



December 21, 2023

TRANSMITTED VIA E-MAIL

Columbia City Council
701 E. Broadway
Columbia, MO 65201

Dear City Council:

As you are aware, a recall petition entitled *Petition to Recall Nick Knoth* was submitted on December 15, 2023. 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 1, there were 1,118 votes cast, and thus, a valid recall petition would require the signatures of a minimum of 336 First Ward – City of Columbia registered voters.

I have conducted an examination of the *Petition to Recall Nick Knoth* and find it has been signed by a sufficient number of First Ward - City of Columbia registered voters. Enclosed is the certification, which has been labeled Exhibit A. Also enclosed is a copy of the certification from the Boone County Clerk's Office (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, Pamela Cooper, has been notified and enclosed is the letter to Ms. Cooper (Exhibit E). Note, per Section 137 of the Charter of the City of Columbia, Missouri, 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.

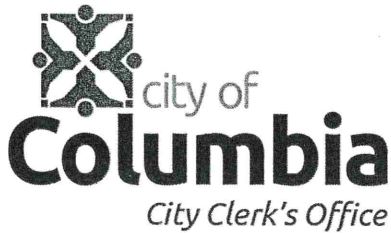
Please feel free to contact me if you have any questions.

Sincerely,

Sheela Amin
City Clerk

Enclosures

cc: De'Carlton Seewood, City Manager
Nancy Thompson, City Counselor



CERTIFICATION RE: PETITION TO RECALL NICK KNOTH

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, December 21, 2023, that the recall petition entitled *Petition to Recall Nick Knoth* has been signed by a sufficient number of Ward 1 registered voters as it has been signed by 370 City of Columbia Ward 1 registered voters.

The required number of First Ward - City of Columbia registered voter signatures needed was equal in number to at least 30 percent of the number of votes cast at the last municipal election for the first ward council member, which by my calculation comes to 336 signatures (1,118 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 21st day of December, 2023.

(seal)



Sheela Amin
City Clerk
City of Columbia, Missouri



BRIANNA L. LENNON
BOONE COUNTY CLERK
801 E. WALNUT ST, ROOM 236
COLUMBIA, MISSOURI 65201
TELEPHONE (573) 886-4295
FAX (573) 886-4300

December 21, 2023

I, Brianna L. Lennon, County Clerk in and for the County of Boone, State of Missouri, hereby certify that the enclosed petition requesting the recall of First Ward City Council Member Nick Knoth contains the following:

1. Three hundred sixty-four (364) qualified voters who reside within the First Ward of the City of Columbia, County of Boone, State of Missouri.
2. Six (6) voters in Boone County who are registered to vote at a different First Ward address than the First Ward address displayed on the petition.
3. Twenty-three (23) voters in Boone County who are registered to vote at an address outside of the First Ward of the City of Columbia.
4. Sixteen (16) people not registered to vote in Boone County.
5. Ten (10) duplicate signatures.
6. Two (2) wrong signatures.

Given under my hand and seal of said County this 21st day of December, 2023 at my office in Columbia, Missouri.

A handwritten signature in black ink, appearing to read "B. Lennon", written over a horizontal line.

Brianna L. Lennon
Boone County Clerk

(seal)

Section 116. Salary; Costs and Fines.

The municipal judge shall receive such compensation as may be fixed by ordinance. All costs, fines and forfeitures imposed by the municipal court, or collected under the authority thereof, and all other receipts so collected, shall be regularly accounted for and paid into the city treasury for the use and benefit of the city.

Section 117. Marshal.

The chief of police and the chief's subordinates shall serve as marshal and deputy marshals of the municipal court and enforce its orders, judgments and decrees.
(Ord. No. 15113, § 1, 1-16-97)

Section 118. Proceedings.

The forms of complaints and the conduct of all proceedings in the municipal court shall be as prescribed by law, or by ordinance not inconsistent with this charter.

ARTICLE XVI. NOMINATIONS AND ELECTIONS**Section 119. Time of Elections.**

A regular election for the choice of elective municipal officials shall be held annually on the first Tuesday after the first Monday in April. The council may by resolution order special elections, fix the time and provide for holding the same in conformance with state law.
(Passed by voters, April 7, 1981; Ord. No. 16744, § 1, 1-16-01, passed by voters 4-3-01)

Section 120. Regulation of Elections.

