

HOUSE BILL NO. HB0022

Recall of elected municipal officers.

Sponsored by: Representative(s) Heiner, Allemand, Bear,
Campbell, K and Neiman and Senator(s)
Laursen, D and Pearson

A BILL

for

1 AN ACT relating to cities and towns; establishing recall
2 provisions for municipal elected officers as specified;
3 repealing a duplicative provision; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 15-11-107 is created to read:

9

10 **15-11-107. Recall of officers.**

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12 (a) Any municipal officer elected under this article
13 may be removed at any time by the qualified electors
14 through petition in the following manner:

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1 (i) The petition shall be signed by at least
2 forty percent (40%) of all the registered electors who were
3 entitled to vote for the officer sought to be removed at
4 the officer's most recent election and demanding the
5 removal of the person sought to be removed shall be filed
6 with the city clerk. Each petition shall pertain to the
7 recall of only one (1) elected official;

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9 (ii) The petition shall contain a general
10 statement of the grounds for removal;

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12 (iii) The signatures to the petition need not
13 all be appended to one (1) paper, but each signer shall add
14 to his signature his place of residence, giving the street
15 and number;

16
17 (iv) One (1) of the signers of each paper shall
18 make oath before a competent officer that the statements
19 therein made are believed to be true, and that each
20 signature is the genuine signature of the person whose name
21 it purports to be;

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1 (v) No person shall be paid to collect
2 signatures for a petition under this section;

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4 (vi) Within ten (10) days from the date of
5 filing the petition the clerk shall determine whether or
6 not the petition is signed by the requisite number of
7 qualified electors. If necessary, the governing body shall
8 provide the clerk additional assistance for that purpose.
9 The county clerk shall verify signatures under this
10 paragraph upon the request of the governing body. The
11 governing body shall reimburse the county clerk for the
12 costs of verifying signatures under this paragraph;

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14 (vii) The clerk shall attach to the petition his
15 certificate, showing the result of his examination;

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17 (viii) If the petition is insufficient, it shall
18 be returned to the person who filed it, without prejudice
19 to the filing of a new petition to the same effect;

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21 (ix) If the petition is sufficient, the clerk
22 shall submit it to the governing body without delay. The
23 governing body shall then fix a date for holding a recall

1 election in accordance with the election provisions in the
2 Wyoming Election Code of 1973 as amended. The recall
3 election shall be not less than thirty (30) days and not
4 more than forty (40) days from the date of the clerk's
5 certificate of sufficiency. The ballot shall present the
6 question of whether the officer should be removed from
7 office;

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9 (x) A recall petition shall not be filed against
10 an officer until the officer has served at least nine (9)
11 months of the term for which the officer was elected and no
12 less than six (6) months before the next election;

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14 (xi) No more than one (1) recall election may be
15 held against the same officer during the same term of
16 office.

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18 (b) If a majority of votes are in favor of removal,
19 the officer is removed from office and the office shall be
20 deemed vacant. The vacancy shall be filled in accordance
21 with W.S. 15-1-107 and any other applicable law governing
22 vacancies for that office. This method of removal is in
23 addition to any other methods provided by law.

