

Section 1 Authority and Purpose

This ordinance is adopted in accordance with the Maine Constitution, Article VIII, Home Rule Authority, and Title 30-A M.R.S.A. §3001. This ordinance provides for the calling of a recall vote. A recall vote is the political process by which citizens, objecting to harmful or corrupt behavior from an elected official, may vote for or against removing the official from office before their term is completed.

Section 2 Definition of Terms

- Certify** To certify the petition as valid, the clerk must do the following:
- A. Match each name and signature with the name and signature of a registered voter of Pittston. Any questionable name or signature may be validated by reference to the original voter registration card.
 - B. The minimum number of valid signatures shall be no less than 20% of the number of votes cast in the municipality at the last gubernatorial vote.

Notice of intent to petition is the written notice the Pittston voter gives to the town clerk to begin the petition process. The notice of intent to petition shall include twenty-five (25) valid signatures of registered Pittston voters. The date on which the voter gives notice to the clerk of intent to petition begins the petition process.

Petition. A petition is a formal written request from registered voters of a municipality made to an authority such as the legislative body of the municipality. The legislative body in Pittston is the entire group of registered voters.

Public office. A public office is a position of duty, trust, or authority either elected or appointed. A public official is one who holds this office.

Recall vote. A recall vote is the political process by which citizens, objecting to harmful or corrupt behavior from an elected official, may vote for or against removing the official from office before their term is completed.

Valid signature. A valid signature for the purpose of this ordinance is the signature of a registered voter of the town of Pittston.

Section 3 Officials Subject to Recall

- 3.1** Any municipal official who has been elected by the voters of Pittston may be recalled from their office as provided in this ordinance.
- 3.2** Appointed officials and school board members are not subject to the recall provisions of this ordinance.

Section 4 Limitations

- 4.1** A recall petition may not name more than one official whose recall is being sought.
- 4.2** Only one official per commission, board or committee, may be the subject of a recall at one time.
- 4.3** No petition for recall shall be issued by the clerk against an official with fewer than three (3) calendar months into their current term, or with fewer than three (3) calendar months of a multiyear term remaining.

Section 5 Basis for Recall

The following are examples of behavior that may be significantly damaging to the municipality to justify recall. Activities in these areas and/or related areas may be considered as a basis for recall.

- A. Failure to perform official duties, or failure to abide by duly passed decisions made by the select board. Title 30-A M.R.S.A. §2607.
- B. Violation of the Pittston code of conduct including, but not limited to, conflict of interest violation. Title 30-A M.R.S.A. §2605.
- C. Criminal conviction for an act which occurred during the official's term of office and the victim of which is the municipality. Title 30-A M.R.S.A. §2505.
- D. Misuse of town funds and/or property.

Section 6 Persons Qualified to Petition

Only registered voters of Pittston are authorized to circulate a petition for the recall of an elected official. Only registered voters of Pittston may sign a petition to recall an elected official.

Section 7 Petition Process

- 7.1** Any registered voter of Pittston may submit a written statement of notice of intent to petition to the clerk to seek the recall of an elected official of the town (except school board officials). The notice of intent to petition must include:
- A. The full name, residential address, and telephone number of the petitioner.
 - B. The name and title of the elected official whose recall is being sought.
 - C. A statement of the reason the recall of the elected official is being sought.
 - D. The signatures and addresses of at least twenty-five (25) registered voters of the town of Pittston shall be included on the notice of intent to petition.

- 7.2** The clerk has one (1) calendar week after the notice of intent to petition was filed to prepare the blank petition forms. When the forms are ready, the clerk shall notify the petitioner. The forms shall be dated and addressed to the select board, shall include the name of the petitioner, the number of blank forms issued, and the specified deadline for returning the signed forms.
- 7.3** From the date on which the clerk notifies the petitioner the blank petition forms are ready, the petitioner has no more than three (3) calendar weeks from that date to collect the required number of valid signatures and submit to the clerk the completed forms. A petition received by the clerk beyond the specified deadline will be voided, dated and recorded. The clerk shall notify the petitioner.

Section 8 Petition Filing, Examination and Certification

- 8.1** For the filing of the petition:
- A. All petition signature pages comprising a recall petition shall be assembled and filed with the town clerk as one instrument.
 - B. Each signature page must be signed by the circulator.
- 8.2** Within two (2) calendar weeks the clerk shall examine each paper of the petition and certify that it contains the proper statement of the circulator and whether the petition is, in its entirety, signed by at least the minimum number of required registered voters.
- A. The clerk shall declare any petition invalid that does not have the required minimum number of signatures of registered voters.
 - B. The clerk shall declare a petition valid if the number of valid signatures is no less than 20% of the number of votes cast in the municipality at the last gubernatorial vote.
 - C. The clerk shall date and record the findings and immediately send notifications to the petitioner and the official whose recall is being sought.
- 8.3** The clerk shall immediately notify the select board of the certification, make the original petition available to the select board, and document the transfer of the petition by completing the transfer form. Appendix B.

Section 9 Incumbent Duties Continuing

The incumbent may continue to perform the sworn duties of their office until recording of the vote tabulation into the records. If recalled, the official shall be deemed removed from the office.

Section 10 Calling the Recall Vote

- 10.1** After the clerk notifies the select board of the certified petition, the select board shall order a vote by written ballot, in accordance with Title 30-A M.R.S.A §2528. The board shall make this order within two (2) calendar weeks after the date the clerk certifies the petition.
- 10.2** The recall vote shall be held no less than six (6) calendar weeks nor more than ten (10) calendar weeks after the certification of the petition unless a regular municipal vote is scheduled to be held within twelve (12) calendar weeks of the certification of the petition, in which case the recall vote may be held on the date of the regular municipal vote.
- 10.3** In the event that the select board members fail to order a vote within two (2) calendar weeks of certification of the recall petition, the clerk shall call the vote to be held in accordance with section 10.2 of this ordinance.
- 10.4** Ballots in a recall vote shall read:
"Do you authorize the recall of (name of official) from the position of (name of office)
() Yes () No"

Section 11 Result of Vote and Vacancies to be Filled

- 11.1** In the event of a vote for removal, such result shall take effect as of the recording of the vote tabulation into the records.
- 11.2** A tie vote will defeat the recall.
- 11.3** A vacancy resulting from removal from office under this ordinance shall be filled in accordance with Title 30-A M.R.S. §2602.

Section 12 Severability

The invalidity of any section of this ordinance shall not be held to invalidate any other section within the ordinance.

I attest this is a
true copy

Related Statutes – including but not limited to:

Title 30-A M.R.S.A. §3001-3002 Home rule and ordinance power
Title 30-A M.R.S.A. §2505 Recall of municipal officials
Title 30-A M.R.S.A. §2602 Vacancy in municipal office
Title 30-A M.R.S.A. §2605 Conflicts of interest
Title 30-A M.R.S.A. §2607 Neglect of official duty
Title 30-A M.R.S.A. §2528 Secret ballot

Valerie Hanson, clerk
3-15-2025

MUNICIPAL OFFICERS' CERTIFICATION
OF OFFICIAL TEXT OF A PROPOSED ORDINANCE

To the Town Clerk of the Town of Pittston, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Pittston Recall of Municipal Official," which is to be presented to the voters for their consideration on Saturday, March 15, 2025.

Pursuant to Title 30-A M.R.S.A. 3002(2), you will retain a copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the Town Meeting/polling places on the day of the vote.

Dated: March 15, 2025



Jane H. Hubert, Select Board Chair



Joseph Caputo, Select Board Member



Catherine Thomas, Select Board Member