

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Recall of elected municipal offices.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

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; authorizing rulemaking
4 and providing for an 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.**

11

(a) Any municipal officer elected or appointed to an office having a term of four (4) years under this article may be removed at any time by the qualified electors through petition in the following manner:

(i) The petition shall demand the removal of the officer and shall be signed by the applicable percentage specified in this paragraph of all the registered electors who were entitled to vote for the officer sought to be removed at the time the petition is filed. The number of signatures required under this paragraph shall be as follows:

STAFF COMMENT

The language above as amended provides that the percentage is determined as a percentage of "all the registered electors who were entitled to vote for the officer sought to be removed at the time the petition is filed". The underlined portions make the application of that language somewhat unclear. It may be advisable to either use the electors that were entitled to vote for the office at the last election of that office or to use the number of electors who would be entitled to vote in an election for that office if the election was held on the date the petition is filed.

1 (A) If two thousand five hundred (2,500) or
2 fewer registered electors are entitled to vote for the
3 officer, forty percent (40%) of those registered electors;
4

5 (B) If more than two thousand five hundred
6 (2,500) and not more than ten thousand (10,000) registered
7 electors are entitled to vote for the officer, twenty-five
8 percent (25%) of those registered electors;
9

10 (C) If more than ten thousand (10,000)
11 registered electors are entitled to vote for the officer,
12 fifteen percent (15%) of those registered electors.
13

14 (ii) The petition demanding the removal of the
15 officer sought to be removed shall be filed with the clerk
16 responsible for conducting the election for that office;
17

18 (iii) Each petition shall pertain to the recall
19 of only one (1) elected official;
20

21 (iv) The petition shall contain a general
22 statement of the grounds for removal;
23

1 (v) The form of the petition shall be prescribed
2 by the secretary of state. The petition shall include a
3 warning statement substantially conforming to the statement
4 of warnings specified in W.S. 22-24-311;

5
6 (vi) The signatures to the petition need not all
7 be appended to one (1) paper, but each signer shall add to
8 the signer's signature the signer's printed name, the
9 signer's place of residence including the street and number
10 and the date of the signature. A person who has signed the
11 petition may withdraw the person's signature only by giving
12 written notice of the person's printed name, residence and
13 contact information to the clerk before the time that the
14 petition is filed;

15
16 (vii) The circulator of each petition shall make
17 an oath before a competent officer that the circulator
18 personally circulated the petition, that the signatures on
19 the petition were made in the circulator's presence and
20 that, to the best of the circulator's knowledge, the
21 signatures are those of the persons whose names they
22 purport to be;

23

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

3

4 (ix) All signatures on the petition shall be
5 collected within one hundred eighty (180) days of the date
6 the first signature is affixed. Any signature collected
7 outside of this period shall not be counted toward the
8 requisite number of qualified electors. The date the first
9 signature is affixed shall be attested to by the signer of
10 the oath required under paragraph (vii) of this subsection;

11

12 (x) Not more than sixty (60) days from the date
13 of filing the petition, the county clerk shall determine
14 whether the petition is signed by the requisite number of
15 qualified electors. In determining the sufficiency of the
16 petition, the county clerk shall not count signatures on
17 petitions not properly verified and shall apply the
18 verification standards provided in W.S. 22-24-314(b) and
19 any rules promulgated by the secretary of state under
20 subsection (c) of this section. The governing body of the
21 applicable city or town shall reimburse the county clerk
22 for the costs of verifying signatures under this paragraph;

23

1 (xi) The county clerk shall attach to the
2 petition a certificate, showing the result of the county
3 clerk's examination, and shall communicate the result of
4 the county clerk's examination to the city clerk and the
5 petitioner;

6

7 (xii) If the petition is insufficient and
8 sufficient time exists, the person who filed it shall be
9 informed of the deficiency and, without prejudice, shall be
10 allowed to collect additional signatures;

11

12 (xiii) If the petition is sufficient, the clerk
13 charged with conducting the election shall submit it to the
14 electors, as follows:

15

16 (A) If a regular election scheduled under
17 W.S. 22-2-104(a), (b) or (c) occurs not less than ninety-
18 one (91) days and not more than one hundred twenty (120)
19 days after the date of the county clerk's certificate of
20 sufficiency, the recall question shall be placed on the
21 ballot at that election. For a recall election held under
22 this subparagraph, the clerk charged with conducting the

1 election shall publish notice of the election in accordance
2 with W.S. 22-21-104;

3
4 (B) If no regular election scheduled under
5 W.S. 22-2-104(a), (b) or (c) will occur within the period
6 specified in subparagraph (A) of this paragraph, the
7 governing body of the applicable city or town shall call a
8 special election on the recall question to be held not
9 sooner than ninety-one (91) days and not later than one
10 hundred twenty (120) days after the date of the county
11 clerk's certificate of sufficiency. Not later than seventy-
12 five (75) days before the date of the special election, the
13 clerk charged with conducting the election shall publish
14 notice at least once as prescribed for other elections and
15 post in the clerk's office and at the place where the
16 municipality regularly holds its council meetings a
17 proclamation setting forth the date of the election, the
18 office subject to recall, the name of the officer whose
19 recall is sought and the question to be presented to the
20 electors. The special election shall be conducted by the
21 clerk charged with conducting the election in accordance
22 with the Wyoming Election Code of 1973, as amended, except
23 as otherwise provided in this section. The costs of a

1 special election held under this subparagraph shall be
2 borne by the governing body.

3

4 (xiv) For elections held under paragraph (xiii)
5 of this subsection, the ballot shall present the question
6 of whether the officer should be removed from office. The
7 recall election shall be conducted by the clerk charged
8 with conducting the election in accordance with the Wyoming
9 Election Code of 1973, as amended;

10

11 (xv) A recall petition shall not be approved
12 against an officer until the officer has served at least
13 nine (9) months of the term for which the officer was
14 elected or appointed and a recall petition shall not be
15 approved less than six (6) months before the end of the
16 officer's current term;

17

18 (xvi) Not more than one (1) recall election may
19 be held against the same officer during the same term of
20 office.

21

22 (b) If a majority of votes are in favor of removal,
23 the officer is removed from office and the office shall be

1 deemed vacant. The vacancy shall be filled in accordance
2 with W.S. 15-1-107 and any other applicable law governing
3 vacancies for that office. The recalled officer shall not
4 be eligible to fill the vacancy created by the recall. This
5 method of removal is in addition to any other methods
6 provided by law.

7

8 (c) The secretary of state shall promulgate all rules
9 necessary to implement this section, including rules for
10 the form of the recall petition, procedures for signature
11 verification and the administration of recall elections
12 under this section.

13

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

15

16 **Section 3.** This act is effective July 1, 2027.

17

18 (END)