

§2533. Title to municipal office

Within 30 days after election day, a person who claims to have been elected to any municipal office may proceed against another who claims title to the office by the following procedure. [PL 1993, c. 608, §15 (AMD).]

1. Procedure. The person must bring a complaint in the Superior Court alleging the facts upon which the person relies in maintaining the action. The action must be brought in the county in which the defendant resides. The court shall hear and decide the case as soon as reasonably possible. [PL 1993, c. 473, §42 (NEW); PL 1993, c. 473, §46 (AFF).]

2. Appeal procedure. The party against whom the judgment is rendered may appeal to the Supreme Judicial Court within 10 days after entry of the judgment. The appellant must file the required number of copies of the record with the clerk of courts within 20 days after filing the notice of appeal. Within 30 days after the notice of appeal is filed, the parties must file briefs with the clerk of courts. As soon as the records and briefs have been filed, the court shall immediately consider the case and shall issue its decision as soon as reasonably possible. Final judgment must be entered accordingly. [PL 1993, c. 473, §42 (NEW); PL 1993, c. 473, §46 (AFF).]

3. Court to issue order. As soon as final judgment has been rendered, the Superior Court, on request of the prevailing party, shall issue an order to the party unlawfully claiming or holding the office, commanding that party to immediately surrender it to the person who has been adjudged lawfully entitled to it, together with all the records and property connected with it. The prevailing party may assume the duties of the office as soon as the term begins. [PL 1993, c. 473, §42 (NEW); PL 1993, c. 473, §46 (AFF).]

4. Costs. The court shall allow costs to the prevailing party as the court determines reasonable and just. [PL 1993, c. 473, §42 (NEW); PL 1993, c. 473, §46 (AFF).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1993, c. 473, §42 (AMD). PL 1993, c. 473, §46 (AFF). PL 1993, c. 608, §15 (AMD).

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