



CITY OF COLUMBIA, MISSOURI

OFFICE OF CITY CLERK

April 22, 2016

TRANSMITTED VIA E-MAIL

Columbia City Council
701 E. Broadway
Columbia, MO 65201

Dear City Council:

As you are aware, a recall petition involving Fifth Ward Council Member Laura Nauser was submitted on April 11, 2016. Per Sections 136 and 137 of the Charter of the City of Columbia, Missouri, the petition shall be signed by at least 30 percent of the number of votes cast for such office in the last election, and is required to be executed, verified, filed, and may be amended in the manner provided for initiative and referendum petitions. At the last municipal election for Ward 5, there were 1,357 votes cast, and thus, a valid recall petition would require the signatures of a minimum of 408 Fifth Ward – City of Columbia registered voters.

I have conducted an examination of the recall petition involving Fifth Ward Council Member Laura Nauser and find it is insufficient as it has not been signed by a sufficient number of Fifth Ward - City of Columbia registered voters. Enclosed is the certification, which has been labeled Exhibit A. Also enclosed is the breakdown of the signature count and its supporting documentation (Exhibit B), a copy of the portion of the Charter of the City of Columbia, Missouri, referring to recall petitions (Exhibit C), and a copy of one of the petition pages (Exhibit D).

The point of contact for the petition, Taylor Burks, has been notified the petition is insufficient, and enclosed is the letter to Mr. Burks (Exhibit E). Note, per Section 136 of the Charter of the City of Columbia, Missouri, recall petitions “may be amended in the manner provided for initiative and referendum petitions,” and Section 131 of the Charter of the City of Columbia, Missouri, indicates the petition may be amended at any time within fourteen (14) days after notification of insufficiency by filing a supplementary petition upon additional papers executed and filed as provided in case of an original petition. Fourteen days from today is May 6, 2016.

Please feel free to contact me if you have any questions.

Sincerely,

Sheela Amin
City Clerk

Enclosures

cc: Mike Matthes, City Manager
Nancy Thompson, City Counselor



**CERTIFICATION RE: RECALL PETITION INVOLVING FIFTH WARD
COUNCIL MEMBER LAURA NAUSER**

Per Sections 136 and 137 of the Charter of the City of Columbia, Missouri, I, Sheela Amin, City Clerk in and for the City of Columbia, County of Boone, State of Missouri, hereby certify today, April 22, 2016, that the recall petition involving Fifth Ward Council Member Laura Nauser, which was submitted to me on April 11, 2016, is insufficient as it contains only 348 valid signatures of Fifth Ward - City of Columbia registered voters.

The required number of Fifth Ward – City of Columbia registered voter signatures needed is equal in number to at least 30 percent of the number of votes cast at the last municipal election for fifth ward council member, which by my calculation comes to 408 signatures (1,357 x 30%).

This certification does not waive any rights or obligations the City may have, on behalf of itself or others, to claim or declare deficiencies in the form, content or subject matter of the petition.

Given under my hand and seal of said City this 22nd day of April, 2016.

(seal)

Sheela Amin
City Clerk
City of Columbia, Missouri

Supporting documentation in calculating the final signature count for the recall petition involving Fifth Ward Council Member Laura Nauser

Fifth Ward - City of Columbia Registered Voters:

347 (signatures of registered voters in Boone County at an address on the petition in the Fifth Ward of the City of Columbia, whose address on the petition is the same as the address on the voter registration record, and the address on the voter registration record is in the Fifth Ward of the City of Columbia – as indicated on the Boone County Clerk certification)

- 8 (petition page 19 – missing date petitioner signed petition, thus not valid per Section 129 of the City Charter)

- 1 (petition page 20 – missing date petitioner signed petition, thus not valid per Section 129 of the City Charter)

338 (signatures of registered voters in Boone County at an address on the petition in the Fifth Ward of the City of Columbia, whose address on the petition is the same as the address on the voter registration record, and the address on the voter registration record is in the Fifth Ward of the City of Columbia – as indicated on the Boone County Clerk certification and revised by the City Clerk’s Office)

+10 (signatures of registered voters in Boone County at an address on the petition in the Fifth Ward of the City of Columbia, whose address on the petition is different from the address on the voter registration record, and the address on the voter registration record is in the Fifth Ward of the City of Columbia – as indicated on the Boone County Clerk certification)

