

Sara Ion

From: James D. Hoeft <jhoeft@bgs.com>
Sent: Wednesday, January 18, 2023 12:36 PM
To: Sara Ion
Subject: Recall Questions

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Sara,

Please share this email with the commissioners, as I will be on vacation on the 19th.

RECALL

I think it's important to note at the outset that the process of Recall is a rarely available/used process. It is only available to charter cities that have retained the process in the charter. It is not a process available to statutory cities.

The Columbia Heights Charter does authorize the Recall process. A question has been asked about who can initiate the petition, and who can sign. The Charter identifies both those groups as "Electors". Unfortunately the Charter does not define that term. So who are Electors?

One opinion is that the Electors are those individuals who actually took part (voted) in the election in question. Since those individuals who voted are responsible for the election outcome, then they ought to be the ones asking for and signing a petition for Recall. This position may be bolstered by the fact that previous Charter amendments changing the term Elector to Registered Voter did not apply to the Recall process. However, my opinion is that, while defensible, such an interpretation is too strict.

So where do we go from there? When looking to define a term, where better place than the dictionary. Accordingly, the term Elector is generally defined as "a person who has the right to vote in an election." In order to vote in an election an individual must first satisfy the legal requirements (i.e. 18 years old, US citizen, etc.). If satisfied, then must register. If registered, then the individual has the right to vote in an election.

My opinion is that the term Elector in the Recall provision of the Charter is synonymous with Registered Voter. Anyone initiating a Recall petition must be a registered voter. Anyone signing a Recall petition must be a registered voter.

Sent from my iPhone

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