The council shall provide by ordinance all regulations which it considers needful or desirable, not inconsistent with this charter or state laws, for the conduct of municipal elections, and the prevention of fraud in such election. Municipal elections shall be conducted by the election authority designated by state law.
(11-7-78; Ord. No. 16744, § 1, 1-16-01, passed by voters 4-3-01)

Section 121. When Election Authority May Order Election.

If at any time, by reason of nonacceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the city to order an election, the election authority having jurisdiction in the City of Columbia, is empowered to order and conduct an election for city officers, declare the results thereof, and install the newly elected officials.
(11-7-78; Ord. No. 16744, § 1, 1-16-01, passed by voters 4-3-01)

Section 122. Nominations by Petition.

Nominations of candidates for all elective offices shall be by petition. Petitions for ward council members shall be signed by not less than fifty (50), nor more than seventy-five (75),

registered voters who are entitled to vote for the candidate so nominated. Petitions for officials elected by the entire city shall be signed by not less than one hundred (100), nor more than one hundred fifty (150), registered voters of the city.

In order for a signature to be valid, it must be accompanied by the following information, legibly written: the name of petitioner, the address of petitioner, and the date petitioner signed the petition.

The signatures on the nominating petition need not all be appended to one paper, but each separate paper shall bear a statement setting forth the election date, the office to be filled, and the name of the candidate on whose behalf the petition is being filed. In addition, there shall be attached to each such paper a signed statement of the circulator thereof, stating the number of signers of such paper, that each signature appended thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be and that the circulator believes each signer to be a legal voter. Nominating petitions shall be filed with the city clerk not earlier than 8:00 a.m. on the last Tuesday in October before the election, nor later than 5:00 p.m. on the fourteenth day before the deadline set by state statute for notifying the election authority of an election. No nominating petition shall be accepted by the city clerk unless it contains the signed statement of the candidate accepting the nomination and agreeing to serve if elected. Nominating petitions shall be in substantially the following form:

We, the undersigned registered voters of the City of Columbia, Missouri, respectfully petition and request that the name of _____, residing at _____, be placed upon the ballot as a candidate for the office of _____ to be voted for at the election to be held on _____, 20__ and we, individually, state that we are qualified to vote for this candidate:

Signature	Printed Name	Street and Number	Date of Signing
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(spaces for signatures and required data)

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I believe each signer is a registered voter qualified to vote for this candidate.

Signature of Circulator

Address

ACCEPTANCE OF NOMINATION

I hereby accept the nomination for the office of _____ and agree to serve if elected.

Signature of Candidate

Date and hour of filing _____

This petition is filed by _____

Whose address is _____

Received by _____

Signature of City Clerk

Within ten (10) days after the filing of a nominating petition, the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be sufficient. If a petition is found insufficient, the city clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new or supplemental petition may be filed for the same candidate. The petition of each candidate nominated shall be preserved by the city clerk until the expiration of the term of office for which the candidate has been nominated.

(Ord. No. 15113, § 1, 1-16-97; Ord. No. 16744, § 1, 1-16-01, passed by voters 4-3-01; Ord. No. 20531, § 1, 4-6-10)

Section 123. Preparation of Ballots.

The names of candidates for elective offices shall be printed on the ballot in order of the time their nominating petitions, sufficiently signed and attested, were filed with the city clerk.

(11-7-78; Ord. No. 20531, § 1, 4-6-10)

Section 124. Repealed by Ord. No. 16744, § 1, adopted January 16, 2001; passed by the voters April 3, 2001.

Section 125. Returns.

The candidate receiving the highest number of votes for each office shall be elected and shall be inducted into office at the first meeting of the council following the certification of the election authority in accordance with state law.

(Ord. No. 16744, § 1, 1-16-01, passed by voters 4-3-01)

Section 126. Repealed by Ord. No. 16744, § 1, adopted January 16, 2001; passed by the voters April 3, 2001.

ARTICLE XVII. INITIATIVE, REFERENDUM AND RECALL*

Section 127. Initiative.

