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M E M O R A N D U M

DATE: July 18, 2025
TO: Town Council, Town of Lisbon
FROM: Michael Carey, Town Attorney
SUBJECT: Independent Third-Party Examination of a Recall Affidavit

A July 8, 2025 independent third-party examiner's memorandum opined that a recall affidavit, for a recall of Councilor Larochelle, does not state a permitted reason for recall. I have been asked to advise the Council on the next steps. Some have asked for a second opinion. Article VIII, Section 8.31(a)(2) provides a timeline for external review of a recall affidavit:

1. "Within five (5) working days of being advised by the Town Clerk of the filing of a recall affidavit, the official who has been proposed to be recalled, may request the Town Council that the Town Council, . . . shall appoint an independent third-party examiner. . ."
2. "This appointment shall occur at the next scheduled meeting of the Town Council. . ."
3. "[W]ithin twenty-one (21) days of appointment unless another time is designated by Council," the "examiner shall submit a written report to the Town Council. . . stating whether or not the petition meets the criteria and if it is determined that the criteria are not met, the petition will go no further and have no further effect."

On June 18, 2025, the Town Clerk received a recall affidavit and advised Councilor Larochelle of the filing. On June 23, 2025, Councilor Larochelle requested an independent third-party examiner, by the attached email. At the July 1, 2025 regular meeting, the Council appointed the Town Attorney to be the independent third-party examiner. At that time, Attorney Kristin Collins was the Town Attorney. On July 8, 2025, Attorney Collins submitted a written report attached as Exhibit A that stated that the petition does not meet the criteria of the charter.

The ordinance deadlines have all been met. The independent third-party examiner determined that the criteria for a recall petition are not met. The petition is deemed to "go no further and have no further effect." The Charter provides no jurisdiction for another reviewer to review the issue or reconsider the independent third-party reviewer's determination. The recall committee may appeal the independent reviewer's report to the ethics panel or to Superior Court, within 30 days after notice of the reviewer's action.