

CITY OF THORNE BAY



City Clerk's Office

Petition Instruction Summary for **RECALL PETITIONS**

RECALL PETITION:

An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.

Grounds for recall are: misconduct in office, incompetence, or failure to perform prescribed duties.

Instead of an ordinance or resolution, an application for a recall petition must include a statement in 200 words or less of the grounds for recall stated with particularity. As opposed to 90 days for circulation, signatures must be secured within 60 days after the date the petition is issued.

THE STEPS PROVIDED BELOW ACT AS A GENERAL GUIDE FOR RECALL PETITIONS.

Step 1. Application Submission to the City Clerk.

- Before circulation of a recall petition, you must submit an application and the following items to the City Clerk:
 - a) An application for a recall petition shall be filed with the municipal clerk and must contain
 - (1) the signatures and residence addresses of at least 10 municipal voters who will sponsor the petition;
 - (2) the name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent; and
 - (3) a statement in 200 words or less of the grounds for recall stated with particularity.
 - b) An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.

Step 2. City Clerk's Determination of Legal Sufficiency.

- The Municipal Clerk verifies the sponsors are qualified municipal voters.
- The Municipal Attorney reviews petition language and prepares a memorandum to the Municipal Clerk to determine whether the question of recall application may be submitted to voters at a regular or special election; or whether the recall petition proposed is denied. In making the determination, the Municipal Clerk may rely upon the legal counsel of the Municipal attorney.
- If the Municipal Attorney determines the measure in the application may be submitted to voters; and if the two contact persons and ten sponsors are qualified voters in the Municipality, the municipal Clerk shall certify the application for recall petition.
- The primary sponsor or contact person is notified in writing either
 - a) if the Municipal Clerk's determination that the application for a petition is certified; or
 - b) if the Municipal Clerk's determination that the application for a petition is denied.

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Step 3. City Clerk's Dissemination of Petition Booklets After Legal Sufficiency is met.

- The City Clerk will have two weeks from the date of certification of the application to prepare the petition booklets and contact the primary petition sponsor.
- The primary petition sponsor is responsible for notifying the other sponsors of the petition booklet availability.
- The Municipal Clerk prepares a template that is the petition master form on legal size paper 8 1/2" x 14", which the sponsors must use to gather signatures. The Municipal Clerk shall not be responsible for reproducing copies of the master form.
- The petition master form shall include a short title for the petition and a fair and impartial summary that describes the measure proposed; and the verbatim text of the measure.
- Clerk notifies the Sponsor that the petition is available for pickup.

Step 4. Petition Circulation.

- The copies of the petition master form are circulated by the contact persons and sponsors and shall be signed by the number of qualified voters as required per Alaska Statutes (which in this case is a total of 25% of the votes cast as the last regular election).
- Signatures must be secured on the petition master form and filed with the Municipal Clerk within 60 days from the date of first actual circulation or the date on which the petition master form was issued by the Municipal Clerk. The petition may not be supplemented.
- If the 60th day falls on a Saturday the clerk will make arrangements with the sponsors to receive the petitions at the clerk's office at or before 4:30p on that date, if it is on a Sunday or City holiday the sponsors may file the petition no later than 9:00a on the first weekday which is not a holiday.

Step 5. Responsibility of the Sponsor:

- The sponsor of the petition booklet must witness each person's signature in the petition booklet.
- Sponsor is responsible for ensuring the following signature requirements are met:
 - Every petition signature must:
 1. Be in **BLUE INK** and
 2. Written as their information reads on the voter registration rolls.
 - The information that must be collected from each signer for the signature to be certified include:
 1. Signature
 2. Printed Name (must be legible)
 3. Date of signing
 4. Mailing address
 5. Resident address

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Adequate Residence Address	Inadequate Residence Address:
<ul style="list-style-type: none"> • A subdivision name with a lot and block number; • A United States Survey number when the smallest recorded subdivision which is applicable to the property is included; • A milepost when accompanied by a road or highway name; • A boat harbor or marina name when the stall, slip or boat name is also included; • A hotel or motel if the room number is included; • A trailer court if the space number or street name and number within the trailer court is given; • A house number with a street or highway name; • An apartment or condominium name when accompanied by an apartment or unit number. 	<ul style="list-style-type: none"> • A street name without a house number; • A milepost without a highway or road name; • A highway or road name without a milepost or house number; • A rural route box number; • A post office box number; • A Street, highway or road intersection; • Any address which is ambiguous either on its face or becomes ambiguous upon consulting a map or plat to which one would be led from the residence address information; • An illegible address.

