



**City Clerk  
Recall Election**

Advanced

Vicki Davis  
Martin County Supervisor of Elections

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**Recall**

**Grounds for recall**

- Malfeasance
- Misfeasance
- Neglect of duty
- Drunkenness
- Incompetence
- Inability to perform duties
- Convicted of a felony involving moral turpitude



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**Recall**

- No recall shall be filed until the member has served ¼ of their term
- No person removed by recall or resignation, is eligible to be appointed to the governing body within 2 years of the recall or resignation
- A municipality may not expend public funds to institute and prosecute a legal action to test the legality of the allegations contained in a recall petition
  - Any member of the governing body who voted to expend the monies, may be personally liable.

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## Recall

**Petition**

- Contains name of person to be recalled
- Grounds for recall
  - Not to exceed 200 words
  - Limited to reasons listed in 100.361(2)(d)
- Required number
  - Formula per number of electors in the municipality
- Signed in ink or indelible pencil
- Room for elector's information
- Contain lines for oath – executed by a witness
- All filed at the same time and no later than 30 days from the first signature



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## Recall

**Committee**

- Consists of the electors who made the charges contained in statement
- Electors who signed petitions
- One elector shall be chair and act for the committee
- Subject to the provisions of FS 106

**Supervisor of Elections**

- Verify signatures within 30 days of receipt from Clerk
- Committee shall pay \$.10 in advance for each signature
- Notify City Clerk whether the number has been met or not



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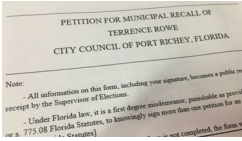
## Recall

**Number not Met**

- Upon written notice from SOE the matter shall be dropped
- No additional names may be added to the petition

**Number Met**

- Serve a certified copy of the petition to the person sought to be recalled
- Within 5 days after service, person sought may file a defensive statement of no more than 200 words
- Clerk shall prepare **"Recall Petition and Defense"** within 5 days after receipt of the defensive statement or after deadline for filing the statement



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## Recall

### Recall Petition and Defense

- Contains the recall petition
- Copies of the signed petitions
- Defensive statement or if not filed, a statement to that effect
- Make enough copies to cover the signatures of 30% of the registered electors
- Deliver copies to committee and get receipt
- Committee has 60 days to file signed petitions with the Clerk
- Prior to delivery to the SOE, voter may provide a written demand to Clerk for their name to be stricken from the petition



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## Recall

### Supervisor of Elections


- Verify signatures within 30 days of receipt from Clerk
- Committee shall pay \$.10 in advance for each signature
- Notify City Clerk whether the number has been met or not

### Required Number not Met

- Proceedings will be dropped
- Petitions shall not be used again

### Required Number Met

- Immediately notify the person sought to be recalled
- Certify to governing body the % of electors who signed



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## Recall

### Recall Election

- If person to be recalled files resignation, vacancy shall be filled per appropriate law
- Chief Judge shall set the election date
- Not less than 30 days and no more than 60 days
- If no other election is held during that time frame, Chief Judge shall call a **Special Recall Election**



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## Recall

**Ballots**

- FS 100.361 (5), required language
- Shall \_\_\_ be removed from the office of \_\_\_ by recall?
  - \_\_\_ should be removed from office
  - \_\_\_ should not be removed from office

**Filling of Vacancies**

- Councilmember elected at large
  - 1 seat - candidate with highest votes win
  - More than 1 seat, candidates with the top votes win
  - Ties are conducted by the rules governing elections
- Councilmember elected by district
  - Chief Judge will set the qualifying period
  - Candidates qualify for a district



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