348 (total signatures of Fifth Ward – City of Columbia registered voters – [338 (above) + 10 (above) = 348 (total)])

Other:

17 (signatures of registered voters in Boone County at an address on the petition in the Fifth Ward of the City of Columbia, whose address on the petition is different from the address on the voter registration record, and the address on the voter registration record is outside of the Fifth Ward of the City of Columbia – as indicated on the Boone County Clerk certification)

38 (signatures of persons not registered to vote in Boone County – as indicated on the Boone County Clerk certification)

- 4 (petition page 19 – missing date petitioner signed petition, thus not valid per Section 129 of the City Charter)

34 (signatures of persons not registered to vote in Boone County – as indicated on the Boone County Clerk certification and revised by the City Clerk’s Office)

8 (signatures that are duplicates of previously signed petition pages – as indicated on the Boone County Clerk’s certification)



WENDY S. NOREN
BOONE COUNTY CLERK
801 E WALNUT RM 236
COLUMBIA, MO. 65201
573-573-886-4295 FAX 573-886-4300

I, Wendy S. Noren, County Clerk and Election Authority in and for the County of Boone hereby certify that the City of Columbia petition for the recall of the Ward 5 Councilperson contains the following:

Qualified voters:

347 registered voters in the County of Boone who are qualified to vote in the 5TH Ward of the City of Columbia at the address on the petition;

27 signatures may be qualified to vote in the City of Columbia as follows:

10 registered voters in Boone County at an address in the 5th ward of the City of Columbia whose address on the petition is different from the address on the voter registration record. The voter would be qualified to vote in the 5th Ward of the City of Columbia if the voter updates the voter registration address to the address on the petition;

17 registered voters in Boone County at an address outside of the 5th Ward of the City of Columbia whose address on the petition is different from the address on the voter registration record. The voter would be qualified to vote in the 5th Ward of the City of Columbia if the voter updates the voter registration address to the address on the petition;

Signatures not qualified to vote in the City of Columbia or otherwise invalid:

38 signatures of persons not registered to vote in Boone County;

8 signatures that are duplicates of previously signed records;

Given under my hand and seal this 20th day of April 2016.


Wendy S. Noren Boone County Clerk

Section 136. - Recall Petition.

Any officer elected by vote of the people may be removed by the voters qualified to vote for a successor to such incumbent. The procedure to effect the removal of such incumbent shall be as follows: a petition demanding the removal of such officer shall be filed with the city clerk; such petition shall be signed by voters entitled to participate in such petition equal in number to at least thirty (30) percent of the number of votes cast for such office in the last election; provided, that there be at least two hundred (200) signatures in the case of officials elected by wards and five hundred (500) signatures in the case of officials elected at large. This petition shall contain a general statement of the grounds for removal. Such petition shall be executed, verified, filed, and may be amended in the manner provided for initiative and referendum petitions.

(Ord. No. 20531, § 1, 4-6-10)

Section 137. - Recall Election.

When a sufficient recall petition has been filed, the city clerk shall submit the same to the council without delay, and the council shall call an election on said recall at the next election provided for by state law which is consistent with applicable notice provisions and available for municipal elections purposes.

(Passed 11-4-80 election)

Section 138. - Recall Ballot.

The ballots shall be in the following form:

Shall (Name and Title) be removed from office?

()YES

()NO

Voters in favor of the recall place a cross (X) in the square opposite the word "YES."

Voters opposed to the recall place a cross (X) in the square opposite the word "NO."

Section 139. - Effect of Election.

If a majority of those voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancy shall be filled as provided in Section 9 of this charter. If a majority of those voting in such election shall vote against the recall, the official shall continue in office. An official who has been recalled shall be ineligible to serve in any city office at any time during the remainder of the term for which the official was originally elected.

(Ord. No. 15113, § 1, 1-16-97)

Section 140. - Limitation on Recall.

No officer shall be subject to recall within six (6) months after induction into office, nor during the last six (6) months of the officer's term. If an officer is retained in office by any recall election, the officer shall not be subject to recall within a period of six (6) months thereafter.

(Ord. No. 15113, § 1, 1-16-97)

Section 141. - Conduct of Initiative, Referendum and Recall Elections.

Notice of initiative, referendum and recall elections shall be given and publicized, and such elections shall be conducted, the returns canvassed, and the results thereof declared in all respects as are other city elections.

