

**TOWN OF BREMEN
GENERAL ELECTION
NOVEMBER 2, 2010**

**On November 2, 2010, the Town of Bremen passed the newly written
Recall Ordinance by a vote of Yes 274 and No 100.**

Enacted November 2, 2010

Certified by



**Joanne S. McGregor
Town Clerk**

Town of Bremen
RECALL of Officials

RECALL ORDINANCE

Section 1. Authority.

This Ordinance is enacted pursuant to the authority of the Constitution of Maine, Art. VIII, Part Second, and the provisions of Title 30-A of the Maine Revised Statutes.

Section 2. Applicability.

Any municipal elected official may be recalled and removed from office by the registered voters of the Municipality of Bremen as hereinafter provided, except that this provision shall not apply to an elected official who has six (6) months or less to serve in his or her term.

Section 3. Petition for Recall.

At least one-percent (1%) of the registered voters of the town may affirm and file with the Town Clerk an affidavit containing the name of the elected official whose removal is sought, together with a statement of the reasons why such removal is desired.

Upon receipt of such an affidavit, the Town Clerk shall prepare a sufficient number of petitions which shall be addressed to the Board of Selectmen, and contain the signature of the Town Clerk, his or her official seal, the date, and the name of the person whose removal is sought. In addition, the affidavit and statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto.

Within five (5) days, the Town Clerk shall deliver to at least one of the voters signing that affidavit, copies of the petition blanks for such removal. The Town Clerk shall prepare an affidavit stating the names of the persons to whom the petition blanks were issued, the date of issuance, and the number of blanks so issued.

To mandate a recall vote, the recall petition must be returned and filed with the Town Clerk within fifteen (15) days after the issuing of the petition blanks. The petitions must be signed by of at least ten-percent (10%) of the number of registered voters. Each signature shall be accompanied by the voters printed name, place of residence, giving the street and number or other description sufficient to identify the location. Such signatures need not all be on one petition, but the circulator of every such petition shall execute the petition affidavit that each signature on the petition is the genuine signature of the person whose name it purports to be. All such recall petitions shall be filed with the Town Clerk as one instrument, with the endorsements thereon of the names and addresses of the persons filing the same.

Section 4. Verification of Recall Petition.

On the filing of the recall petitions, within the forty-five (45) day period for signing the petitions described in Section 3, the Town Clerk shall declare the petition closed and, within five (5) days thereafter, shall ascertain whether or not the petitions have been signed by the requisite number of registered voters. The Town Clerk shall attach his or her certificate, showing the results of such examination, to the petitions.

If the Town Clerk's certificate should show that the petitions are insufficient, he or she shall advise both the Board of Selectman, the person whose removal was sought and the persons who circulated the petitions of that fact and shall post a copy of that certificate in all places where Town meeting notices are posted. A finding of insufficiency shall not prejudice the filing of a new petition for the same purpose, except that such new petition shall not be filed within twelve (12) months from the date of the receipt of the Town Clerk's certificate by the Board of Selectmen.

Section 5. Calling of Recall Election.

If the Town Clerk's certificate should show that the petitions are sufficient, he or she shall submit them together with the Town Clerk's certification, to the Board of Selectmen at its next regular meeting following certification, and shall also notify the person whose removal is sought the persons who circulated the petitions. The Board of Selectmen shall, at that meeting, order an election to be held not less than thirty (30) nor more than sixty (60) days thereafter; except that, if a regular municipal election should occur within ninety (90) days after receipt of the certificate, the Board of Selectmen may, in its discretion, schedule the recall election for the same date as the regular municipal election.

The recall election shall be called and held as other elections under State Law except for the specific limitations imposed by this article.

Section 6. Form of Ballot.

Unless the person whose removal is sought shall have resigned within ten (10) days after the receipt by the Board of Selectmen of the Town Clerk's certificate, the form of the question to be submitted to the voters shall, as nearly as possible, be:

"Shall (name of official and his or her title) be recalled?"

Section 7. Count of Ballots.

In case a majority of those voting for and against the recall of any elected official shall vote in favor of recalling such official, he or she shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

If a majority of those voting should decline to recall a particular elected official, then no proceedings seeking the recall of that same person, shall be initiated under this article within twelve (12) months from the date of the election in which his or her recall was sought.

Section 8. Recount.

If a person who is recalled should either request a recount or dispute the election as permitted by law, then that person shall remain in office until the recount or dispute has been finally determined; and the provisions of Section 7 relating to vacancies shall be stayed. The provisions of 30-A MRSA section 2531-A or its successor shall apply.