

ARTICLE 5. RECALL OF COUNCILMEN

Section 5.01. Scope of recall.

Any member of the city council may be removed from office by a recall election .

Section 5.02. Recall petition.

Recall petition papers shall contain the name of the mayor or the commissioner whose removal is sought, and a clear and concise statement of the grounds for his removal. Each signer of any petition paper shall sign his name in ink or indelible pencil and give after his name his place of residence by street and number, or other description sufficient to identify the place, and the date his signature was affixed. No signature to such petition shall remain effective or be counted which was placed thereon more than forty-five days prior to the filing of such petition with the city secretary. The signatures to a recall petition need not be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures were appended thereto in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Section 5.03. Filing and certification of petitions.

(a) All papers comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within five days after a petition is filed the city secretary shall determine whether each paper bears the names of qualified voters of the City of Ballinger equal in number to at least twenty-five per cent of the number of votes cast at the last preceding general city election, but in no event fewer than one hundred such electors.

(b) If the city secretary finds the petition insufficient, he shall return it to the circulator or circulators without prejudice, however, to the filing of a new or corrected petition. If the city secretary finds the petition sufficient and in compliance with the provisions of this article of the charter, he shall submit the petition and his certificate of its sufficiency to the city council at its next regular meeting and immediately notify the member of the city council whose removal is sought of such action.

(c) If the member of the city council whose removal is sought does not resign within seven days after such notice the city council shall thereupon order and fix a date for holding a recall election not fewer than thirty nor more than sixty days after the petition has been presented to the city council. If no general

election is to be held within this time the city council shall provide for a special election.

Section 5.04. Recall election ballots.

Ballots used at recall elections shall conform to the following requirements:

(a) With respect to each person whose removal is sought the question shall be submitted:

"Shall (name of person) be removed from the office he holds on the city council by recall?"

(b) Immediately below each such question shall be printed the two following propositions, one above the other, in the order indicated:

"For the Recall of (name of the person)." "Against the Recall of (name of the person)."

Each qualified elector shall indicate his choice by marking out one line, leaving his choice of answer to the question unmarked and legible.

Section 5.05. Results of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the member of the city council named on the ballot, he shall continue in the office. If a majority of the votes cast at a recall election be for the recall of the member of the city council named on the ballot, he shall be deemed removed from office and the vacancy shall be filled in the manner prescribed in section 3.04 of article 3 of this charter.

Section 5.06. Limitations and restrictions.

No petition shall be filed against a member of the city council within six months after he takes office, nor against a member of the city council who has been subjected to a recall election and not removed thereby until at least six months after such election.

Section 5.07. Failure of the city council to call election.

Should the city council fail or refuse to order any recall election when compliance with all the requirements for such election have been met by the petitioning electors in conformity with this article of the charter, then it shall be the duty of the District Judge of Runnels County, Texas, upon proper application

therefore, to order such election and effectuate the provisions of this article of the charter.