



CITY OF DALLAS

Memorandum

DATE April 7, 2014

TO The Honorable Chair and Charter Review Commission Members

SUBJECT Chapter IV Section 12
Chapter V Section 1
Chapter XVIII Sections 11, 12, 13, and 14
Petitions

Following are suggested amendments to provisions regarding petitions.

1. The suggestions are:
 - a. Amend Chapter V, Section 1, Subsection (3) to give the City Secretary 60 days to review a petition.
 - b. Amend Chapter XVIII, Section 12 allow the City Secretary 60 days to review a petition, to match the time in Chapter XVIII §11
 - c. Provide that an ordinance adopted by petition may be amended or repealed by City Council after some period of time.

2. The current language is:

“[CHAPTER IV] SEC. 12. PETITION REQUIREMENTS.

(a) To be valid, a petition submitted for the purpose of complying with an election process must comply with the Texas Election Code, as amended.

(b) Every person circulating a petition or page of a petition, other than a petition to place a candidate's name on the ballot, shall file with the city secretary an affidavit containing the person's name and address and a statement that:

- (1) the person circulated the petition;
- (2) the purpose was explained to each signer;

- (3) each signer freely provided the information required;
- (4) all statements contained in the petition are true; and
- (5) the person witnessed the affixing of each signature on the petition.

[CHAPTER V] SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS.

Any member of the city council may be recalled and removed from office by the electors qualified to vote for a successor of the incumbent as provided in this chapter. The procedure to remove members of the city council is as follows:

(1) A petition demanding the recall of the city council member must be filed with the city secretary. The petition must:

(A) be signed by qualified voters entitled to vote for a successor to the member sought to be removed, equal in number to at least 15 percent of the number of voters who, on the date of the last proceeding general municipal election, were entitled to vote for the place occupied by the member sought to be removed;

(B) contain a general statement of the grounds for which the removal is sought; and

(C) comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

(2) On the day that the petition is first circulated, notice must be given in writing to the city secretary by five registered voters of the city council district from which the member is sought to be removed, and the total signatures required must be secured and the petition filed within 60 days after the city secretary receives the notice.

(3) Within 30 days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.

[CHAPTER XVIII] SEC. 11. INITIATIVE AND REFERENDUM OF ORDINANCES.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the ordinance to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five registered voters of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 60 days from this date, it will not be received for any purpose.

(2) The petition must contain the names of a number of qualified voters in the city equal to 10 percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

[CHAPTER XVIII] SEC. 12. CITY SECRETARY TO EXAMINE PETITION.

Within 30 days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay.

[CHAPTER XVIII] SEC. 13. CITY COUNCIL EITHER TO PASS ORDINANCE OR CALL ELECTION.

If the petition, properly signed, is presented to the city council, the council shall either:

(1) pass the ordinance without alteration within 20 days after the attachment of the city secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under provisions of this Charter); or

(2) after the attachment of the city secretary's certificate of sufficiency to the petition accompanying the ordinance, promptly call a special election, at which the ordinance, without alteration, shall be submitted to a vote of the people.

**[CHAPTER XVIII] SEC. 14. BALLOTS; ONE OR MORE
ORDINANCES MAY BE VOTED; PROVISION FOR REPEAL.**

The ballots used when voting upon said ordinance shall be in a manner so as to apprise the voters of the nature of the proposed ordinance and contain two propositions so that they may vote either "for" or "against" the propositions indicating their preference on the ordinance. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section of the Charter, but more than one special election shall not be held in any period of six months.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.”

3. The proposed language is:

“[CHAPTER IV] SEC. 12. PETITION REQUIREMENTS.

(a) To be valid, a petition submitted for the purpose of complying with an election process must comply with the Texas Election Code, as amended.

(b) Every person circulating a petition or page of a petition, other than a petition to place a candidate's name on the ballot, shall file with the city secretary an affidavit containing the person's name and address and a statement that:

- (1) the person circulated the petition;
- (2) the purpose was explained to each signer;
- (3) each signer freely provided the information ~~[required]~~
requested;
- (4) all statements contained in the petition are true; and
- (5) the person witnessed the affixing of each signature on the
petition.

(c) To be a valid signature of a qualified voter for any petition, any signature on a petition submitted for the purpose of complying with an election process must comply with the Texas Election Code, as amended. "Qualified voter" has the same meaning as provided in the Texas Election Code.

[CHAPTER V] SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS.

