

Town of Newburgh

Recall Ordinance

Elected Officials May Be Recalled:

Any elected official, other than a School Committee member, may be recalled and removed from office by the qualified members of the Town as herein provided. Recall is intended to be used when, in the opinion of the number of voters hereinafter specified, an elected official, acting as such, has caused a loss of confidence in the official's judgment or ability to perform the duties and responsibilities of office.

§2505. Recall of municipal officials

1. **Petition for recall.** On the written petition pursuant to subsection 4 of a number of voters equal to at least 25% of the number of votes cast in the municipality at the last gubernatorial election, an election must be held to determine the recall of an elected official of that municipality. [2011, c. 324, §1 (NEW) .]
2. **Notice of intention.** In order to initiate a recall election under subsection 1, the initiator(s) of the petition shall file a notice of intention of recall with the municipal clerk of the municipality. A notice of intention of recall under this subsection must include the name, address and contact information of the person(s) filing the notice and the name and position of the official subject to recall under this section. Only a person registered to vote in the municipality may file a notice of intention of recall under this subsection. [2011, c. 324, §1 (NEW) .]
3. **Petition forms.** Within 3 business days of receipt of a notice of intention of recall under subsection 2, the municipal clerk shall prepare petition forms for the collection of signatures under subsection 4 and send notice to the initiator(s) of the petition under subsection 2 that the petition forms are available. The municipality may charge the initiator(s) of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form under this subsection must include:
 - A. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition, a specific statement of the reason for recall, and the date by which the signatures must be submitted to the municipal clerk under subsection 4; [2011, c. 324, §1 (NEW) .]
 - B. Spaces for each voter's signature, actual street address and printed name; and [2011, c. 324, §1 (NEW) .]
 - C. Space at the bottom of the form for the name, address and signature of the person circulating the petition form. [2011, c. 324, §1 (NEW) .][2011, c. 324, §1 (NEW) .]
4. **Collection and submission of signatures.** A petition form under subsection 3 may be circulated or signed only by a registered voter(s) of the municipality. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the form to the municipal clerk. The initiator(s) of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition forms to the municipal clerk within 14 days of receipt of notice from the clerk that the petition forms are available under subsection 3. A municipal clerk may not accept a petition form submitted more than 14 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid. [2011, c. 324, §1 (NEW) .]
5. **Petition certification and notification.** Within 7 business days of receiving petition forms under subsection 4, the municipal clerk shall determine whether the petition forms meet the criteria under subsection 4 and certify the validity of any signatures on the petition forms. If the municipal clerk finds that the number of valid signatures submitted under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall certify the petition and immediately send notification of the certification to the municipal officers, the initiator(s) of the petition and the official subject to the recall.

If the municipal clerk finds the number of valid signatures submitted under subsection 4 does not meet the requirements for a petition under subsection 1, the municipal clerk shall file the petition and the petition forms in the clerk's office and notify the initiator(s) of the petition. [2011, c. 324, §1 (NEW) .]

6. **Scheduling recall election.** Within 10 business days of certification of the petition under subsection 5, the municipal officers shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no less than 45 days nor more than 75 days after certification of the petition under subsection 5 unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under subsection 5, in which case the recall election must be held on the date of the regular municipal election. If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition under subsection 5, the municipal clerk shall schedule the recall election pursuant to the date requirements of this subsection. [2011, c. 324, §1 (NEW) .]

7. **Ballots for recall election.** If the official subject to the recall does not resign from office within 10 business days of certification of the recall petition under subsection 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a recall election under this section must read:

"Do you authorize the recall of (name of official) from the position of (name of office)?

() Yes () No"

[2011, c. 324, §1 (NEW) .]

8. **Results of recall election.** Within 2 business days of a recall election under subsection 6, the municipal clerk shall certify and record the election results and notify the municipal officers of those results. If a majority of voters vote to remove the official, the recall takes effect on the date the election results are recorded pursuant to this subsection. [2011, c. 324, §1 (NEW) .]