

FAIRBANKS NORTH STAR BOROUGH

Recall Petition Application

Informational Packet

This packet contains the information you will need regarding Recall of an elective municipal office by voters of the Fairbanks North Star Borough.

- ❖ A.S. 29.26.240. An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- ❖ Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.
- ❖ Before circulating a petition, you must submit an application to the Borough Clerk using the enclosed form.
- ❖ The application must be signed by at least 10 municipal voters who will sponsor the petition.
- ❖ The application must contain the name and address of the primary contact person and an alternate person to whom all correspondence relating to the petition may be sent.
- ❖ A statement in 200 words or less of the grounds for recall stated with particularity.

An additional sponsor(s) may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.



Office of the Borough Clerk
Fairbanks North Star Borough
907 Terminal Street
Fairbanks, Alaska 99701
(907) 459-1401 Office

Updated:12/20/2017

FAIRBANKS NORTH STAR BOROUGH

Recall Petition Information

A.S. 29.26.240. An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.

Grounds for recall are *misconduct in office, incompetence, or failure to perform prescribed duties.*

APPLY FOR PETITION BY FILING AN APPLICATION WITH THE CLERK

An application for a recall petition shall be filed with the municipal clerk and must contain

- the signatures and residence addresses of at least 10 municipal voters who will sponsor the petition;
- the name and address of the contact person and an alternate whom all correspondence relating to the petition may be sent; and
- A statement in 200 words or less of the grounds for recall stated with particularity.

An additional sponsor(s) may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.

AFTER THE APPLICATION HAS BEEN FILED WITH THE CLERK

If the municipal clerk determines that an application for a recall petition meets the requirements of AS. 29.26.260, the clerk shall prepare a recall petition. All copies of the petition must contain

1. the name of the official sought to be recalled;
2. the statement of the grounds for recall as set out in the application for petition;
3. the date the petition is issued by the clerk;
4. notice that signatures must be secured within 60 days after the date the petition is issued;
5. spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing addresses of each signer;
6. a statement, with space for sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
7. space for including the number of signatures on the petition.

The clerk shall notify the contact person in writing when the petition is available. That person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

AFTER THE PETITION HAS BEEN ISSUED

- The signatures must be secured within 60 days after the date the clerk issues the petition. The statement provided under AS 29.26.270(a)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.
- The clerk shall determine the number of signatures required on a petition and inform the contact person in writing.
- If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date written notice is given to the contact person that the petition is available.
- The clerk shall reject illegible signatures unless accompanied by a legible printed name. Signatures not accompanied by a legible residence shall be rejected.
- A petition signer may withdraw the signer's signature upon written application to the clerk before certification of the petition.

AFTER THE PETITION HAS BEEN FILED

- All copies of the recall petition shall be assembled and filed as a single instrument
- A petition may not be filed within 180 days before the end of the term of office of the official sought to be recalled.
- The Clerk shall have 10 days after the date the petition is filed to certify the sufficiency of the petition. If the petition is insufficient, the clerk will identify the insufficiency and notify the contact person by certified mail.
- A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.
 - the petition contains an adequate number of signatures, counting both valid and invalid signatures; and
 - the supplementary petition is filed more than 180 days before the end of the term of office of the official sought to be recalled.
- Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.
- If the recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting.

NEW RECALL PETITION

A new application for a petition to recall the same official may not be filed sooner than six months after a petition is reject as insufficient.

ELECTION

If a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting.

- If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.
- If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.
- If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

ALASKA STATUTES
2016 Updates from the 29th Legislature

Article 3. Recall.

Section

- 240. Recall
- 250. Grounds for recall
- 260. Application for recall petition
- 270. Recall petition
- 280. Signature requirements
- 290. Sufficiency of petition
- 300. New recall petition application
- 310. Submission
- 320. Election
- 330. Form of recall ballot
- 340. Effect
- 350. Successors
- 360. Application

Sec. 29.26.240. Recall.

An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed. (§ 9 ch 74 SLA 1985)

Sec. 29.26.250. Grounds for recall.

Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. (§ 9 ch 74 SLA 1985)

Sec. 29.26.260. Application for recall petition.

- (a) An application for a recall petition shall be filed with the municipal clerk and must contain
- (1) the signatures and residence addresses of at least 10 municipal voters who will sponsor the petition;
 - (2) the name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent; and
 - (3) a statement in 200 words or less of the grounds for recall stated with particularity.

