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Chapter 2 – ADMINISTRATION

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§ 2-9. RECALL OF ELECTED OFFICIALS.

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(A) THIS SECTION GOVERNS RECALLS OF THE MAYOR OR A COMMISSIONER INITIATED PURSUANT TO SECTION C3-11 OF THE TOWN OF PERRYVILLE CHARTER.

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(B) THE TOWN CLERK, WITH APPROVAL OF THE TOWN ATTORNEY, SHALL PRESCRIBE THE FORM OF A PETITION SEEKING THE RECALL OF THE MAYOR OR A COMMISSIONER, HEREAFTER REFERRED TO AS A RECALL PETITION. A RECALL PETITION SHALL BE CIRCULATED FOR SIGNATURE ON THE FORM PRESCRIBED BY THE TOWN CLERK.

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(C) A RECALL PETITION SHALL BE ADDRESSED TO THE MAYOR AND COMMISSIONERS AND FILED WITH THE TOWN CLERK. UPON RECEIVING A RECALL PETITION, THE TOWN CLERK SHALL IMMEDIATELY NOTIFY THE MAYOR AND COMMISSIONERS THAT A RECALL PETITION HAS BEEN FILED. WITHIN 15 DAYS AFTER THE FILING OF A RECALL PETITION, THE CLERK SHALL ASCERTAIN WHETHER THE RECALL PETITION IS SIGNED BY THE REQUISITE NUMBER OF REGISTERED VOTERS OF THE TOWN AND SHALL ATTACH A DATED CERTIFICATE STATING THE RESULTS OF THE EXAMINATION AND WHETHER THE RECALL PETITION MEETS THE REQUIREMENTS OF THIS SECTION AND SECTION C3-11 OF THE TOWN CHARTER. THE CLERK SHALL FORWARD THIS CERTIFICATION SHALL BE FORWARDED TO THE MAYOR AND COMMISSIONERS.

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(D) (1) IF THE CERTIFICATE SHOWS THE RECALL PETITION DOES NOT MEET THE REQUIREMENT OF THIS SECTION, THE CLERK SHALL SEND WRITTEN NOTICE OF THIS FACT TO THE INDIVIDUAL WHO FILED THE RECALL PETITION.

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(2) IF THE CERTIFICATE SHOWS THE RECALL PETITION MEETS THE REQUIREMENTS OF THIS SECTION AND SECTION C3-11 OF THE CHARTER, THE REQUEST FOR RECALL SHALL BE PLACED ON THE NEXT TOWN MEETING AGENDA FOR ACTION BY THE MAYOR AND COMMISSIONERS TO SET A RECALL ELECTION, IF SUCH A MEETING IS SCHEDULED TO OCCUR WITHIN 15 DAYS FROM THE DATE OF CERTIFICATION. IF THE NEXT TOWN MEETING IS SCHEDULED FOR 16 OR MORE DAYS FROM THE DATE OF CERTIFICATION A SPECIAL MEETING SHALL BE SCHEDULED WITHIN FIFTEEN 15 DAYS FROM THE DATE OF CERTIFICATION, TO SET A RECALL ELECTION.

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(E) AT THE MEETING DESCRIBED IN SECTION 2-9(D)(2), THE MAYOR AND COMMISSIONERS SHALL, BY RESOLUTION, ORDER THAT A RECALL ELECTION BE HELD AND SET A DATE FOR THE RECALL ELECTION WHICH IS NOT LESS THAN 30 DAYS AND NOT MORE THAN 60 DAYS FROM THE DATE OF THE CERTIFICATION, UNLESS:

