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ARTICLE IX. RECALL

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**ARTICLE IX. RECALL**

**Sec. 9-1. Recall authorized.**

The mayor or any councilman may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

**Sec. 9-2. Recall petition.**

- A. To initiate recall proceedings, a written statement proposing the recall of the mayor or a councilman shall be signed by twenty (20) or more qualified electors of the city or ward concerned, as the case may be, and shall be filed with the city clerk after the incumbent has held the office at least four (4) months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred (200) words. Within five (5) days, the city clerk shall mail a copy of such statement by registered, certified, or similar special mail to the officer at his residential address. Within ten (10) days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred (200) words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.
- B. The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL," and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL." The two (2) statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.
- C. A number of qualified electors of the city or ward concerned equal at least to twenty percent (20%) of the total number of votes cast for governor in the city or ward at the last general state election at which a governor was elected, must sign the petition. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. Petitions may be circulated only by qualified electors of the city or ward concerned; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a qualified elector of the city or ward concerned.
- D. The circulated petition shall be filed with the city clerk not later than one month after the filing of a copy as provided above. Within one month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of qualified electors of the city or ward concerned have signed it. He shall then attach his certificate to the

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petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and the certificate to the council at its next meeting.

**Sec. 9-3. Recall election; council to order.**

- A. The council, by resolution or ordinance passed within one month after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held not less than thirty (30) days, nor more than fifty (50) days, after passage of the resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within ten (10) days after its passage; and such publication shall be sufficient notice of the election.
- B. The qualified electors of the city may vote in a recall election on the election of successors to more than one officer on the same day.

**Sec. 9-4. Same; how held.**

- A. The recall election shall be an election to fill the office held by the incumbent sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The successful candidate must qualify within one month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the office of mayor or councilmen are filled. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not again be initiated against him within one year after the election.
- B. The provisions of this charter relating to city elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this article.

**Sec. 9-5. Person recalled or resigning.**

A person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may not hold any office or position of employment in the city government within two (2) years after his recall or resignation.