



General Assembly

February Session, 2002

Amendment

LCO No. 5110

SB0049905110HD0

Offered by:

REP. COCCO, 127th Dist.
REP. O'ROURKE, 32nd Dist.
REP. NEWTON, 124th Dist.
REP. CARUSO, 126th Dist.
REP. MARTINEZ, 128th Dist.
REP. KEELEY, 125th Dist.
REP. SAMOWITZ, 129th Dist.
REP. REINOSO, 130th Dist.

REP. BEAMON, 72nd Dist.
REP. BERGER, 73rd Dist.
REP. CONWAY, 75th Dist.
REP. D'AMELIO, 71st Dist.
REP. NOUJAIM, 74th Dist.
REP. HARKINS, 120th Dist.
REP. BOUKUS, 22nd Dist.

To: Subst. Senate Bill No. 499

File No. 531

Cal. No. 465

(As Amended)

"AN ACT CONCERNING MUNICIPAL TAX COLLECTION."

1 After the last section, insert the following:

2 "Sec. 3. (NEW) (*Effective July 1, 2002*) (a) A chief elected official of a
3 municipality who is elected to a term of office of four years may be
4 recalled by the electors of the municipality for misfeasance,
5 malfeasance or nonfeasance in the performance of the duties of said
6 office, in accordance with the provisions of this section.

7 (b) The Secretary of the State shall prescribe the form of recall
8 petitions and such petitions shall be available from the town clerk of

9 any municipality whose chief elected official is elected to a term of
10 office of four years. The recall petition form shall include a space for
11 the name of the official whose recall is sought, a statement that the
12 purpose of the petition is to seek a referendum on the recall of said
13 official, a space for the grounds for such recall, a statement of
14 instructions to persons circulating the petition, lines for the signatures,
15 street addresses and dates of births of persons signing the petition,
16 spaces for the time and date on which the completed petition is filed
17 with the town clerk and spaces for the information required under
18 subsection (d) of this section concerning the circulation of the petition.

19 (c) A resident of any such municipality who is an elector may
20 initiate the recall of the chief elected official of the municipality by
21 filing an affidavit with the town clerk of the municipality stating the
22 name of said official and the grounds upon which the recall of such
23 official is sought and requesting recall petition forms. Upon such filing,
24 the town clerk shall issue recall petition forms to said resident. The
25 resident shall fill in the name of said official and the grounds for recall
26 on the recall petition forms. Any resident of the municipality who is an
27 elector may sign said petition.

28 (d) Each circulator of a recall petition page shall be a resident of said
29 municipality and an elector. Each separate page of such petition shall
30 contain a statement as to the authenticity of the signatures on the
31 petition and the number of such signatures, and shall be signed under
32 the penalties of false statement by the circulator of the petition page,
33 setting forth such circulator's address and attesting that each person
34 whose name appears on such sheet signed the same in person in the
35 presence of such circulator, that the circulator either knows each such
36 signer or that the signer satisfactorily identified the signer to the
37 circulator. Each separate sheet of such petition shall also be
38 acknowledged before an appropriate person as provided in section 1-
39 29 of the general statutes.

40 (e) Any person who signs a name other than the person's own to a
41 recall petition or who signs a name other than the person's own as

42 circulator of said petition shall be fined not more than one hundred
43 dollars or imprisoned not more than one year, or both.

44 (f) No petition for the recall of an official shall be effective unless
45 filed with the town clerk not later than four o'clock p.m. on the twenty-
46 eighth calendar day after the town clerk issues petition forms for such
47 recall under subsection (c) of this section. Upon the filing of a recall
48 petition, the town clerk shall sign and give to the person so submitting
49 a page or pages of such petition a receipt indicating the number of
50 such pages filed and the date and time when such pages were filed.
51 The town clerk shall forthwith transmit the petition to the registrars of
52 voters of the municipality who shall forthwith certify on each such
53 petition page the number of signers on the page who are electors in the
54 municipality. In the checking of signatures on recall petition pages, the
55 registrars shall reject any name if such name does not appear on the
56 last-completed active registry list in the municipality. The registrars
57 shall not reject any name for which the street address on the petition is
58 different from the street address on the registry list, if the person's date
59 of birth, as shown on the petition page, is the same as the date of birth
60 on the person's registration record. Each petition page shall contain a
61 statement signed by a registrar of voters of said municipality attesting
62 that the circulator is a resident of said municipality and an elector.
63 Unless such a statement by a registrar appears on each page so
64 submitted, the registrars shall reject such page. Any page of a petition
65 that does not contain a statement by the circulator as to the
66 authenticity of the signatures on the page, or upon which the
67 statement of the circulator is incomplete in any respect shall be rejected
68 by the registrars. The registrars shall also reject any page of a petition
69 they determine to have been circulated in violation of any other
70 provision of this section. The registrars shall complete their verification
71 of petition signatures and return the petition with their certifications to
72 the town clerk not later than seven calendar days after the petition is
73 filed with the town clerk.

74 (g) If, upon receiving a recall petition from the registrars of voters
75 under subsection (f) of this section, the town clerk determines that the

76 number of valid signatures on the petition is at least ten per cent of the
77 total number of electors whose names appear on the active registry list
78 of said municipality, (1) the town clerk shall forthwith certify the
79 petition and submit said certification to the legislative body of the
80 municipality, and (2) said legislative body shall, not later than seven
81 days after receipt of said certification, order a referendum to be held
82 on the recall of the chief elected official of the municipality not later
83 than thirty days after receipt of said certification.

84 (h) A recall referendum shall be conducted in accordance with the
85 provisions of chapter 152 of the general statutes and this section. The
86 form of the question to be used on the voting machine ballot labels and
87 absentee ballots at said referendum shall be "Shall....(name of the
88 official and office) be recalled?" If, upon the official determination of
89 the results of such vote, a majority of all the votes cast are in approval
90 of the question, the chief elected official's office shall be vacant and
91 shall be filled in accordance with the applicable provision of state or
92 municipal law concerning the filling of vacancies in said office.

93 (i) The provisions of this section shall not apply to any municipality
94 for which state or municipal authority exists on the effective date of
95 this section for the recall of the chief elected official of the
96 municipality."