

## **Explanation of the Proposed Recall Provision Bylaw that is on the Ballot**

*Purpose: The BSFD Council is proposing the following bylaw amendment which is on the ballot. This amendment would give community members the ability to petition for the recall of an elected official and allow the community to vote on both the recall and a potential replacement to serve the remainder of the official's term.*

### **PROPOSED RECALL PROVISION BYLAW**

#### **ARTICLE 3 | Section 11 – RECALL OF ELECTED OFFICIALS**

Any officer elected by the voters of the Bonnet Shores Fire District on or after the effective date of this section may be removed from office by recall. A recall may be initiated by a petition signed by not less than twenty-five percent (25%) of the total number of voters who cast a ballot in the last district election, and petitioners shall have sixty (60) days to collect the required signatures. The petition shall identify the officer whose removal is sought and include a brief statement of the grounds for recall, and shall be submitted to the District Moderator. All petition signatures must be submitted in written form and signed by hand by qualified voters. Within ten (10) business days of submission, the Tax Assessors shall verify that all written signatures are from qualified voters using the most recent certified voter list. If the petition is insufficient, the Moderator shall notify the petitioners in writing, specifying the deficiencies; if sufficient, the petition shall be certified and forwarded to the District Council. Upon certification of a sufficient petition, the District Council shall, within sixty (60) days, either (a) call a special district meeting to act upon the recall, or (b) if an annual meeting is scheduled to occur within such sixty (60) day period, place the recall on the ballot for that meeting. If no annual meeting is scheduled within such period, a special district meeting shall be called. The elected official(s) subject to recall shall be notified in writing at least ten (10) days prior to the meeting and shall have the opportunity to address the voters before any vote is taken. At the same meeting and on the same ballot as the recall vote, the qualified voters shall also vote to elect a successor to serve the remainder of the term of any officer subject to recall. Candidates for successor shall be identified and qualified in advance of the meeting in accordance with procedures established by the District Council. The successor candidate receiving the highest number of votes shall be elected contingent upon approval of the recall. Approval of the recalled official shall require (i) the affirmative vote of a majority of the qualified voters present and voting at the meeting, and (ii) attendance at the meeting by a number of qualified voters equal to at least forty percent (40%) of the total number of voters who cast ballots in the election at which the officer being recalled was elected. If the recall vote succeeds, the recalled officer shall be removed from office immediately upon certification of the vote, and the successor elected at the same meeting shall immediately assume office for the remainder of the unexpired term. If the recall vote fails, the successor vote shall have no effect. No recall petition shall be filed against any elected official within the first six (6) months of their term, within six (6) months preceding the expiration of their term, or within twelve (12) months following a failed recall attempt.

*This bylaw shall take effect immediately upon adoption at the Annual Meeting.*