

HOUSE BILL NO. HB0086

Removal of elected municipal officials.

Sponsored by: Representative(s) Loucks

A BILL

for

1 AN ACT relating to cities and towns; establishing a removal  
 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

REMOVAL AND REPLACEMENT OF ELECTED OFFICIALS

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14 **15-11-401. Removal from office; special removal**  
 15 **election.**

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

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5           (i) A petition signed by not less than twenty  
6 percent (20%) of all the qualified electors in the  
7 municipality is filed with the city clerk that identifies  
8 an elected official to be removed from office and seeks an  
9 election of a successor. The petition shall contain a  
10 general statement of the grounds for removal. The  
11 signatures to the petition need not all be appended to one  
12 (1) paper, but each signer shall include the signer's place  
13 of residence, giving the street and number. One (1) of the  
14 circulators of the petition shall make oath before a  
15 competent officer that the statements made on each paper  
16 are true as the circulator believes, and that each  
17 signature is the genuine signature of the person whose name  
18 it purports to be. An individual shall not be qualified to  
19 act as a circulator unless he is a citizen of the United  
20 States and is at least eighteen (18) years of age;

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22           (ii) Within ten (10) days from the date of  
23 filing the petition required by paragraph (i) of this

1 subsection, the clerk shall determine whether the requisite  
2 number of qualified electors signed the petition. If  
3 necessary, the governing body shall allow the clerk extra  
4 help for that purpose. The clerk shall attach to the  
5 petition a certificate, showing the result of the clerk's  
6 determination. If the petition is insufficient, it shall be  
7 returned to the person who filed it, without prejudice to  
8 the filing of a new petition. If the petition is  
9 sufficient, the clerk shall submit the petition and signed  
10 certificate of sufficiency to the governing body without  
11 delay;

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13 (iii) Upon receiving a petition and signed  
14 certificate of sufficiency, the governing body shall fix a  
15 date for holding a special removal election, not less than  
16 thirty (30) days nor more than forty (40) days from the  
17 date the clerk signed the clerk's certificate of  
18 sufficiency. The governing body shall publish notice and  
19 arrange for holding the special removal election, which  
20 shall be conducted in the same manner as other municipal  
21 elections;

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1           (iv) Any person sought to be removed from office  
2 according to this section may be a candidate to succeed  
3 himself, and unless that person requests otherwise in  
4 writing at least ten (10) days before the date of a special  
5 primary election held in accordance with subsection (b) of  
6 this section, the clerk shall place that person's name on  
7 the special removal election ballot without nomination. If  
8 no candidates are nominated pursuant to subsection (b) of  
9 this section to run against the person sought to be  
10 removed, no special removal election shall be held, and the  
11 person sought to be removed shall continue in office.

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13           (b) Candidates other than the person sought to be  
14 removed from office shall be nominated by application and a  
15 special primary election if necessary. A special primary  
16 election shall be held on the second Tuesday before the  
17 date fixed for the special removal election if there are  
18 two (2) or more persons nominated by application. The  
19 special primary election shall be conducted in the same  
20 manner as other municipal elections, except the candidate  
21 filing fee and application shall be filed with the city  
22 clerk at least ten (10) days before the date of the special  
23 primary election, and the certification of candidates shall

1 be at least five (5) days before the date of the special  
2 primary election. In any special primary election the  
3 candidate or candidates receiving the highest number of  
4 votes are elected to proceed to the special removal  
5 election. If the person sought to be removed from office is  
6 a candidate in the special removal election, one (1)  
7 opposing candidate shall be selected at the special primary  
8 election.

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10 (c) In any special removal election the candidate  
11 receiving the highest number of votes is elected. The  
12 person sought to be removed from office shall be removed  
13 from office upon the qualification of the person sought to  
14 be removed's successor, who shall hold office during the  
15 unexpired portion of the term for which the person sought  
16 to be removed was elected. If the candidate who receives  
17 the highest number of votes fails to qualify within ten  
18 (10) days after receiving notification of election, the  
19 office is vacant and shall be filled as provided by law.

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

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