

ARTICLE V. RECALL

Sec. 1. General provisions.

Any member of the commission may be removed from office by recall. Any voter of the city may make and file with the city secretary an affidavit containing the name of any member of the commission whose removal is sought and a statement of the grounds for removal. The city secretary shall thereupon deliver to the voter making such affidavit, copies of petition blanks demanding such removal, printed forms of which the city secretary shall keep on hand. Such blanks shall be issued by the secretary with the city secretary's signature and official seal thereto attached; they shall be dated and addressed to the commission and shall indicate the name of the person to whom issued, the number of blanks so issued, and the name of the member whose removal is sought. A copy of the petition shall be entered in the record book to be kept for the purpose in the office of the secretary. If the Mayor or one of the at-large commissioners' removal is sought, the recall petition to be effective must be returned and filed with the secretary within thirty days after the filing of the affidavit, and it must bear the signatures of voters of the city to the number of at least fifty percent of the number of voters who cast their votes at the last preceding regular municipal election; provided, however, that the petition shall not be effective unless it bears the signatures of at least one hundred voters of the city.

If the removal of a district commissioner is sought the recall petition to be effective must be returned and filed with the city secretary within thirty days after the filing of the affidavit and bear the signatures of voters of said district in a number equal to at least fifty percent of the number of voters who voted in the district at the last preceding regular municipal election at which said district commissioner was elected; provided, however, the petition shall not be effective unless it bears the signatures of at least one hundred voters of the said district.

Sec. 2. Recall election ordered.

If a recall petition, or amended petition as defined in Article VIII, Section 3, shall be certified by the city secretary to be sufficient the city secretary shall at once submit it to the commission with the city secretary's certificate to that effect and notify the member whose removal is sought of such action. If the member of the commission whose removal is sought does not resign within five days after such notice, the commission shall thereupon fix a day for holding a recall election as provided in state law. Any such election shall be held not less than forty-five nor more than sixty days after the petition has been presented to the commission, and at the same time as any other special or general election held within such period; but if no such election is to be held within such period, the commission shall call a special election to be held within the time aforesaid.

In case of a recall election for a district commissioner, only qualified voters residing in the subject commissioner's district shall be eligible to vote in the recall election. (Ord. 19-31, passed 11-18-2019)

Sec. 3. Ballots in recall elections.

Ballots used at recall elections shall conform to the following requirements: For the member of the commission whose removal is sought, the question to be submitted shall be: "SHALL (name of person) BE REMOVED FROM THE COMMISSION BY RECALL?" With respect to the mayor if the mayor's removal is sought, the question shall be: "Shall (name of person) be removed as mayor by recall?" Immediately below such question there shall be printed on the ballots the two following propositions, one above the other, in the order here indicated:

"Against the recall of (name of person)"

"For the recall of (name of person)"

Sec. 4. Result of recall election.

If a majority of the votes cast on the question of recalling a member of the commission shall be against the member's recall the member shall continue in office for the remainder of the member's unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the member indicated on the ballots the member shall, regardless of any defect in the recall petition, be deemed removed from office, and the member's place shall be filled in the manner prescribed in Article II, Section 4.

Sec. 5. Limitations on recall petitions.

No recall petitions shall be filed against a member of the commission within three months after the member takes office, nor, in respect to a member subjected to a recall election and not removed thereby, until at least six months after such election.

ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL PETITIONS

Sec. 1. Signatures to petitions.

The signatures to initiative, referendum or recall petitions need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his/her name in ink or indelible pencil and shall indicate after his/her name place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five voters of the city, and on each paper the names and addresses of the same five voters, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit attached to each petition shall be as follows:

STATE OF TEXAS)

ss.

COUNTY OF GALVESTON)

_____, being duly sworn, deposes and says that he/she, and he/she only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his/her presence, and that he/she believes them to be the genuine signatures of the persons whose names they purport to be.

Signed _____ (Signature of Circulator)

Notary Public

(or other officer authorized to administer oaths)

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards to any particular thereof shall be punishable in accordance with existing law.

Sec. 2. Filing examination and certification of petitions.

All petition papers comprising an initiative, referendum or recall petition shall be assembled and filed, with the city secretary as one instrument. Within ten days after a petition is filed, the city secretary shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of voters. The city secretary shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required by Article VIII, Section 1, of this Charter. Upon completing his/her examination of the petition, the city secretary shall certify the result of his/her examination to the commission. If the city secretary shall certify that the petition is

insufficient, the city secretary shall set forth in his/her certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his/her finding.

Sec. 3. Amendment of petitions.

An initiative, referendum, or recall petition may be amended at any time within ten days after the making of a certificate of insufficiency by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city secretary shall, within five days after such an amendment is filed, make examination of the amended petition and, if the city secretary's certificate shall show the petition still to be insufficient, the city secretary shall file it in the city secretary's office and notify the committee of the petitioners of the findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.