

## ARTICLE IV.

### [INITIATIVE; REFERENDUM; RECALL]

#### Sec. 1. Initiative and referendum.

Any proposed ordinance may be submitted to the Council for adoption, and any ordinance or resolution passed by the Council may be submitted to the people for repeal. In either event the ordinance or resolution proposed to be adopted or repealed shall set out in a written or printed instrument which shall be filed with the person exercising the duties of City Secretary, and at the time of filing such written or printed instrument, and attached thereto, there shall be filed a statement signed by not less than five (5) qualified voters of the City of Lubbock, stating that they have proposed such ordinance or resolution for adoption or repeal, as the case may be, before any signatures are procured to the petitions hereinafter provided for.

*Initiating, committee; referring committee.* In the event the ordinance or resolution is one proposed to be adopted, such electors shall be regarded as the "initiating committee," and in the event it is desired to repeal an ordinance or resolution already existing such electors shall be regarded as the "referring committee."

*Petition required to submit ordinance.* Before any such ordinance or resolution may be submitted to the Council for adoption or repeal, it shall be necessary that a petition signed by not less than twenty-five (25) per cent of the qualified voters within the City of Lubbock, as determined by the number voting at the last regular municipal election, shall be presented to the Council, referring to such ordinance or resolution and requesting its adoption or repeal, as the case may be. All such petitions circulated for signatures shall be uniform in character and shall each have attached to the same an exact written or printed copy of the proposed ordinance or resolution sought to be adopted or repealed, and shall be filed with the person discharging the duties of City Secretary within sixty days from the filing of the statement hereinabove referred to.

*Petition; signatures; affidavit.* Each signer of a petition shall sign his name in ink or indelible pencil, in his own handwriting, and shall place on the same, following his name, his street number or place of residence within the City and, in addition, such other information as may be required by State law, such as a printed name, voter registration number and date of signing. The signatures to any such petition need not all be attached to the same paper, but to each such paper there shall be attached an affidavit, by the circulator thereof, stating the number of signers to such part of the petition, and that each signature is genuine and that of the person whose name it purports to be and that it was made in the presence of the affiant. (As amended May 7, 1988)

*Petition; proceedings after filing petition.* When signatures have been obtained in the number above provided for and the petition and statement have been filed with the person exercising the duties of City Secretary, such officer shall submit all papers pertaining to such ordinance by resolution, and its proposed initiation or reference to the Council at its next regular meeting and such officers shall mail to each of the members of such initiating or referring committee a notice of the time of the next regular meeting of the Council when such ordinance or resolution and its adoption or repeal shall be considered, or a time then set by such Council for its consideration, which hearing and consideration shall be open to the public, and the public shall be permitted to present arguments for or against such proposed ordinance or resolution.

*Public hearing; final action on petition.* After such presentation of the petition to them, and public hearing, the Council shall, within thirty (30) days from the date of the submission of such petition, take final action upon the same, by either adopting or rejecting the ordinance thus initiated by petition, or by either repealing or refusing to repeal the ordinance or resolution thus sought to be referred, and in either event, the action of the Council shall be noted in its minutes.

*Submission to electors of ordinance or resolution.* If the Council refuses to pass or to repeal the proposed ordinance or resolution or passes the same in an amended form from that presented in the petition, or repeals only a part of such ordinance or resolution, instead of repealing the same in the manner set out in such petition of reference, then in either event, such initiating committee, or such referring committee, or a majority thereof, may require that such ordinance or resolution, either in its original or amended form, be submitted to a vote of the electors for adoption or repeal, as the case may be.

*Certificate of committee; filing with secretary.* When an ordinance or resolution proposed by petition is to be submitted to vote of the electors for adoption or repeal, after the Council has acted upon the same, as provided for in the preceding paragraph, then such initiating or referring committee, as the case may be, upon a majority vote of such committee, shall certify its desire to have the same submitted for adoption or repeal within twenty (20) days after the Council shall have taken action on the same, and shall file such certificate and statement with the person exercising the duties of the City Secretary. (As amended May 7, 1988)

*City secretary; duties; governing board; election.* After receipt of such certificate and the certified copy of the proposed ordinance or resolution, the person exercising the duties of the City Secretary shall present such certificate and certified copy of the proposed ordinance or resolution to the Council at its next regular meeting. If any election is to be held at a date not more than ninety (90) days nor less than ten (10) days after such meeting of the Council, then such ordinance or resolution proposed for adoption or repeal shall be submitted by the Council to a vote of the electors at such election to be held, but if such election is to be held within such time, the Council shall provide for submitting such proposed ordinance or resolution, for adoption or rejection, to the electors at a special election to be held not less than twenty (20) nor more than forty (40) days thereafter.

*Form of ballot.* The form of ballot for use in an election held for the adoption of any initiated ordinance shall state the title of the ordinance and contain a succinct statement of its nature and purpose and below such statement on separate lines, there shall be printed the words: FOR THE ORDINANCE--AGAINST THE ORDINANCE. If a majority of the electors voting in such election shall vote in favor thereof, it shall thereupon become an ordinance of the City when the result of such election shall have been declared.

