election until one (1) year after the date of the failed recall election.

A person who has been recalled from office may not be a candidate for the Board of Selectmen until at least one (1) year has passed since the date of the recall election.

SECTION 9. Recall Election called by Vote of the Board of Selectmen

Notwithstanding any other provision of this ordinance, the Board of Selectmen may, by majority of vote of at least three (3) members, call for a recall election of a member of the Board if: (a) the member has been absent from all of the Board's meetings in the previous ninety (90) day; (b) the member has been absent from at least fifty (50) percent of the Board's meetings in the previous six (6) months; (c) the member has been indicted for a felony as defined by the laws of the State

Town of Bowdoinham
Ordinance for the Recall of Elected Municipal Officers

Page 4 of 4

of Maine or of the United States; or (d) the member has been convicted of any crime as defined by the laws of the State of Maine or of the United States.

SECTION 10. Filling Vacancy

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes and subject to the provisions of Section 6(f) of this ordinance.

End of Ordinance


This certifies to the municipal clerk of Bowdoinham that the within ordinance is true copy of an ordinance entitled "Ordinance for the Recall of Elected Municipal Officers", to be acted upon by the voters at a special town meeting to be held on November 8, 2011.

Dated: September 13, 2011

Town of Bowdoinham
Board of Selectmen



Brian Hobart, Chair



Daniel Billings



Douglas Tourtelotte