(b) An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. (§ 9 ch 74 SLA 1985; am § 14 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, in paragraph (2) of subsection (a), substituted "name and address of the contact person and an alternate to whom" for "address to which" and added "and" to the end.

Sec. 29.26.270. Recall petition.

(a) If the municipal clerk determines that an application for a recall petition meets the requirements of AS 29.26.260, the clerk shall prepare a recall petition. All copies of the petition must contain

- (1) the name of the official sought to be recalled;
- (2) the statement of the grounds for recall as set out in the application for petition;
- (3) the date the petition is issued by the clerk;
- (4) notice that signatures must be secured within 60 days after the date the petition is issued;
- (5) spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing addresses of each signer;

Sec. 29.26.270. Recall petition. (continued)

(6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

(7) space for indicating the number of signatures on the petition.

(b) The clerk shall notify the contact person in writing when the petition is available. That person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed. (§ 9 ch 74 SLA 1985; am § 15 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, in subsection (b), added the first two sentences and in the present third sentence inserted "by the clerk" and substituted the language beginning "who appears in the clerk's office" for "by the clerk."

Sec. 29.26.280. Signature requirements.

(a) The signatures on a recall petition shall be secured within 60 days after the date the clerk issues the petition. The statement provided under AS 29.26.270(a)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

(b) The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date written notice is given to the contact person that the petition is available. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of the voters residing in the district equal to 25 percent of the number of votes cast in the district for that office at the last regular election held before the date the written notice is given to the contact person that the petition is available.

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence shall be rejected.

(d) A petition signer may withdraw the signer's signature upon written application to the clerk before certification of the petition. (§ 9 ch 74 SLA 1985; am § 16 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, in subsection (b), substituted "the contact person in writing" for "each sponsor" at the end of the first sentence, substituted "written notice is given to the contact person that the petition is available" for "the petition was issued" at the end of the second sentence, and substituted "written notice is given to the contact person that the petition is available" for "petition was issued" at the end of the third sentence.

Sec. 29.26.290. Sufficiency of petition.

(a) The copies of a recall petition shall be assembled and filed as a single instrument. A petition may not be filed within 180 days before the end of the term of office of the official sought to be recalled. Within 10 days after the date a petition is filed, the municipal clerk shall

(1) certify on the petition whether it is sufficient; and

(2) if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

(b) A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected if (1) the petition contains an adequate number of signatures, counting both valid and invalid signatures; and

(2) the supplementary petition is filed more than 180 days before the end of the term of office of the official sought to be recalled.

Sec. 29.26.290. Sufficiency of petition. (continued)

(c) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (b) of this section. Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 9 ch 74 SLA 1985; am § 17 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, substituted "contact person" for "sponsors at the address provided under AS 29.26.260(a)(2)" in paragraph (2) of subsection (a).

Sec. 29.26.300. New recall petition application.

A new application for a petition to recall the same official may not be filed sooner than six months after a petition is rejected as insufficient. (§ 9 ch 74 SLA 1985)

Sec. 29.26.310. Submission.

If a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting. (§ 9 ch 74 SLA 1985)

Sec. 29.26.320. Election.

(a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.

(b) If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.

(c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official. (§ 9 ch 74 SLA 1985)

Sec. 29.26.330. Form of recall ballot.

A recall ballot must contain

(1) the grounds for recall as stated in 200 words or less on the recall petition;

(2) a statement by the official named on the recall petition of 200 words or less, if the statement is filed with the clerk for publication and public inspection at least 20 days before the election;

(3) the following question: "Shall (name of person) be recalled from the office of (office)? Yes [] No []". (§ 9 ch 74 SLA 1985; am § 18 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, substituted "at least 20 days" for " within 20 days" in paragraph (2).

Sec. 29.26.340. Effect.

(a) If a majority vote favors recall, the office becomes vacant upon certification of the recall election.

(b) If an official is not recalled at the election, and application for a petition to recall the same official may not be filed sooner than six months after the election. (§ 9 ch 74 SLA 1985)

Sec. 29.26.350. Successors.

(a) If an official is recalled from the governing body, the office of that official is filled in accordance with AS 29.20.180. If all members of the governing body are recalled, the governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 29.20.180.

