



General Assembly

February Session, 2008

Raised Bill No. 5894

LCO No. 3076

03076 _____ GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE RECALL OF ELECTED MUNICIPAL OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) Any municipality may,
2 by ordinance adopted by its legislative body or in any town in which
3 the legislative body is a town meeting, by the board of selectmen,
4 provide for the recall of any elected official of a municipality who is
5 elected to a term of four years, provided such ordinance complies with
6 the provisions of this section.

7 (b) Any such ordinance shall provide for the recall of such an
8 elected official for any of the following reasons, provided such conduct
9 occurred during the official's term of office: (1) Misappropriation of
10 public property or funds, (2) violation of the oath of office, (3) any
11 felony conviction, (4) any act of malfeasance that adversely affects the
12 rights and interests of the public, and (5) failure to perform any duty
13 prescribed by law.

14 (c) No such ordinance shall authorize the recall of such an elected

15 official during the first one hundred twenty days of such official's term
16 or during the final one hundred twenty days of such official's term.

17 (d) Such ordinance shall authorize any three residents of such
18 municipality who are electors to initiate the recall of such elected
19 official by filing a joint affidavit with the town clerk of the
20 municipality which: (1) States the name of such elected official, (2)
21 requests recall petition forms, (3) attests that such electors, in good
22 faith, desire and propose to file a petition for the recall of such elected
23 official, and (4) contains a detailed statement of the grounds alleged for
24 such recall. Upon the filing of such affidavit, the town clerk shall issue
25 recall petition forms to such residents. Any resident of the
26 municipality who is an elector may sign said petition.

27 (e) The Secretary of the State shall prescribe the form of the recall
28 petition described in subsection (d) of this section and such petition
29 shall be available from the town clerk of any municipality that
30 authorizes the recall of such elected officials. The recall petition form
31 shall include a space for the name and office of the official whose recall
32 is sought, a space for the electors who are initiating such recall to
33 indicate the grounds for such recall, a statement that the purpose of the
34 petition is to seek a referendum on the recall of such official, a
35 statement of instructions to persons circulating the petition, lines for
36 the signatures, street addresses and dates of births of persons signing
37 the petition, spaces for the time and date on which the completed
38 petition is filed with the town clerk and spaces for the information
39 required under subsection (f) of this section concerning the circulation
40 of the petition.

41 (f) Such ordinance shall provide that each circulator of a recall
42 petition page shall be a resident of such municipality and an elector.
43 Each separate page of such petition shall contain a statement as to the
44 authenticity of the signatures on the petition and the number of such
45 signatures, and shall be signed under the penalties of false statement
46 by the circulator of the petition page, setting forth such circulator's

47 address and attesting that each person whose name appears on such
48 sheet signed the same in person in the presence of such circulator, that
49 the circulator either knows each such signer or that the signer
50 satisfactorily identified the signer to the circulator. Each separate sheet
51 of such petition shall also be acknowledged before an appropriate
52 person as provided in section 1-29 of the general statutes.

53 (g) Any person who signs a name other than the person's own to a
54 recall petition or who signs a name other than the person's own as
55 circulator of said petition shall be fined not more than one hundred
56 dollars or imprisoned not more than one year, or both.

57 (h) Such ordinance shall provide that no petition for the recall of an
58 official shall be effective unless filed with the town clerk not later than
59 four o'clock p.m. on the sixtieth calendar day after the town clerk
60 issues petition forms for such recall under subsection (d) of this
61 section. Upon the filing of a recall petition, the town clerk shall sign
62 and give to the person so submitting a page or pages of such petition a
63 receipt indicating the number of such pages filed and the date and
64 time when such pages were filed. The town clerk shall forthwith
65 transmit the petition to the registrars of voters of the municipality who
66 shall forthwith certify on each such petition page the number of
67 signers on the page who are electors in the municipality. In the
68 checking of signatures on recall petition pages, the registrars shall
69 reject any name if such name does not appear on the last-completed
70 active registry list in the municipality. The registrars shall not reject
71 any name for which the street address on the petition is different from
72 the street address on the registry list, if the person's date of birth, as
73 shown on the petition page, is the same as the date of birth on the
74 person's registration record. Each petition page shall contain a
75 statement signed by a registrar of voters of said municipality attesting
76 that the circulator is a resident of said municipality and an elector.
77 Unless such a statement by a registrar appears on each page so
78 submitted, the registrars shall reject such page. Any page of a petition
79 that does not contain a statement by the circulator as to the

80 authenticity of the signatures on the page, or upon which the
81 statement of the circulator is incomplete in any respect shall be rejected
82 by the registrars. The registrars shall also reject any page of a petition
83 they determine to have been circulated in violation of any other
84 provision of this section. The registrars shall complete their verification
85 of petition signatures and return the petition with their certifications to
86 the town clerk not later than seven calendar days after the petition is
87 filed with the town clerk.

88 (i) If, upon receiving a recall petition from the registrars of voters
89 under subsection (h) of this section, the town clerk determines that the
90 number of valid signatures on the petition is at least: (1) Thirty per cent
91 of the total number of electors whose names appear on the active
92 registry list of said municipality for a municipality with a population
93 of less than one thousand persons, (2) twenty-five per cent of the total
94 number of electors whose names appear on the active registry list of
95 said municipality for a municipality with a population of not less than
96 one thousand persons but not more than nine thousand nine hundred
97 ninety-nine persons, (3) twenty per cent of the total number of electors
98 whose names appear on the active registry list of said municipality for
99 a municipality with a population of not less than ten thousand persons
100 but not more than forty-nine thousand nine hundred ninety-nine
101 persons, (4) fifteen per cent of the total number of electors whose
102 names appear on the active registry list of said municipality for a
103 municipality with a population of not less than fifty thousand persons
104 but not more than ninety-nine thousand nine hundred ninety-nine
105 persons, or (5) ten per cent of the total number of electors whose names
106 appear on the active registry list of said municipality for a municipality
107 with a population of not less than one hundred thousand persons, as
108 applicable, (A) the town clerk shall forthwith certify the petition and
109 submit said certification to the legislative body of the municipality,
110 and (B) said legislative body shall, not later than seven days after
111 receipt of said certification, order a referendum to be held on the recall
112 of such elected official of the municipality not later than thirty days
113 after receipt of said certification.

114 (j) Any recall referendum conducted pursuant to this section shall
115 also be conducted in accordance with the provisions of chapter 152 of
116 the general statutes, provided such referendum shall only be valid if
117 twenty-five per cent or more of the number of electors whose names
118 appeared on the active registry list of said municipality at the time of
119 the last municipal election vote in such referendum. The form of the
120 question to be used on the voting machine ballot labels and absentee
121 ballots at said referendum shall be "Shall (name of the official and
122 office) be recalled?" If, upon the official determination of the results of
123 such vote, a majority of all the votes cast are in approval of the
124 question, the elected official's office shall be vacant and shall be filled
125 in accordance with the applicable provision of state or municipal law
126 concerning the filling of vacancies in said office.

127 (k) The provisions of this section shall not apply to any municipality
128 for which state or municipal authority exists on the effective date of
129 this section for the recall of an elected official of the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	New section

Statement of Purpose:

To enable municipalities to recall their chief elected official under certain circumstances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]