The voters shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power

***Annotation**—See 42 Am. Jur. 2d, Initiative and Referendum, Section 9 p. 658: "Where the required procedure for a particular ordinance involves steps such as notice and hearing, in addition to normal legislative deliberation, such an ordinance is not subject to initiative and referendum, *International Telemeter Corp. v. City of Columbia*."

being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by registered voters of the city equal in number to at least twenty (20) per cent of the number of votes cast for council member-at-large at the last regular municipal election, provided, that there be not less than four hundred (400) signatures.

(Ord. No. 15113, § 1, 1-16-97; Ord. No. 20531, § 1, 4-6-10)

Section 128. Referendum.

The voters shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to the voters, excepting emergency ordinances as provided for in Section 15 of this charter, ordinances for the levying of taxes, or for the issuance of special tax bills, as provided in this charter, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the council of any ordinance which is subject to referendum, a petition signed by registered voters of the city equal in number to at least twenty-five (25) per cent of the number of votes cast for council member-at-large at the last municipal election may be filed with the city clerk, requesting that such ordinance be either repealed or submitted to the voters; provided, however, that the number of signatures in such case be not less than five hundred (500).

(Ord. No. 15113, § 1, 1-16-97; Ord. No. 20531, § 1, 4-6-10)

Section 129. Petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Clerk as one instrument. Every petition paper shall contain the full text of the measure proposed or referred, but the signatures to the petition need not all be appended to one paper. In order for a signature to be valid, it must be accompanied by the following information, legibly written: the name of petitioner, the address of petitioner, and the date petitioner signed the petition. The circulator of each such paper shall make oath before an officer competent to administer oaths that the circulator believes each signature appended to the petition to be the genuine signature of the person whose name it purports to be, that the circulator believes each such signer to be a legal voter, and that all signatures were affixed in the presence of the circulator.

(Ord. No. 15113, § 1, 1-16-97; Ord. No. 20531, § 1, 4-6-10)

Section 130. Filing and Certification of Petitions.

Within thirty (30) days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of registered voters. After completing examination of the petition, the city clerk shall certify the result thereof to the council at its next regular meeting.

If the clerk shall certify that the petition is insufficient, the clerk shall set forth in the certificate the particulars in which it is defective and shall at once notify the person filing the petition of the insufficiency.

(Ord. No. 15113, § 1, 1-16-97; Ord. No. 20531, § 1, 4-6-10)

Section 131. Amended Petitions.

An initiative or referendum petition may be amended at any time within fourteen (14) days after the notification of insufficiency by filing a supplementary petition upon additional papers executed and filed as provided in case of an original petition. The city clerk shall, within thirty (30) days after such an amendment is filed, make examination of the amended petition; if the petition is still insufficient, the clerk shall file a certificate to that effect in the clerk's office and notify the person filing the petition of the clerk's findings, and no further action shall be had on such insufficient petition. A finding of insufficiency in a petition shall not prevent the filing of a new petition for the same purpose.

(Ord. No. 15113, § 1, 1-16-97; Ord. No. 20531, § 1, 4-6-10)

Section 132. Effect of an Initiative Petition.

When an initiative petition has been certified as sufficient, the council shall proceed at once to consider the proposed ordinance, taking final action thereon not later than thirty (30) days after certification.

If the council shall fail to pass an ordinance in the form proposed by the initiative petition, such ordinance shall be submitted without alteration to the voters of the city at the next election provided for by state law which is consistent with applicable notice provisions and available for municipal elections purposes. The enacting clause of such ordinance shall be: "Be it ordained by the people of the City of Columbia."

(Passed by election, April 7, 1981; Ord. No. 20531, § 1, 4-6-10)

Section 133. Effect of a Referendum Petition.

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not become effective, or, if it shall have gone into effect, further action thereunder shall be suspended until the ordinance referred has been approved by the voters as hereinafter provided. The council shall proceed forthwith to reconsider the referred ordinance, and its final vote upon such reconsideration shall be taken within thirty (30) days after certification and shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

If the council shall fail to repeal an ordinance specified in any referendum petition, such repeal ordinance shall be submitted without alteration to the voters of the city 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; Ord. No. 20531, § 1, 4-6-10)

Section 134. Voting.