Sec. 29.26.350. Successors. (continued)

(b) If a member of the school board is recalled, the office of that member is filled in accordance with AS 14.12.070. If all members are recalled from a school board, the governor shall appoint three qualified persons to the school board. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 14.12.070.

(c) A person who has been recalled may not be appointed under (a) or (b) of this section to the office from which the person was recalled. A person appointed under (a) or (b) of this section serves until a successor is elected and takes office.

(d) If an official other than a member of the governing body or school board is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election.

(e) Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election. (§ 9 ch 74 SLA 1985; am §19 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, added the first sentence in subsection (c).

Sec. 29.26.360. Application.

AS 29.26.250 - 29.26.360 apply to home rule a

2016 Updates from the 29th Legislature

ALASKA STATUTES
Article 3. Recall.

Section

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Sec. 29.26.270. Recall petition. (continued)

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(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence shall be rejected.

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(1) certify on the petition whether it is sufficient; and

(2) if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

(b) A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected if (1) the petition contains an adequate number of signatures, counting both valid and invalid signatures; and

(2) the supplementary petition is filed more than 180 days before the end of the term of office of the official sought to be recalled.

(c) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (b) of this section. Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 9 ch 74 SLA 1985; am § 17 ch 80 SLA 1989)

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Sec. 29.26.310. Submission.

If a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting. (§ 9 ch 74 SLA 1985)

Sec. 29.26.320. Election.

(a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.

(b) If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.

(c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official. (§ 9 ch 74 SLA 1985)

Sec. 29.26.330. Form of recall ballot.

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(b) If an official is not recalled at the election, and application for a petition to recall the same official may not be filed sooner than six months after the election. (§ 9 ch 74 SLA 1985)

Sec. 29.26.350. Successors.

(a) If an official is recalled from the governing body, the office of that official is filled in accordance with AS 29.20.180. If all members of the governing body are recalled, the governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 29.20.180.

(b) If a member of the school board is recalled, the office of that member is filled in accordance with AS 14.12.070. If all members are recalled from a school board, the governor shall appoint three qualified persons to the school board. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 14.12.070.

(c) A person who has been recalled may not be appointed under (a) or (b) of this section to the office from which the person was recalled. A person appointed under (a) or (b) of this section serves until a successor is elected and takes office.

(d) If an official other than a member of the governing body or school board is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election.

Sec. 29.26.350. Successors. (continued)

(e) Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election. (§ 9 ch 74 SLA 1985; am §19 ch 80 SLA 1989)

Effect of amendments. The 1989 amendment, effective August 30, 1989, added the first sentence in subsection (c).

Sec. 29.26.360. Application.

AS 29.26.250 - 29.26.360 apply to home rule and general law municipalities. (§ 9 ch 74 SLA 1985)

Recall Petition Sponsorship Application

FAIRBANKS NORTH STAR BOROUGH Office of the Borough Clerk

907 Terminal Street
Fairbanks, Alaska 99701

Phone: (907) 459-1401
clerks@fnsb.us

FOR OFFICIAL USE ONLY

Attach required statement in 200 words or less of grounds for recall stated with particularity.

SPONSORS OF THIS APPLICATION ARE: (At least 10 borough voters must be listed as sponsors)

#	Sponsor Signature	Printed Name	Residence Address (no PO Box #'s)	Contact Number	Identifier for verifying voter registration (DOB, last 4 SSN or Voter #)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

ALL CORRESPONDENCE RELATING TO THIS APPLICATION/PETITION SHOULD BE SENT TO:

PRIMARY CONTACT PERSON & SPONSOR

_____	_____
Print Name	Signature
_____	_____
Mailing Address	Residence Address
_____	_____
Telephone Number	Cell Phone Number

Email address	

Identifier for verifying voter registration (DOB, last 4 SSN or Voter #)	

ALTERNATE CONTACT PERSON & SPONSOR

_____	_____
Print Name	Signature
_____	_____
Mailing Address	Residence Address
_____	_____
Telephone Number	Cell Phone Number

Email address	

Identifier for verifying voter registration (DOB, last 4 SSN or Voter #)	

ACKNOWLEDGEMENT OF RECEIPT
This application has been received in the Borough Clerk's Office this _____ day of _____, 20__.
X _____ Borough Clerk's Office Staff Member

CERTIFICATION OF APPLICATION
This application is in proper form, has met the state statute and regulation requirements and is hereby certified on this ____ day of _____, 20__.
X _____ Borough Clerk