

HOUSE BILL NO. HB0160

Recall of elected municipal officials.

Sponsored by: Representative(s) Loucks, Byrd, Gray, Hunt, Obermueller and Sweeney and Senator(s) Perkins

A BILL

for

1 AN ACT relating to cities and towns; establishing a recall
2 mechanism for any elected official in any form of municipal
3 government; providing for a replacement procedure;
4 repealing an existing recall mechanism; and providing for
5 an effective date.

6

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

8

9 **Section 1.** W.S. 15-11-401 is created to read:

10

11

ARTICLE 4

12

RECALL AND REPLACEMENT OF ELECTED OFFICIALS

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14

15-11-401. Recall of officers.

15

1 (a) Any officer elected under this title may be
2 removed at any time by the qualified electors in the
3 following manner:

4
5 (i) A petition signed by at least twenty percent
6 (20%) of all the registered electors and demanding an
7 election of a successor of the person sought to be removed
8 shall be filed with the city clerk. The petition shall
9 contain a general statement of the grounds for removal. The
10 signatures to the petition need not all be appended to one
11 (1) paper, but each signer shall include the signer's place
12 of residence, giving the street and number. One (1) of the
13 signers of each paper shall make oath before a competent
14 officer that the statements therein made are true as the
15 signer believes, and that each signature is the genuine
16 signature of the person whose name it purports to be;

17
18 (ii) Within ten (10) days from the date of
19 filing the petition the clerk shall determine whether the
20 petition is signed by the requisite number of qualified
21 electors. If necessary, the governing body shall allow the
22 clerk extra help for that purpose. The clerk shall attach
23 to the petition a certificate, showing the result of the

1 clerk's examination. If the petition is insufficient, it
2 shall be returned to the person who filed it, without
3 prejudice to the filing of a new petition to the same
4 effect. If the petition is sufficient, the clerk shall
5 submit it to the governing body without delay;

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7 (iii) The governing body shall then fix a date
8 for holding a special removal election, not less than
9 thirty (30) days nor more than forty (40) days from the
10 date of the clerk's certificate of sufficiency. The
11 governing body shall publish notice and arrange for holding
12 the election, which shall be conducted in the same manner
13 as other city elections.

14

15 (b) Any person sought to be removed according to
16 subsection (a) of this section may be a candidate to
17 succeed himself, and unless that person requests otherwise
18 in writing at least ten (10) days before the date of the
19 special primary election, the clerk shall place that
20 person's name on the official ballot without nomination. On
21 the second Tuesday preceding the date fixed for the special
22 removal election, a special primary election for the
23 selection of other candidates shall be held. The special

1 primary election and nomination shall be conducted in the
2 same manner as other municipal elections, except the
3 candidate filing fee and application shall be filed with
4 the city clerk at least ten (10) days before the date of
5 the special primary election, and the certification of
6 candidates shall be at least five (5) days before the date
7 of the special primary election. If the person sought to be
8 removed is a candidate, one (1) opposing candidate shall be
9 selected at the special primary election. The special
10 primary election shall be held if there are more than two
11 (2) nominees, one (1) of whom may be the incumbent. If
12 there are no candidates nominated against the officer
13 sought to be removed, no special election shall be held and
14 the incumbent shall continue in office.

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16 (c) In any special removal election the candidate
17 receiving the highest number of votes is elected. The
18 incumbent shall be removed from office upon the
19 qualification of the incumbent's successor, who shall hold
20 office during the unexpired portion of the term for which
21 the incumbent was elected. If the person who receives the
22 highest number of votes fails to qualify within ten (10)

1 days after receiving notification of election, the office
2 is vacant.

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4 (d) This method of removal is in addition to any
5 other methods provided by law.

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7 **Section 2.** W.S. 15-4-110 is repealed.

8

9 **Section 3.** This act is effective July 1, 2018.

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11

(END)