Ordinances submitted to the voters in accordance with the initiative referendum provisions of this charter shall be submitted by ballot title, which shall be prepared by the city counselor. The ballot title shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance, if a paper ballot, shall have below the ballot title the following: "For the Ordinance" and "Against the Ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper used for voting on ordinances shall be for that purpose only.

(Ord. No. 20531, § 1, 4-6-10)

Section 135. Effect of Vote.

If a majority of the voters voting on a proposed initiative ordinance or referred ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city, and shall, unless otherwise specified, become effective as indicated in Section 15 of this charter. No such ordinance shall be amended or repealed for six (6) months, except by unanimous vote of the council. A referred ordinance which is not approved by a majority of the voters voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail. No election under the initiative or referendum procedure shall be set aside because of any defect in the petitions.

(Ord. No. 20531, § 1, 4-6-10)

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)

(10)

Petition to Recall Nick Knoth

We, the undersigned registered and qualified voters of the 1st Ward of the City of Columbia (in the county of Boone and state of Missouri) request that Nick Knoth, the Council Member representing the 1st Ward, be recalled due to his acceptance of a lobbyist position which creates a professional conflict of interest and leaves Knoth unable to reasonably represent his constituents.

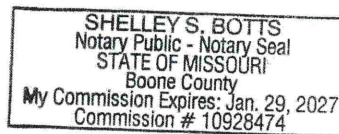
Signature	Printed Name	Registered Voting Address	Date
1. <i>Elizabeth Knight</i>	Elizabeth Knight	18 N Glenwood Ave Columbia, MO 65203	10/15/23
2. <i>Bennett Magnino</i>	Bennett Magnino	18 N Glenwood Ave Columbia, MO 65203	10/15/23
3. <i>Mary Reuter</i>	Mary Reuter	21 N Glenwood Ave Columbia MO	10/15/23
4. <i>Erin Perry</i>	Erin Perry	114 N Glenwood Ave Columbia MO	10/15/23
5. <i>April Karlovit</i>	April Karlovit	702 W. Ash St. Columbia MO	10/15/23
6. <i>Lester Stowers</i>	Lester Stowers	702 W Ash Columbia MO	10/15/23
7. <i>Victoria Kassabaum</i>	Victoria Kassabaum	115 Anderson Ave Columbia MO	10/15/23
8. <i>Anthony Meyer</i>	Anthony Meyer	115 Anderson Ave Columbia MO	10/15/23
9. <i>Greg Launhardt</i>	Greg Launhardt	102 Anderson Ave Col MO	10-15-23
10. <i>Rebecca Ray</i>	Rebecca Ray	115 N. Glenwood Ave Columbia MO	10/15/23

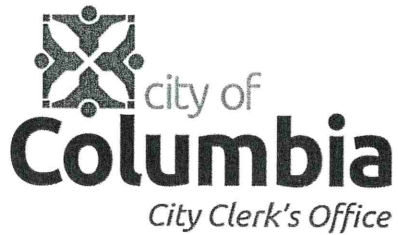
I, Rebecca Ray affirm that each signature to the petition above is the genuine signature of the person whose name it purports to be, that I believe each such signer to be a legal voter, and that all signatures were affixed in my presence.

Rebecca Ray
Signature of Circulator

10/25/23
Date

Shelley S. Botts
Notary Signature
Shelley S. Botts
10-25-2023





December 21, 2023

TRANSMITTED VIA E-MAIL AND CERTIFIED MAIL

Ms. Pamela Cooper
403 West Boulevard South
Columbia, MO 65203

Re: Petition to Recall Nick Knoth

Dear Ms. Cooper:

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 petition submitted by you on December 15, 2023 entitled *Petition to Recall Nick Knoth* contains the signatures of a sufficient number of First 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 first ward equal in number to at least thirty (30) percent of the number of votes cast at the last municipal election for first ward council member, which by my calculation comes to 336 signatures (1,118 x 30%). With the assistance of the Boone County Clerk's Office, the City has determined the petition submitted by you contains signatures of 370 First 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.

I have also enclosed a copy of the letter I sent to the City Council, which summarizes how they should proceed per Section 137 of the Charter of the City of Columbia, Missouri.

If you have any questions or need additional information, please feel free to contact me at (573) 874-7207 or Sheela.Amin@CoMo.gov.

Sincerely,

Sheela Amin
City Clerk

Enclosures