

## **CITY OF EDINBURG RECALL PROCESS**

The City of Edinburg's charter allows for any elected official to be removed by recall. This recall provision was part of the original charter, which the City adopted in 1949. The City is not aware of anytime in its history in which a recall of an elected official has been requested.

Article XII of the City's charter lays out the process by which to make a recall request, gather signatures, vote on a recall, and the effect of a recall election.

### **The Start of the Recall Process**

To begin the recall process, a voter (i.e. someone who has voted in Edinburg elections and is then-currently registered to vote in Edinburg) must file an affidavit with the City Secretary's office. The affidavit must have two pieces of information: (1) it must name the elected official or officials whose removal is sought and (2) it must state the grounds for removal.

After determining that the affidavit properly includes the required information, the City Secretary's office then provides "Petition Blanks" to the requestor. These Petition Blanks are the official forms on which signatures must be gathered. Per the City Charter, these Petition Blanks must be on a form prescribed by the City Council. Before issuing the Petition Blanks, the City Secretary signs, dates, and attaches the City seal to each page.

### **Gathering Signatures**

The requestor then has 30 days from the date he or she filed an affidavit to gather the required signatures. Per the City Charter, the recall request is effective only if 25% of people who voted in the last preceding regular city election sign the petition. Signatures of persons who did not vote in the preceding regular election will not count towards the number of required signatures.

Per Article XVI of the City Charter, only 5 persons can gather the required number of signatures. These 5 people make up the petitioner committee, and the names and addresses of these persons must appear on each page submitted to the City. Each Petition Blank submitted to the City must indicate on it which of the 5 gathered the signatures on that page, and that person must attach an affidavit that "he/she only" gathered signatures for that page. Once all required signatures are collected, the requestor must submit the entire packet—and all required forms, affidavits and information—to the City Secretary.

### **Submitting the Recall Petition**

After receiving the recall packet, the City Secretary has 10 days to certify whether it is sufficient. The City Secretary must certify the result of the examination of the documents to the City Council. If the packet is found insufficient, the City Secretary must identify what is defective and notify the Petitioner Committee of the findings.

If the recall packet is accepted as sufficient, the elected official whose removal is sought may resign within 5 days. If not, the City Council must schedule a date for a recall election within the next 30-60 days after the City Secretary certifies a sufficient packet. If a special or general election is already scheduled within that period, the recall election must occur at the same time.

### **Recall Election**

The ballot measure for a recall election asks voters to determine whether the elected official should be recalled or not. In other words, it is a YES or NO vote as to whether the elected official should be removed from office. It is not an election to replace the elected official. Two-thirds of the votes cast in the election must be “YES” for the recall to be effective.

If passed by a two-thirds vote, the City Council nominates and votes on who would assume the office for the remainder of the term.

### **STATUS OF THE CURRENT RECALL REQUEST**

On May 1, 2019, an Edinburg resident submitted an affidavit to the City Secretary requesting a recall election. As of May 3, 2019, the City Secretary’s Office is still trying to locate a Petition Blank form to give the requestor to gather signatures. No such form has been found. Since the recall provision goes back to the original 1949 charter, the document may be somewhere in the City’s old archives. However, it may also be that no prior City Council ever approved a form. Per the Charter, the 1949 City Council should have done so. However, no such form has been found yet, and the City is searching through archives of documents and City Council agendas and minutes to determine whether such a form exists. If the City cannot find a council-approved Petition Blank form, the current City Council must draft and approve a form to gather signatures for a recall election.