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84 (1) THE ELECTED OFFICIAL WHO IS THE SUBJECT OF THE RECALL
85 PETITION HAS RESIGNED; OR
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87 (2) THE REGULAR TOWN ELECTION IS SCHEDULED TO OCCUR WITHIN
88 60 DAYS AFTER THE CERTIFICATION DATE, IN WHICH CASE THE MAYOR AND
89 COMMISSIONERS MAY VOTE TO ORDER THE RECALL ELECTION BE INCLUDED ON
90 THE TOWN ELECTION BALLOT.
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92 (F) AT THE MEETING DESCRIBED IN SECTION 2-9(D)(2), THE MAYOR AND
93 COMMISSIONERS SHALL SCHEDULE A PUBLIC HEARING TO TAKE PLACE NO
94 LATER THAN FOURTEEN 14 DAYS BEFORE THE RECALL ELECTION AT WHICH
95 TIME THE PERSONS PETITIONING FOR RECALL, THOSE OPPOSED TO RECALL, AND
96 THE ELECTED OFFICIAL WHO IS THE SUBJECT OF THE RECALL PETITION SHALL
97 HAVE AN OPPORTUNITY TO SPEAK ON THE PROPOSED RECALL.
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99 (G) THE MAYOR AND COMMISSIONERS SHALL CAUSE TO BE POSTED
100 PUBLIC NOTICE OF THE DATES OF THE RECALL ELECTION AND THE PUBLIC
101 HEARING. THE NOTICE SHALL BE POSTED AT TOWN HALL AND ON THE TOWN'S
102 INTERNET WEBSITE AND SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL
103 CIRCULATION IN THE TOWN OF PERRYVILLE. THE MAYOR AND COMMISSIONERS
104 MAY UNDERTAKE ANY SUCH FURTHER MEASURES TO NOTIFY THE TOWN
105 RESIDENTS OF THE RECALL ELECTION AND PUBLIC HEARING AS THEY MAY
106 DEEM APPROPRIATE.
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108 (H) (1) A RECALL ELECTION SHALL BE CONDUCTED IN ALL RESPECTS NOT
109 OTHERWISE ADDRESSED BY THIS SECTION AS OTHER TOWN ELECTIONS.
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111 (2) A PERSON MAY NOT IMPEDE THE ORDERLY PASSAGE OF VOTERS
112 TO AND FROM THE POLLING LOCATION.
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114 (3) THOSE PERSONS IN FAVOR OF THE RECALL OF THE ELECTED
115 OFFICIAL AND THOSE OPPOSED TO THE RECALL OF THE ELECTED OFFICIAL
116 SHALL HAVE THE RIGHT TO HAVE ONE (1) POLL WATCHER IN THE POLLING
117 ROOM. POLL WATCHERS SHALL BE GOVERNED BY SECTION 29-17 OF THIS CODE,
118 AND SHALL NOT BE AN ELECTED OFFICIAL OR THE INDIVIDUAL SUBJECT TO THE
119 RECALL VOTE.
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121 (4) THE ELECTED OFFICIAL WHOSE RECALL IS SOUGHT SHALL
122 CONTINUE TO SERVE IN OFFICE PENDING THE RESULTS OF THE RECALL
123 ELECTION BUT MAY NOT PARTICIPATE IN ANY DISCUSSIONS OR ACTIONS
124 RELATED TO THE RECALL EXCEPT AT THE PUBLIC HEARING DESCRIBED IN
125 SECTION 2-9(F).
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127 (5) THE RECALL ELECTION BALLOT SHALL READ: "SHALL (NAME OF
128 OFFICIAL) CONTINUE IN THE OFFICE OF (INSERT OFFICE NAME) OF PERRYVILLE?"

129 FOLLOWING THIS QUESTION SHALL BE THE WORDS "YES" AND "NO" WHICH THE
130 VOTER SHALL USE TO VOTE FOR OR AGAINST RECALL.

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132 (6) THE QUESTION OF RECALL SHALL BE DECIDED BY A SIMPLE
133 MAJORITY OF VOTES CAST. IF A MAJORITY OF VOTES CAST IS IN FAVOR OF
134 RECALL, THE ELECTED OFFICIAL'S TERM OF OFFICE SHALL IMMEDIATELY
135 TERMINATE UPON THE CERTIFICATION OF THE ELECTION. IF THE MAJORITY OF
136 VOTES CAST ARE NOT IN FAVOR OF RECALL, THE ELECTED OFFICIAL'S TERM
137 SHALL CONTINUE UNAFFECTED.

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139 **SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
140 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that if any section, subsection,
141 provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal
142 or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable,
143 and shall not affect or impair any remaining section, subsection, provision, sentence, clause,
144 phrase or word included within this Ordinance, it being the intent of the Mayor and
145 Commissioners that the remainder of the Ordinance shall be and shall remain in full force and
146 effect, valid and enforceable.

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148 **SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
149 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that this Ordinance shall become
150 effective from the date that Charter Amendment Resolution No. 2022-01 becomes effective, and
151 if Charter Amendment Resolution No. 2022-01 is not adopted or does not take effect, this
152 Ordinance shall be rescinded without further action of the Mayor and Commissioners.

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154 **ADOPTED** this ____ day of _____, 2023.

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156 **SEAL:** **MAYOR AND COMMISSIONERS OF**
157 **THE TOWN OF PERRYVILLE**

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160 By: _____
161 Matt Roath, Mayor

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163 **ATTEST:**
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165 _____
166 Jackie Sample, Town Clerk

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168 Date: _____