

## **ARTICLE 6. INITIATIVE AND REFERENDUM**

### **Section 6.01. Power of initiative.**

The qualified electors of the City of Ballinger shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the proposed ordinance at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the city council by a petition signed by the 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.

### **Section 6.02. Power of referendum.**

The qualified electors of the City of Ballinger shall have the power to approve or reject at the polls any ordinance passed by the city council or submitted by the city council to a vote of the electors except an ordinance appropriating funds, issuing bonds or authorizing the levy of taxes, such power being known as the power of referendum. Within twenty days after the enactment by the city council of any ordinance which is subject to a referendum, a petition signed by qualified voters of the city equal in number to at least twenty-five per cent of the number of votes cast at the last preceding general city election may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

### **Section 6.03. Form of petition.**

Initiative petition papers shall contain the full text of the proposed ordinance. Referendum petition papers shall contain the full text of the ordinance which they propose to repeal. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided herein. Each signer shall sign his name in ink or indelible pencil and shall give after his name his place of residence by street and number, or other description sufficient to identify the place. Attached to each separate petition paper there shall be 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 the 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 6.04. Filing, examination and certification of petitions.**

All papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within twenty days after a petition is filed, the city secretary shall determine whether each paper of the petition bears the required affidavit of the circulator and whether the petition

is signed by a sufficient number of qualified voters. After completing his examination of the petition, the city secretary shall certify the results thereof to the city council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the circulator or circulators of his findings.

#### **Section 6.05. Amendments of petitions.**

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The city secretary shall, within five days after such an amendment is filed, examine the amended petition; and if the petition is still insufficient, he shall file his certificate to that effect in his office and notify the circulator or circulators of his findings and no further action shall be had on such insufficient petitions. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

#### **Section 6.06. Effect of certification of referendum petition.**

When a referendum petition, or amended petition as defined in section 6.05 of this article, has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the qualified electors as hereinafter provided.

#### **Section 6.07. Consideration by the city council.**

Whenever the city council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. The city council shall take final action on the ordinance within sixty days after the date on which such ordinance was certified to the city council by the city secretary. A referred ordinance shall be reconsidered by the city council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

#### **Section 6.08. Submission to electors.**

If the city council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the city council shall fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the qualified electors not fewer than thirty nor more than sixty days from the date the city council takes its final vote thereon. If no general city election is to be held within such period the city council shall provide for a special election.

#### **Section 6.09. Voluntary submission.**

The city council upon its own motion and by a majority vote of its members may submit to the qualified electors at an election for adoption or rejection of any

proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided for submission on petition and may in its discretion call a special election for said purpose.

**Section 6.10. Publication of proposed and referred ordinances.**

The city secretary shall publish at least once in the official newspaper of the City of Ballinger the proposed or referred ordinance or resolution within fifteen days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general city elections or by the ordinance or resolution calling said election.

**Section 6.11. Form of ballot.**

The ballots upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"For the Ordinance"  
"Against the Ordinance"  
or  
"For the Resolution"  
"Against the Resolution"

Each qualified elector shall indicate his choice by marking out one line, leaving his choice on the subject unmarked and legible.

Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, and, if a general city election, may appear on the same ballot with candidates for offices.

**Section 6.12. Result of election.**

If a majority of the qualified electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City of Ballinger. A referred ordinance which is not approved by a majority of the qualified electors voting thereon shall be deemed repealed. The same method of results shall be applied in the case of resolutions or other measures which may have been voluntarily submitted by the city council.