

**ORDINANCE FOR THE RECALL OF ELECTED MUNICIPAL OFFICIALS
FOR THE TOWN OF LYMAN, MAINE**

SECTION 1. Authority

This Ordinance is adopted pursuant to Title 30-A M.R.S.A. § 2602 (6).

SECTION 2. Applicability

Any elected official of the Town of Lyman, Maine may be recalled and removed from office as herein provided for.

SECTION 3. Petitions for Recall

- a. Recall shall be initiated by petition.
- b. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition. If petitions for the recall of all Selectmen are submitted, then the petitions shall be addressed to the Town Clerk. In every case, the petition(s) shall be filed with the Town Clerk.
- c. Each page of the petition shall state the name and office, or offices, of the person whose removal is being sought and a statement of the reasons such removal is desired.
- d. The petition for recall must contain only signatures of the registered voters of the Town of Lyman, equal to ten percent (10%) of the number of votes cast in Lyman in the last Gubernatorial election.
- e. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- f. Each page of the petition shall be ruled, and each line shall provide a space for the voters' signatures, address, and printed name.

g. Each petition shall have attached to it an affidavit by its circulator(s) stating the following:

1. That the circulator personally circulated the petition;
2. The number of signatures that the petition contains;
3. That all signatures were signed in the circulator's presence;
4. That the circulator believes all signatures to be the genuine signatures of the persons whose names they purport to be;
5. That each signer signed the petition no more than once and/or signed no more than one Petition; and
6. Each signer had an opportunity to read the Petition before signing it.

h. All pages of the petition shall be filed as one document.

SECTION 4. Clerk's Certification

Within (10) days of the receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications set forth in this Ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk's office and the voter who filed the petition will be notified.

SECTION 5. Calling the Recall Election

a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the petition with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.

b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt, order an election by secret ballot, pursuant to 30-A M.R.S.A. § 2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case the Selectmen may at their discretion provide for the holding of 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 not less than 45 days nor more than 60 days following the selectmen's failure or refusal to order the required election.

d. If at any time between the time of ordering the election and the date of the election the person whose recall is sought requests a public hearing, the Selectmen will promptly schedule such a public hearing on the recall election.

SECTION 6. Ballots for the Recall Election

Unless the persons whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read: "SHALL _____ BE RECALLED?" with the name of the person whose recall is being sought inserted in the blank space.

SECTION 7. Result of Election

In the event of an affirmative vote by a majority of those voting at the recall election, such vote shall take effect as of the recording of the tabulation into the records.

SECTION 8. Vacancies to be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions of Maine law.

Adopted November 7, 2006