Step 6. Filing of Petition with the City Clerk.

- The primary sponsor shall gather all of the petition booklets together and submit them to the City Clerk’s Office. Please check with the City Clerk’s Office for office hours and any holidays to ensure timely submission.
- In the presence of the person submitting the petition booklets, the clerk will go through the petition booklets and reject:
 1. Any which show evidence of being disassembled and reassembled.
 2. Does not contain all of the pages of the ordinance or resolution to be initiated or referred.
 3. Does not contain the fully completed signed and notarized affidavit of the sponsor.
- After the initial review, the City Clerk will have ten days to certify whether the petition is sufficient.
- If the petition is insufficient, the City Clerk shall identify the insufficiency and notify the contact person by certified mail. A signer of the petition may file a protest with the Mayor within seven days after the certification. A protest shall be presented by the mayor to the City Council at the next regular meeting where the City Council shall hear and decide the protest.
- An insufficient petition may not be filed sooner than six months after a petition is rejected if it is on substantially the same matter.

Recall Petition Instruction Summary

Step 7. City Clerk's Determination of Sufficiency of Final Submitted Recall Petition.

- Once the City Clerk has received the completed Recall Petition from the Sponsor, the Clerk will have 10 days to determine whether or not it is sufficient.
- Certification of the petition shall be granted or denied solely based on whether a sufficient number of signatures of qualified voters on the petition was timely submitted.

To verify sufficiency, the City Clerk must:

- Verify the signatures to determine if signers are qualified municipal voters and have provided required information.
(The City Clerk will verify the eligibility of the signers by obtaining a copy of the most updated voter register from the State of Alaska Department of Elections)
- The City Clerk will notify the primary sponsor or contact person in writing that the petition is certified or denied.

Step 8. Certification of Petition & Effects.

- If a recall petition is sufficient, the clerk shall submit the petition to the governing body at the next regular meeting or at a special meeting held before the next regular meeting.
- If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.
- If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.
- If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

Step 10. Effect.

- If a majority vote favors recall, the office becomes vacant upon certification of the recall election.
- If an official is not recalled at the election, an application for a petition to recall the same official may not be filed sooner than six months after the election.



CITY OF THORNE BAY

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Application for **Recall Petition Instruction**

An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days for the term for which elected or appointed.

Requirements for a recall petition can be found under Alaska Statutes Title 29.26.240-2.26.360.

Alaska Statutes Sec. 29.26.250. Grounds for recall.

Grounds for recall are:

- misconduct in office,
- incompetence, or
- failure to perform prescribed duties.

Alaska Statutes Sec. 29.26.260. Application for recall petition.

(a) an application for a recall petition shall be filed with the municipal clerk and must contain:

- (1) the signatures and residence addresses of at least 10 municipal voters who will sponsor the petition:
- (2) the name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent; and
- (3) a statement in 200 words or less of the grounds for recall stated with particularity. (b) An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.



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Application for Recall Petition

Primary Petition Sponsor (1) Name: _____ Physical/Mailing Address: _____

Phone Number: _____ Email Address: _____ Signature: _____

Alternate Petition Sponsor (2) Name: _____ Physical/Mailing Address: _____

Phone Number: _____ Email Address: _____ Signature: _____

Grounds for Recall are:

Petition Sponsors

	Printed Name	Physical Address	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Date Application was Provided to Petitioner: _____ Date Application Received by the Clerk: _____

CITY OF THORNE BAY ALASKA

APPLICATION FOR PETITION

RECEIPT FOR APPLICATION FOR PETITION:

Application packet received from:

City Website - Downloaded Forms

City Clerk's Office on: _____, 2021, at _____ (a.m.) (p.m.)

Application packet included:

	Check items received	Initial
1. Application for Recall Petition	<input type="checkbox"/>	_____
2. Application for Referendum/Initiative Petition	<input type="checkbox"/>	_____
3. Clerks Notice to Petitioner	<input type="checkbox"/>	_____
4. State Initiative Referendum Procedures Booklet	<input type="checkbox"/>	_____

ACKNOWLEDGEMENT OF RECEIPT:

RECEIVED BY: _____ (Date)
(Applicant Signature)

PRINT NAME: _____
(Applicant Name)

PROVIDED BY: _____ (Date)
(City Employee Name Printed)

TIME: _____ (a.m.) (p.m.)