

## **AN ORDINANCE PROVIDING FOR THE RECALL OF MUNICIPAL OFFICERS**

### **1. Commencement of Recall Proceedings**

Any five or more qualified voters of the Town may commence proceedings to recall an Elected Official by filing with the Town Clerk a statement sworn to by all of them before the Town Clerk or a notary public that they will constitute the petitioners' committee and be responsible for circulating and filing recall petitions in accordance with the provisions of this ordinance. The statement shall include the names and addresses of the committee members as well as the address to which notices to the committee are to be sent. The statement shall also identify the name and address of the Elected Official to be recalled and shall explain the reason or reasons for doing so. Requests for recall shall be limited to a single individual.

### **2. Issuance of Petition Forms**

Promptly after the committee has submitted its sworn statement, the Town Clerk shall issue petition forms. The petition forms shall state the name and address of the Elected Official whose recall is being sought, the names and addresses of the petitioners' committee, and the reasons alleged to justify the Elected Official's removal. The petition blanks shall contain signature lines on which voters may sign as well as space for their addresses. The petition forms shall also contain space for the circulator's affidavit.

### **3. Signatures on Petitions**

The petition forms must be signed by a total number of voters equal to at least 15% of the number of voters in the Town who cast votes in the most recent gubernatorial election. Each signature shall be in ink and shall be followed by the street address of the person signing.

### **4. Filing the Petitions**

Each petition form when filed with the Town Clerk shall contain the name and address of the person who circulated the petition as well as a sworn statement that he or she personally circulated the petitions, that all of the signatures were added in his or her presence and are genuine. The sworn statement shall also contain a recitation that each person signing the petition had an opportunity before signing to read the information on the petition. The petition forms shall be filed with the Town Clerk together as a single document not later than 15 days after they were issued to the petitioners' committee. Any person who has signed a petition may have his or her name removed by the Town Clerk if the request is made before the Clerk has certified the sufficiency of the petition. The oaths of the circulators of each petition form may be taken by the Town Clerk or a notary public.

5. Procedure after Filing

a. Within 14 days after the petition forms have been filed, the Town Clerk shall issue a certificate regarding the sufficiency of the petitions specifying, if they are insufficient, the basis for that determination. The Clerk shall promptly send a copy of the certificate to the petitioners' committee and to the Elected Official proposed to be recalled by certified mail. If the petition forms are certified as insufficient, the petitioners' committee may amend them once if the supplementary or amended petition forms are submitted to the Town Clerk within 10 days after receiving the certificate of insufficiency. The Elected Official who is subject to being recalled may, within 10 days after receiving the certificate of sufficiency from the Town Clerk, appeal the decision to the Town Clerk. If the Town Clerk rejects the appeal, the Elected Official in question may, within 5 days after receiving the notice of such rejection, appeal the issue to the Board of Selectmen whose decision shall be final.

b. The Town Clerk shall, within 10 days after receiving any amended or supplementary petitions, prepare a certificate as to their sufficiency and promptly forward the same to the Board of Selectmen. If the petitioners' committee disagrees with the decision regarding the sufficiency of the petitions, it may appeal the same within 5 days of notice of the Town Clerk's decision to the Board of Selectmen whose decision shall be final.

6. Ruling on Appeals

The Board of Selectmen shall rule on any appeal from the validity of the Town Clerk's certificate regarding the sufficiency of the petitions at its next meeting following receipt of the appeal. The Elected Official subject to recall shall not participate in any decision regarding the sufficiency of the petitions. A majority of the Board of Selectmen present at the meeting at which an appeal is considered may rule on the merits of the appeal. If the Board of Selectmen determines that the petitions are insufficient, no new petitions seeking to recall the Elected Official in question may be filed within 6 months from the date of the Board's decision.

7. Scheduling Recall Election

The Board of Selectmen shall, within 10 days after determining that the recall petitions are sufficient, schedule a special town meeting to vote on the petitions. The special town meeting shall be held not less than 30 nor more than 60 days after the determination that the petitions are sufficient. A recall petition may be withdrawn at any time prior to the 15<sup>th</sup> day preceding the date of the special town meeting provided the withdrawal request is signed by at least two-thirds of the members of the petitioners' committee.

The ballot for the recall election shall contain the following question: "Shall [name of Elected Official subject to recall] be recalled from office?" Immediately below such question shall appear the words "yes" and "no" and beside each word a square in which the voter may indicate his or her vote.

Pending the outcome of the election, the Elected Official who is the subject of the recall petition shall continue to exercise all of the prerogatives of his or her office. At the request of either the petitioners' committee or the Elected Official subject to recall, the Board of Selectmen shall schedule a public hearing at least 7 days before the special town meeting at which voters can speak for or against the proposed recall.

8. Results of the Recall Election

An Elected Official shall be recalled if a majority of the voters at the town meeting vote to do so and the number of that majority (those voting in the affirmative) is greater than the number of votes the Elected Official received at the time of his or her most recent election to the office. If the results of the election are challenged by the recalled Elected Official, his or her right to serve in that office shall be suspended and he or she shall not be compensated therefore unless his or her challenge is sustained. No person who has been recalled from office may be a candidate in the special election to fill the seat of the recalled Elected Official. When a vote to recall a Elected Official is defeated, no new petitions to recall that Elected Official may be filed for a period of at least 6 months from the date of the recall election.