PETITION: We the undersigned demand the removal of Laura Nauser from the position of Ward 5 City Councilperson for the City of Columbia, Missouri for failure to provide responsible fiscal stewardship of City resources.

DATE	SIGNATURE	NAME (PRINTED)	STREET ADDRESS (NOT P.O. BOX)
2/25/16	<i>Tom P. Miller</i>	Tom P. Miller	2105 Madison Creek Dr. Columbia, MO 65203
2/25/16	<i>Kathryn Berrards</i>	Kathryn Berrards	6905 Starwood Dr. Columbia, MO 65203
2/28/16	<i>Sherby Neal</i>	SHERBY NEAL	6725 CHELAN DR. COLUMBIA, MO 65203
2/28/16	<i>Laura M. Neal</i>	LAURA M. NEAL	6705 CHELAN DR. COLUMBIA, MO 65203
2/28/16	<i>Tad King</i>	TAD King	2300 Port Townsend Ct Columbia, MO 65203
2/28/16	<i>Sara King</i>	Sara King	2300 Port Townsend Ct. Columbia, MO 65203
2/28/16	<i>Sarah Bracke</i>	Sarah Bracke	6911 Stanwood Dr Columbia, MO 65203
2/28/16	<i>Julie Mattson</i>	Julie Mattson	6607 Madison Creek Dr Columbia, MO 65203
2/28/16	<i>David Scott Mattson</i>	DAVID SCOTT MATTSON	6607 MADISON CREEK DR Columbia, MO 65203
2/28/16	<i>Craig Nichols</i>	Craig Nichols	6907 Madison Creek Dr Columbia, MO 65203
2/28/16	<i>Kristi Nichols</i>	Kristi Nichols	6907 Madison Creek Dr Columbia, MO 65203
2/28/16	<i>Mary Bracke</i>	Mary Bracke	6911 Stanwood Dr Columbia, MO 65203

I, Taylor Barks, affirm that each signature to the petition above is the genuine signature of the person whose name it purports to be, that I believe each such signer to be a legal voter, and that all signatures were affixed in my presence.

Signed: Taylor Barks
Date: 4-9-16

Notary Public: Deborah A. Hall

DEBORAH A. HALL
Notary Public-Notary Seal
State of Missouri, Boone County
Commission # 12383547
My Commission Expires Jan 19, 2020



CITY OF COLUMBIA, MISSOURI

Exhibit E

OFFICE OF CITY CLERK

April 22, 2016

TRANSMITTED VIA E-MAIL AND CERTIFIED MAIL

Mr. Taylor Burks
4905 Shadow Circle
Columbia, MO 65203

Re: Recall Petition involving Fifth Ward Council Member Laura Nauser

Dear Mr. Burks:

As required by Sections 136 and 137 of the Charter of the City of Columbia, Missouri, the purpose of this letter is to notify you that the recall petition submitted by you on April 11, 2016 involving Fifth Ward Council Member Laura Nauser does not contain the signatures of a sufficient number of Fifth Ward - City of Columbia registered voters.

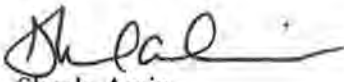
Section 136 of the Charter of the City of Columbia, Missouri, requires the petition to be signed by registered voters of the fifth ward equal in number to at least thirty (30) percent of the number of votes cast at the last municipal election for fifth ward council member, which by my calculation comes to 408 signatures (1,357 x 30%). With the assistance of the Boone County Clerk's Office, the City has determined the petition submitted by you contains 348 valid signatures of Fifth Ward - City of Columbia registered voters.

The certification and supporting documentation is attached for your reference. By providing you a copy of the certification, I am not making an opinion, nor does the City waive, on behalf of itself or others, any rights or obligations it may have to claim or declare deficiencies in the form, content or subject matter of the petition.

Section 136 of the Charter of the City of Columbia, Missouri, indicates recall petitions "may be amended in the manner provided for initiative and referendum petitions," and Section 131 of the Charter of the City of Columbia, Missouri, indicates the petition may be amended at any time within fourteen (14) days after notification of insufficiency by filing a supplementary petition upon additional papers executed and filed as provided in case of an original petition. If you wish to submit a supplementary petition, it must be submitted to my office on or before 5:00 p.m. on May 6, 2016.

If you have any questions or need additional information, please feel free to contact me at (573) 874-7208.

Sincerely,


Sheela Amin
City Clerk

Enclosures