

TOWN OF LEBANON, MAINE

RECALL ORDINANCE

SECTION 1. Authority.

This ordinance is enacted pursuant to 30-A M.R.S. §§ 2602 and 3001.

SECTION 2. Applicability.

Any elected municipal official of the Town of Lebanon may be recalled and removed from office as herein provided after the first 90 days in an office. This ordinance does not apply to Maine School Administrative District #60 Directors.

SECTION 3. Petitions for Recall.

- A. Recall shall be initiated by petition.
- B. Upon submission of a written petition for recall signed by a number of registered voters of the Town of Lebanon equal to at least ten percent (10%) of the number of votes cast in the Town of Lebanon in the last gubernatorial election, the Board of Selectmen shall hold a recall election in accordance with Section 5 below.
- C. The petition shall be addressed to the Board of Selectman and shall be filed with the Town Clerk or Deputy Clerk.
- D. The petition shall state the name and office, or offices, of the elected municipal official whose removal is being sought, and a general statement of the reasons why such removal is desired
- E. If recall of one or more municipal officials is being sought there shall be a separate petition for each municipal official whose removal is being sought.
- F. Each page of petition shall provide a space for the voter's signature, printed name and street address.
- G. A petition may only be circulated by a registered voter.
- H. All petition pages shall be signed by the person circulating the petition form and filed as one document.

SECTION 4. Clerk's Certification.

Within ten (10) business days of receipt of the petition, the Town Clerk, or Deputy Town Clerk, shall certify the validity of the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 3 of this Ordinance.

- A. Should the petition be found insufficient, the petition will be filed in the Town Clerk's office and the voter who filed the petition shall be notified.

- B. If the petition is certified by the Town Clerk, or Deputy Town Clerk, to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the municipal official(s) whose removal is being sought.

SECTION 5. Scheduling the Recall Election

- A. Within ten (10) business days of receipt of the certified petition, the Board of Selectmen shall order a recall election by secret ballot. The election shall be held within 45 days of the Selectmen's order of the election.
- B. In the event that a regular municipal election is scheduled to be held within ninety (90) days of receipt of the certified petition by the Board of Selectmen, the Selectmen may at their discretion schedule the recall election on the date of the regular municipal election.
- C. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held within 45 days following the Selectmen's failure or refusal to order the required election.
- D. The Selectmen shall schedule a public hearing on the recall election at least fifteen (15) business days prior to the recall election. The purpose of this public hearing will allow the petitioner to present their case of recall, while the municipal official shall also be allowed to present a defense to the public.

SECTION 6. Ballots for the recall Election

Unless the municipal official or officials whose removal is being sought has resigned within ten (10) days of receipt of the petition by Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED FROM THE POSITION OF (name of office)?" with the name of the municipal official whose recall is being sought and his or her position inserted into the blank spaces. If the petition seeks the recall of a municipal official from more than one office, each office must be named.

SECTION 7. Result of Election.

- A. A valid vote for recall shall have a minimum of ten percent (10%) of registered voters attending.
- B. In the event of an affirmative vote for removal by a majority of those voting thereon, the recall shall take effect as of the recording of the vote tabulation into the records.

SECTION 8. Vacancies to be filled

Any vacancy from office resulting from action of this ordinance shall be filled in accordance with the provisions of Maine Law (30-A M.R.S. § 2602).

Adopted this day 05/10/2016 by Town Meeting Vote 609 – Yes 310 – No

A True Copy Attest


Mandy Grenier – Town Clerk