

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/Senate Bill No. 623, Page 6, Section 115.506, Line 2,

by inserting immediately after said line the following:

"190.336. 1. Each member of an emergency services board established pursuant to section 190.335 shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.

2. Proceedings may not be commenced against any member if, at the time of commencement, such member:

(1) Has not held office during his or her current term for a period of more than one hundred eighty days;

(2) Has one hundred eighty days or less remaining in his or her term; or

(3) Has had a recall election determined in his or her favor within the current term of office.

3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate

1 notice shall be filed for each board member sought to be recalled
2 and shall contain all of the following:

3 (1) The name of the board member sought to be recalled;

4 (2) A statement, not exceeding two hundred words in length,
5 of the reasons for the proposed recall; and

6 (3) The names and business or residential addresses of at
7 least one but not more than five proponents of the recall.

8 4. Within seven days after the filing of the notice of
9 intention, the board member may file with the election authority
10 a statement, not exceeding two hundred words in length, in answer
11 to the statement of the proponents. If an answer is filed, the
12 board member shall also serve a copy of it, personally or by
13 certified mail, on one of the proponents named in the notice of
14 intention. The statement and answer are intended solely to be
15 used for the information of the voters. No insufficiency in form
16 or substance of such statements shall affect the validity of the
17 election proceedings.

18 5. Before any signature may be affixed to a recall
19 petition, the petition is required to bear all of the following:

20 (1) A request that an election be called to elect a
21 successor to the board member;

22 (2) A copy of the notice of intention, including the
23 statement of grounds for recall;

24 (3) The answer of the board member sought to be recalled,
25 if any exists. If the board member has not answered, the
26 petition shall so state; and

27 (4) A place for each signer to affix his or her signature,
28 printed name, and residential address, including any address in a
29 city, town, village, or unincorporated community.

1 6. Each section of the petition, when submitted to the
2 election authority, shall have attached to it an affidavit signed
3 by the person circulating such section, setting forth all of the
4 following:

5 (1) The printed name of the affiant;

6 (2) The residential address of the affiant;

7 (3) That the affiant circulated that section and saw the
8 appended signatures be written;

9 (4) That according to the best information and belief of
10 the affiant, each signature is the genuine signature of the
11 person whose name it purports to be;

12 (5) That the affiant is a registered voter of the election
13 district of the board member sought to be recalled; and

14 (6) The dates between which all the signatures to the
15 petition were obtained.

16 7. A recall petition shall be filed with the election
17 authority not more than one hundred eighty days after the filing
18 of the notice of intention.

19 8. The number of qualified signatures required in order to
20 recall a board member shall be equal in number to at least
21 twenty-five percent of the number of voters who voted in the most
22 recent gubernatorial election in such election district.

23 9. Within twenty days from the filing of the recall
24 petition the election authority shall determine whether the
25 petition was signed by the required number of qualified
26 signatures. The election authority shall file with the petition
27 a certificate showing the results of the examination. The
28 election authority shall give the proponents a copy of the
29 certificate upon their request.

1 10. If the election authority certifies the petition to be
2 insufficient, it may be supplemented within ten days of the date
3 of certification by filing additional petition sections
4 containing all of the information required by this section.
5 Within ten days after the supplemental copies are filed, the
6 election authority shall file with them a certificate stating
7 whether or not the petition as supplemented is sufficient.

8 11. If the certificate shows that the petition as
9 supplemented is insufficient, no action shall be taken on it;
10 however, the petition shall remain on file.

11 12. If the election authority finds the signatures on the
12 petition, together with the supplementary petition sections, if
13 any, to be sufficient, it shall submit its certificate as to the
14 sufficiency of the petition to the emergency services board prior
15 to its next meeting. The certificate shall contain:

- 16 (1) The name of the member whose recall is sought;
17 (2) The number of signatures required by law;
18 (3) The total number of signatures on the petition; and
19 (4) The number of valid signatures on the petition.

20 13. Following the emergency services board's receipt of the
21 certificate, the election authority shall order an election to be
22 held on one of the election days specified in section 115.123.
23 The election shall be held not less than forty-five days but not
24 more than one hundred twenty days from the date the emergency
25 services board receives the petition. Nominations for board
26 membership openings under this section shall be made by filing a
27 statement of candidacy with the election authority.

28 14. At any time prior to forty-two days before the
29 election, the member sought to be recalled may offer his or her

1 resignation. If his or her resignation is offered, the recall
2 question shall be removed from the ballot and the office declared
3 vacant. The member who resigned shall not fill the vacancy,
4 which shall be filled as otherwise provided by law.

5 15. The provisions of chapter 115 governing the conduct of
6 elections shall apply, where appropriate, to recall elections
7 held under this section. The costs of the election shall be paid
8 as provided in chapter 115."; and

9 Further amend the title and enacting clause accordingly.

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