



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: January 16, 2024

Re: Calling a Special Election Relating to the Recall of First Ward Council Member Nick Knoth

## Executive Summary

Based upon a finding of sufficiency of a recall petition submitted by Pamela Cooper to the city clerk, a council bill has been prepared to call a special election for April 2, 2024 to consider the recall of First Ward Council Member Nick Knoth.

## Discussion

Pamela Cooper filed a petition with the city clerk on December 15, 2023, for the recall of First Ward City Council Member Knoth. Following an extensive review of the signatures presented, the city clerk certified the recall petition had been signed by a sufficient number of registered voters within the First Ward to qualify for submission to the voters (see attached certification dated December 21, 2023). A report has also been prepared by the city clerk and appears under the reports section of the council agenda.

Pursuant to Section 137 of the City Charter, the election on such recall is required to be held at the next municipal election which is consistent with applicable notice provisions set forth in state law. State law provides the final certification date for ballot issues to be provided to the county clerk for the April 2, 2024 municipal election day is January 23, 2024.

Section 15 of the City Charter requires at least one week pass between the introduction of a bill and final enactment of the ordinance, except in the event of an emergency as set forth in the Charter. Under those emergency provisions, an ordinance calling an election or for submission of a proposal to the people may be enacted as an emergency measure on the same date as the introduction of the ordinance. The vote of six-sevenths of the members of the council is required to pass the ordinance as an emergency measure.

Accordingly, an ordinance which has been drafted with an emergency clause has been prepared to call for a special election to be held in the First Ward on April 2, 2024 to consider the recall of Council Member Knoth.

The election results of any election are final upon certification by the county clerk. In this instance, there are two potential outcomes set forth in Section 139 of the City Charter. If a majority of persons vote against the recall, the council member remains in office and no further action will be taken.



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In the alternative, if a majority of persons who vote in the recall election vote in favor of the recall, a vacancy in the office will immediately exist upon certification of the election results. The vacancy is required to be filled by special election for the remainder of the unexpired term as provided in Section 9 of the Charter. Because council members are nominated by petition, the legislation calling for the special election would establish the date of the election and timeframe for submission of nominating petitions to the city clerk.

## Fiscal Impact

Short-Term Impact: The cost of an election is based on the various entities who have placed an item on the ballot for any particular election. The City will already be paying for a portion of the April election for the election of Ward 2 and Ward 6 Council members and this will add an election in Ward 1 for which the City will participate in cost sharing.

In April 2022, the City's proportionate share for the costs relating to the municipal and special elections was \$65,383.33 with 18 entities having items on the ballot. City of Columbia election items in 2022 included filling positions for the Mayor, Council members for Ward 3 and Ward 4 and local use tax – with the Mayor and local use tax both being city-wide ballot measures. The cost for the August 2022 municipal special election for the Ward 3 candidate was \$20,591.50 with two entities participating.

Long-Term Impact: Not applicable

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
	Not applicable.

## Suggested Council Action

Passage of the emergency ordinance.