

Section 5.14. - The Recall.

No less than 25 registered voters may form themselves in a committee for the purpose of bringing about the recall of any Council Member including the Mayor. If the committee seeks the recall of a district Council Member, the registered voters constituting the committee must be from the Council Member's district. The committee must certify to the City Clerk the name of the Council Member whose removal is sought, a statement of the grounds for removal in not more than 250 words, and the committee's intention to bring about his or her recall. A copy of this certificate must be attached to each signature paper and no signature paper may be put into circulation previous to such certification.

The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance or both. For this purpose the word "malfeasance" means the performance of an act by a Council Member in his or her official capacity that is wholly illegal and wrongful and the word "nonfeasance" means the neglect or refusal, without sufficient excuse, to do that which it is the Council Member's legal duty to do so.

Section 5.15. - Recall Petitions.

The petition for the recall of any Council Member must consist of a certificate identical to that filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper must be in substantially the following form:

RECALL PETITION

Proposing the recall of _____ from the office as _____ which recall is sought for the reasons set forth in the attached certificate.

Sponsoring Committee

This movement is sponsored by the following committee of registered voters eligible to vote on candidates for that office.

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____
[listing all members of the committee]		

Instructions to Petition Signers

You are being asked to sign a petition. You must be a **resident** of, and a **registered voter** in, the City of Richfield. Every person signing this petition must do so **in the presence of** the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

The undersigned registered voters, all being eligible to vote on candidates for that office, understanding the nature of the charges against the Council Member herein sought to be recalled, desire the holding of a recall election for that purpose.

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

The affidavit of the circulator must be attached at the end of the list of signatures.

Section 5.16. - Filing of Petition.

Within 30 days after the filing of the original certificate, the committee must file the completed petition in the office of the City Clerk. The City Clerk must examine the petition within the next ten (10) working days and if the clerk finds it irregular in any way, or finds that the number of signers is less than 25 percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election, the City Clerk must so notify one (1) or more members of the committee. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but the committee may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, the clerk must notify all the members of the committee to that effect and file the petition in the City Clerk's office. No further action shall be taken thereon.

Section 5.17. - Recall Election.

If the petition or amended petition is found sufficient, the City Clerk must transmit it to the Council without delay, and must also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. If the Council Member sought to be recalled does not resign within ten (10) days after having been given such notice, the Council shall, at its next meeting occurring more than ten (10) days after the receipt by the Council of the recall petition, by resolution, provide for the holding of a **special recall election not more than 75 days after such meeting**, but if any other election is to occur within three (3) months after such meeting, the Council may in its discretion provide for the holding of the recall election at that time. If the special recall election involves one (1) or more district Council Member(s), the recall

election must be conducted only within the district(s) of the affected Council Member(s). If it involves a Council Member who is elected at large, the election must be a City-wide election.

Section 5.18. - Procedure at Recall Election.

The City Clerk must include with the published notice of the election the statement of the grounds for recall and also, in not more than 500 words, the answer of the Council Member concerned in justification of his or her course in office. The election must be conducted as far as possible, in accordance with the usual procedure in municipal elections.

(Amended, Bill No. 2013-7)

Section 5.19. - Form of Recall Ballot.

The form of the ballot at such election shall be: "Shall _____ be recalled?" The name of the Council Member whose recall is sought and his or her office shall be inserted in the blank. The electors shall be permitted to vote separately "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office.

Section 5.20. - Procedure to Fill Vacancy.

In the event that a Council Member is recalled by the electors or resigns after a petition has been filed for his or her recall, the vacancy must be filled in the following manner:

If less than six (6) months remain in the Council Member's term of office at the time of the recall election or at the time of resignation in response to a recall petition, as the case may be, the vacancy must be filled by the remaining members of the City Council for the unexpired term pursuant to [Section 2.05](#).

If six (6) months or more remain in the Council Member's term at the time of such recall or resignation, the Council must call a special election to fill the vacancy for the balance of the Council Member's term. Such election must be called within ten (10) days after such recall or resignation, and the special election **must be held in accordance with state law** and not more than 60 days after the meeting at which the election is called. Candidates to fill the unexpired term must be nominated in the usual way and the election must be conducted as far as possible in accordance with procedures in municipal elections except that there shall be no primary election and the candidate receiving the highest number of votes for the office shall be elected to fill the unexpired term.

Section 5.21. - Term.

The term of the candidate selected by the voters at the regular or special election to fill the unexpired term shall start as soon as the declaration of the results has been filed with the City Clerk, and the person has qualified for office.

Section 5.22. - Offenses; penalty.

It is unlawful for a person to:

- a. Sign a name other than that person's own name to an initiative, referendum or recall petition;
- b. Circulate an initiative or referendum petition without required attachments;
- c. Circulate an initiative, referendum or recall petition when unqualified to do so;
- d. Sign an initiative, referendum, or recall petition when that person knows he or she is not qualified to do so;
- e. Make a false affidavit in connection with an initiative, referendum, or recall petition;
- f. Pay or offer to pay a person, or receive payment or agree to receive payment, for signing an initiative, referendum or recall petition;
- g. Pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators fully disclose all contributions received to the city clerk upon submission of the petitions.

A violation of this section is a misdemeanor punishable in accordance with state law.

(Added 2013)