

Changes to City Charter regarding recall elections and related areas

Second hearing by Charter Commission October 16, 2025. (all members present, unanimous)

SUMMARY:

- 1) Dates and timing for elections were changed in three sections to reflect state statutes by stating: **“at the soonest date that conforms with state law.”** (Sections 41, 44, and 50) (first hearing on January 16, 2025)
- 2) A new paragraph was added to state the right of recall and to define the words “malfeasance” and “nonfeasance.” **“Right of Recall. The people of the City of Columbia Heights hereby reserve to themselves the right and power to remove from office at any time any or all of the elected officers of the City for malfeasance or nonfeasance in office in accordance with state law. For this purpose, the word ‘malfeasance’ means the performance of an act in their official capacity that is unlawful or wrongful, and the word ‘nonfeasance’ means the failure to act where there was a duty to act. The exercise of this power shall be designated as “the recall.”** (Section 47) (first hearing on October 17, 2024)
- 3) Verifying petition signatures was clarified by adding **“Signatures must be from eligible voters who are on active status on the Statewide Voter Registration System at the time of the petition verification.”** (Section 48) (first hearing on January 16, 2025)
- 4) The description of the Recall Ballot was stripped of all words for simultaneously electing a replacement; this has been rendered difficult due to complicating factors: our requirements for primary elections, and state laws requiring write-in ballots that conceivably could negate the voters’ intention. Instead, if the voters recall the official, **“a vacancy shall be declared and shall be filled as set out in Section 9 of this charter,”** which is by council appointment if under two years remain in the term. (Section 52) (first hearing on July 17, 2025)
- 5) The previous change also required removing the last sentence in Section 9 - Filling a Vacancy, because it references a process that no longer exists. (Section 9) (first hearing on July 17, 2025)

Carolyn Laine
Charter Commission President
January 12, 2026

Changes to Chapter 2 - Form of Government:

Section 9. VACANCIES IN THE COUNCIL. *Remove the last sentence:*

~~Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case.~~

Changes to Chapter 5 - Initiative, Referendum and Recall:

Section 41. ACTION OF COUNCIL ON PETITION. Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the council not later than sixty-five days after the date upon which such ordinance was submitted to the council by the city clerk. If the council shall fail to pass the proposed ordinance, or shall pass it on in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to vote of the electorate at the ~~next election occurring not more than three months after the date of the final action by the council, and if no otherwise scheduled election is to be held within three months from such date, then the council shall call a special election to be held not less than thirty nor more than forty five days from such date~~ soonest date that conforms with state law. In case the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the ordinance need not be submitted to the electorate.

Section 44. THE REFERENDUM. If prior to the date when an ordinance of the council takes effect a petition signed by registered voters of the city equal in number to ten percent of the total vote at the last regular municipal election or 700 signatures, whichever is greater, be filed with the city clerk requesting that any such ordinance, or any part thereof, be repealed or be submitted to a vote of the electorate, the said ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the said ordinance at its next regular meeting, and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special municipal election to be held thereon ~~within not less than thirty nor more than forty five days from the action of the council calling it~~ at the soonest date that conforms with state law. If a majority of the registered voters voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified.

Section 47. THE RECALL. Right of Recall. The people of the City of Columbia Heights hereby reserve to themselves the right and power to remove from office at any time any or all of the elected officers of the City for malfeasance or nonfeasance in office in accordance with

state law. For this purpose, the word 'malfeasance' means the performance of an act in their official capacity that is unlawful or wrongful, and the word 'nonfeasance' means the failure to act where there was a duty to act. The exercise of this power shall be designated as "the recall."

Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about the recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Section 48. RECALL PETITIONS. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Signatures must be from eligible voters who are on active status on the Statewide Voter Registration System at the time of the petition verification. Each signature paper shall be substantially the following form:

Section 50. RECALL ELECTION. If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election ~~not less than thirty nor more than forty five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time~~ at the soonest date that conforms with state law.

Section 52. FORM OF RECALL BALLOT. Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?" the name of the officer whose recall is sought being inserted in place of A, ~~and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not be a candidate upon such ballot.~~ In case a majority of those voting for and against the recall of any official shall vote in favor of recall, such official shall be thereby removed from office, and ~~in that event the candidate who receives the highest number of votes for that office shall be elected thereto for the balance of the unexpired term~~ a vacancy shall be declared and shall be filled as set out in Section 9 of this charter. ~~If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same as nearly as may be, as the form in use at a regular municipal election.~~