

## **ARTICLE VI RECALL OF OFFICERS<sup>1</sup>**

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**1. Editor's Note--Former Section 6.11, Pertaining To Failure To Call Election, Was Deleted In Its Entirety At An Election Held November 2, 2021, Measure M.**

**§ 6.01. Scope of Recall.**

Any elected city official, whether elected to office or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city.

**§ 6.02. Recall Petition Required.**

Before submitting the question of recalling an official to the voters, a petition, signed by at least ten percent of the qualified voters of the city registered to vote at the last regular city election and demanding the question be submitted, shall be filed with the city secretary. Each person signing the petition shall personally sign their own name in ink or indelible pencil and the petition shall include each signer's voter's registration number or date of birth, name, residence address and the date of signing. The petition shall contain a general statement of the grounds for which removal is sought.

(November 2, 2021, measure E)

**§ 6.03. Initiating Recall Petition.**

- (a) Affidavit: Any registered voter of the city may make and file with the city secretary an affidavit containing the name of the city official whose removal is sought and a statement of the grounds for removal. The city secretary shall immediately inform the city official and all other council members in writing that the affidavit has been filed and of the stated grounds for removal.
- (b) Petition forms: Within two working days after the affidavit is filed, the city secretary shall make available to registered voters copies of petition blanks demanding that the question of removal of the officer be submitted to the voters. The city secretary shall keep a sufficient supply of printed petition blanks on hand for distribution. The printed blanks shall bear the city secretary's signature and shall be in the form prescribed in section 6.04. When issued, blanks shall be numbered, dated, and indicate the name of the person to whom issued.
- (c) Records: The city secretary shall maintain a record kept in the secretary's office of the name of registered voters to whom petition blanks were issued and the number issued to each voter.

**§ 6.04. Recall Petition Form.**

A recall petition shall be addressed to the City Council of the City of Pflugerville and shall distinctly and specifically state each ground for removal in sufficient detail to give the city official who is the subject of the petition reasonable notice of the matters and things with which he/she is charged. A recall petition shall be in substantially the form that follows and may consist of one or more copies or lists circulated separately. Verifications as required below may be made by more than one petitioner and parts or copies of the petition may be filed separately by different persons.

We the undersigned voters of the City of Pflugerville demand the question of removing (name of person) from the office of (name of office) be submitted to a vote of the registered voters of the city. The charges and specifications upon which this demand for removal is predicated are

as follows:

NAME	SIGNATURE	VOTER'S REGISTRATION # OR DATE OF BIRTH	ADDRESS	DATE

The signature shall be verified by oath in the following form:

“STATE OF TEXAS

COUNTY OF TRAVIS

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature thereto was made in my presence on the date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Sworn and subscribed to before me this  
\_\_\_\_\_ day of, 20\_\_.

\_\_\_\_\_  
Notary Public

State of Texas

(November 2, 2021, measure F)

#### **§ 6.05. Certification of Petition.**

To be valid, a signature must be placed on a petition no more than one hundred eighty-two days after the original affidavit is filed with the city secretary as described under section 6.03. A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed with the City Secretary. Certification procedures described in section 7.04 shall be followed for recall petitions.

(November 2, 2021, measure M)

#### **§ 6.06. Presentation to City Council.**

The city secretary shall present a certified petition to the city council at the next regular council meeting following certification.

#### **§ 6.07. Public Hearing on Recall Petition.**

Within five days after a certified recall petition is presented to the city council, the city official

sought to be removed may request that a public hearing be held to allow them to present facts pertinent to the charges specified in the recall petition. The city council shall order a public hearing to be held not fewer than five days nor more than fifteen days after receipt of a request for a public hearing.

(November 2, 2021, measure E)

#### **§ 6.08. Calling Recall Election.**

If the city official whose removal is sought does not resign, the city council shall order an election on the question to be held at the earliest possible date as allowed by state election law.

#### **§ 6.09. Recall Election Results.**

If the majority of votes are against the recall of the person(s) named on the ballot, he/she shall continue in office for the remainder of the term, subject to recall as before. If a majority of votes are for the recall of the person(s) named on the ballot then, regardless of any technical defects in the recall petition, he/she shall be deemed removed from office, and the vacancy shall be filled as required by Section 3.07. A city official removed from office by recall election shall not be eligible to succeed themselves [themselves]; nor shall he/she be a candidate for any city elective office during the two-year period following the date of the election at which he/she was removed from office.

(November 2, 2021, measure E, F)

#### **§ 6.10. Restrictions on Recall.**

No recall petition may be filed against a city official during the six months following their election or appointment or during the six months following an election for that city official's recall.

(November 2, 2021, measure E)