

Recall of Elected Officials

The Mayor or any member of the City Council may be removed from office as provided in the recall provisions.

The recall procedure would allow its citizens an opportunity to address any serious concerns that may arise between regular City elections with regard to allegations of misfeasance, malfeasance, nonfeasance or a violation of the oath of office.

Recall Petition Committee

A Recall Petition Committee, as authorized in the recall provisions, shall be comprised of at least 5 members who are registered voters within the City and who shall represent the signers of the petition. The Committee shall be responsible for filing an affidavit, circulating the petition, and for assembling and returning the petition to the Board of Elections.

Filing an Affidavit

An affidavit shall be filed with the Board of Elections containing the name of the elected official whose removal is sought and a general statement of the grounds alleged for removal. The Board of Elections will then provide recall petition forms to the Committee.

Recall Petition

A recall petition must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, the recall petition must bear the signatures of at least 15 percent of the registered voters in the district; 15 percent registered voters for Mayor.

Sufficiency Investigation

The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the City Council within 10 days after the filing of any petition. However, the Board of Elections shall not be obligated to conduct an investigation in any 30-day period immediately preceding or in any 10-day period immediately following a county-wide election.

If the petition is determined to be insufficient, the petition may be amended within 10 days from the date of the Board of Elections' certification. Within 10 days after any amendment, the Board of Elections shall complete an investigation of the amended petition. If the amended petition is insufficient, a copy of the petition shall be returned to the Committee filing the petition.

Sufficient Petition

If a petition is determined to be sufficient, the Board of Elections shall submit the petition to the City Clerk, who shall submit it to the City Council. If the elected official whose removal is sought does not resign within 5 days after receiving the notice, the City Council shall order and fix a date for holding a recall election.

Recall Election

If the provisions of general law do not prohibit it, a special recall election shall be held not less than 60 nor more than 90 days after the petition has been certified as being sufficient.

Ballot

The question of recalling any number of elected officials may be submitted at the same election. However, as to each individual elected official, a separate petition shall be filed and there shall be an entirely separate ballot.

Results

If less than a majority of the votes cast on the question of recalling an elected official are for recall, the elected official shall continue in office for the remainder of the unexpired term, and except as provided in the recall provisions, shall be subject to recall as before. If a majority of the votes are for the recall of the elected official designated on the ballot, the elected official shall, regardless of any defects in the recall petition, be deemed removed from office on the date the Board of Elections certifies the results of the recall election. No petition shall be filed against an elected official who has been subject to a recall election, and not removed thereby, until at least 6 months after that recall election. No petition shall be filed against an elected official during the first 3 months of the term of that office or during the 6 months before the expiration of the term of that office.