*Ballot; requisites; majority vote.* The form of ballot for use in an election held for the repeal of any referred ordinance or resolution shall state the title of the ordinance or resolution and contain a succinct statement of the nature and purpose of the ordinance or resolution sought to be repealed, and below such statement, in separate lines, there shall be printed the words: FOR THE REPEAL OF THE ORDINANCE (OR RESOLUTION)--AGAINST THE REPEAL OF THE ORDINANCE (OR RESOLUTION). If a majority of the electors voting in such election shall vote in favor of the repeal of such ordinance or resolution, then the same shall be considered repealed, when the result of such election shall have been declared.

*Election affecting franchise.* Provided, however, that nothing contained in this section shall affect the manner of calling elections to determine whether or not franchises shall be granted.

*Election provided by State law.* In the event that a referendum is provided by State law upon some matter, such as, but not limited to, the issuance of revenue bonds, such law shall supersede the provisions of this Charter pertaining to initiative and referendum and the Charter's provisions shall not be effective.

(Added May 7, 1988)

## **Sec. 2. Officers subject to recall.**

Any elective officer of the City shall be subject to recall and removal from office by the qualified electors of the

City, and the procedure to effect such removal shall be as follows:

*Petition for recall.* A petition demanding that the question of removing such officer or officers be submitted to the electors, shall be filed with the person discharging the duties of City Secretary. Such petition for the recall of any elective officer or officers shall be signed by at least thirty percent (30%) of the qualified voters of the officer's elective District, to be determined by the number of votes cast in the District at the last regular municipal election; at least one-tenth ( 1/10) of those signing the petition shall certify that at the election at which the officer or officers was or were elected, they voted for the election of such officer or officers proposed to be recalled. The district of the Mayor and Municipal Judge, for the purpose of this section, shall be the City at large. (As amended May 7, 1988)

*Recall petitions; distribution, etc.* Petitions for signatures for such recall shall be procured only from the person exercising the duties of City Secretary, who shall keep a sufficient number of such blank petitions on file for distribution, and prior to the issuance of such petitions for signatures there shall be filed with such person an affidavit by one or more qualified electors, stating the name or names of the officer or officers sought to be removed. Such officer issuing such petitions for removal to an elector shall enter in a record to be kept the name of the elector to whom issued, the date of such issuance and the number of such petitions issued, and shall certify under the seal of his office on such petitions for signatures, the name of the elector to whom issued and the date of its issuance. No petition for signatures shall be accepted and taken into consideration in determining the necessary percentage of voters for removal unless it bears such certificate and be filed as herein provided. (As amended May 7, 1988)

*Signatures on petitions.* Each signer of a recall petition shall sign his name thereto in ink or indelible pencil, and shall write thereon, after his name, his street number or place of residence within the City and, in addition, such other information as may be required by State law, such as a printed name, voter registration number and date of signing. To each of said petitions there shall be attached an affidavit, of the circulator thereof, stating the number of signers to such part of the petition and that each signature to the same is genuine, was made in his presence, and is that of the person whose name it purports to be. (As amended May 7, 1988)

*Filing recall petition.* All papers comprising a recall petition shall be returned and filed with the person exercising the duties of City Secretary, within thirty (30) days after the filing of the affidavit hereinbefore provided for. The person exercising the duties of City Secretary, upon the return of such petition, shall at once submit the same to the governing authority of the City, and shall notify the officer or officers, sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice is given, the governing authority of the City shall thereupon order and fix a day for holding a recall election, the date of which election shall not be less than fifteen (15) nor more than thirty (30) days from the time such petition was presented to the governing authority of the City.

*Form of recall ballot.* The ballot of such recall election shall conform to the following requirements, with respect to each person whose removal is sought; the question shall be submitted: "Shall (name of person) be removed from the office (naming the office) by recall?" Immediately following each of such questions there shall be printed on the ballots in separate lines, in the order here set out, the words: For the recall of (naming person); against the recall of (naming the person). Should a majority of the votes cast at such recall election be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office, but should a majority of the votes cast at such recall election be against the recall of the officer named on the ballot, such officer shall continue in office of [sic] the remainder of his term, subject to recall as before.

*Limitation on recall.* No recall petition shall be filed against any officer of the City within six (6) months after his election, nor within six (6) months after an election for such officer's recall.

*County judge may order recall election.* In case the governing authority of the City shall fail or refuse to receive the recall petition, order such recall election or discharge any other duties with reference to such recall, then the County Judge of Lubbock County, Texas, shall discharge any of such duties herein provided to be discharged by the governing authority of said City.

*Result of election; vacancies.* If, in such recall election, there shall, as a result of such election, remain only one of such elective officers who is not recalled, then such officer not recalled shall discharge all of the duties incumbent upon the governing authority of said City, for which a quorum of the Council is not herein required, until the vacancy or vacancies created by such recall election are filled by an election for that purpose, as hereinafter provided for, but if in any proposed recall election it is proposed and submitted to recall all elective officers then there shall be placed on said ballot under the question of recall, the names of candidates to fill the vacancies proposed to be created by such election, but the names of such officers proposed to be recalled shall not appear on the ballot as candidates.

*Duties of officers not recalled.* If at any recall election it is not proposed and submitted to recall all of the elective officers, but only one or more, fewer than all, and such election shall result in favor of the recall of one or more of such officers, proposed to be recalled, then it shall be the duty of such officer or officers not recalled and constituting the governing authority of the City, within five (5) days after such election is held, to meet, canvass the returns, declare the results of the election and on the same day order an election to fill such vacancy or vacancies, which election shall be held not less than ten (10) nor more than twenty (20) days after the same shall have been ordered.