Any member of the city council may be recalled and removed from office by the electors qualified to vote for a successor of the incumbent as provided in this chapter. The procedure to remove members of the city council is as follows:

(1) A petition demanding the recall of the city council member must be filed with the city secretary. The petition must:

(A) be signed by qualified voters entitled to vote at the end of the petition period for a successor to the member sought to be removed, equal in number to at least 15 percent of the number of the qualified voters of the City of Dallas, who are [~~on the date of the last preceding general municipal election, were~~] entitled to vote for the place occupied by the member sought to be removed, as appears from the county voter registration list as of the time of examination by the city secretary;

(B) contain a general statement of the grounds for which the removal is sought; and

(C) comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

(2) On the day that the petition is first circulated, notice must be given in writing to the city secretary by five registered voters of the city council district from which the member is sought to be removed, and the total signatures required must be secured and the petition filed within 60 days after the city secretary receives the notice.

(3) Within 60 [~~30~~] days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall authorize [~~allow~~] the city secretary to hire extra temporary workers to assist in reviewing the petition or request examination by the county(ies) [~~help~~], and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.

[CHAPTER XVIII] SEC. 11. INITIATIVE AND REFERENDUM OF ORDINANCES.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the ordinance to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five registered voters of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 60 days from this date, it will not be received for any purpose.

(2) The petition must contain the names of ~~[a number of qualified]~~ voters in the city qualified to vote at the end of the 60-day petition period in a number equal to 10 percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list as of the time of the examination by the city secretary.

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

[CHAPTER XVIII] SEC. 12. CITY SECRETARY TO EXAMINE PETITION.

Within 60 ~~[30]~~ days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If necessary, the city council shall authorize the city secretary to hire extra temporary workers to assist in reviewing the petition or request examination by the county(ies), and, in the case of multiple petitions, additional days to complete the examination. ~~[If the petition is found to be sufficient,]~~ [t]he city secretary shall submit the certification of results of the examination of the petition to the city attorney [city council] without delay for presentation to the city council.

[CHAPTER XVIII] SEC. 13. CITY COUNCIL EITHER TO PASS ORDINANCE OR CALL ELECTION.

Within 15 days after the city secretary's certification to the city attorney of the results of the examination of the petition, the city attorney shall present to the city council the results of the examination. If the petition is found sufficient by the city secretary, the city attorney shall prescribe the wording of the proposed ordinance to ensure clarity and constitutionality. The city attorney shall consult with the petition applicants to ensure the intent of the proposed ordinance is

maintained. Within 20 days after presentation by the city attorney [If the petition, properly signed, is presented to the city council], the city council shall either:

(1) pass the ordinance as prescribed by the city attorney [without alteration within 20 days] after the attachment of the city secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under provisions of this Charter); or

(2) [~~after the attachment of the city secretary's certificate of sufficiency to the petition accompanying the ordinance,~~] promptly call a special election, at which the ordinance[~~, without alteration,~~] shall be submitted to a vote of the people.

**[CHAPTER XVIII] SEC. 14. BALLOTS; ONE OR MORE
ORDINANCES MAY BE VOTED; PROVISION FOR REPEAL.**

The ballots used when voting upon said ordinance shall be in a manner so as to apprise the voters of the nature of the proposed ordinance and contain two propositions so that they may vote either "for" or "against" the propositions indicating their preference on the ordinance. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city[~~, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.~~].

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section of the Charter, but more than one special election shall not be held in any period of six months.

At any time after the adoption of an ordinance by a vote of the people, t[~~F~~]he city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Any ordinance proposed by petition and adopted by a vote of the people may be repealed or amended by favorable vote of two-thirds of the members of the city council if done more than ten years after its adoption."

4. The explanation of the amendments is:

- a. In Chapter IV Section 12, a new Subsection (c) has been added to clarify that signatures on a petition must comply with the requirements of the Texas Election Code.

- b. In Chapter V Section 1, Paragraph (1)(A) has been amended to clarify that petitions must be signed by qualified voters as indicated by the county voter registration list.
- c. In Chapter V Section 1, Paragraph (3) has been amended to give the City Secretary 60 days to review a petition. The paragraph has also been amended to authorize the City Secretary to hire temporary workers to review petitions.
- d. In Chapter XVIII Section 11, Paragraph (2) has been amended to clarify that the voters on a petition must be qualified at the time the petition is reviewed.
- e. Chapter XVIII Section 12 has been amended to give the City Secretary 60 days to review a petition. The section has also been amended to authorize the City Secretary to hire temporary workers to review petitions, to match Chapter V Section 1 Paragraph (3). The section has also been amended to require the City Secretary to give the certification results to the City Attorney, who will then present them to City Council.
- f. Chapter XVIII Section 13 has been amended to establish deadlines for the City Secretary to certify the petition, and for the City Council to either pass the ordinance or call a special election. The section also allows the City Attorney to draft the ordinance for clarity and constitutionality.
- g. Chapter XVIII Section 14 has been amended to allow an ordinance adopted by referendum to be repealed or amended at any time by election. The section has also been amended to allow City Council to repeal or amend an ordinance adopted by referendum by two-thirds vote if done more than ten years after adoption.

JOHN ROGERS
Assistant City Attorney