

CHAPTER VII. RECALL, INITIATIVE AND REFERENDUM.

Sec. 50. Recall.

The holder of any elective office, in the city of Duluth, may be removed at any time by the electors qualified to vote for a successor of such incumbent, in the following manner: A petition signed by such electors equal in number to at least twenty-five (25) percentum of the total ballots cast at the last preceding general municipal election, demanding a special election to determine whether the person named therein shall be recalled, and to elect a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement, in not more than two hundred (200) words, of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but the place of residence and street number of each signer shall be stated. One of the signers of each such paper shall make oath that the statements therein made are true, as such signer believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

Within ten (10) days from the date of filing such petition, the clerk shall ascertain from the voters register whether or not said petition is signed by the requisite number of qualified electors. The clerk shall attach to said petition a certificate, showing the result of said examination. If by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said clerk's certificate. The clerk shall, within ten (10) days after such amendment, make like examination of the amended petition, and if the clerk's certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the clerk shall submit the same to the council without delay, and thereupon the council shall order the same filed, and a copy thereof delivered to the person sought to be recalled.

Within ten (10) days after the filing of said petition, the council shall fix a date for holding said special election not less than forty (40) days, nor more than fifty (50) days, from the date of said filing. In the published call for the election there shall be printed, in not more than two hundred (200) words, the reasons for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred (200) words, such officer may justify such officer's course in office.

Any qualified elector of the electoral district may be nominated, for the office which may be filled at any recall election, by a petition signed by electors qualified to vote at such recall election, equal in number to at least one (1) percentum of the total number of votes cast in the last preceding general municipal election in the electoral district. Each such nominating petition shall be filed with the clerk at any time after the recall petition is found sufficient and filed with the council, but not less than twenty-five (25) days before such recall election.

Except as herein otherwise provided, such special election shall be conducted, returned, and the result thereof declared, in all respects as are general municipal elections. There shall be placed on the recall ballot or voting machine, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of the person against whom the recall petition is filed) be recalled from the office of (title of office)?," following which question shall be the words "Yes" and "No." On such ballots or voting machines, following each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled in case such person shall be removed from office by said recall election. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on the question of the recall of any incumbent from office, shall vote "No" said incumbent shall continue in office. If a majority shall vote "Yes" said incumbent shall be deemed removed therefrom upon the qualification of the incumbent's successor. If the vote at any such recall election shall recall the officer then the candidate who has received the highest number of votes for the office shall thereby be elected and shall hold office for the unexpired term.

No recall petition shall be filed against any officer until such officer has actually held office for at least six (6) months. No person who has been recalled from office, or who has resigned from such office, while recall proceedings were pending against such person, shall be elected or appointed to any office in the city within one (1) year after such recall or resignation. Should any person resign from office while recall proceedings are pending against such person, the election provided for herein shall be called and proceeded with but shall be limited to the purpose of electing such person's successor in office.

If a majority of the council shall fail or refuse to act in such recall proceedings, compliance with the provisions of this Section may be enforced by proceedings in the District Court of St. Louis County, at the suit of any citizen of this city. (As amended by election, March 20, 1956; Ord. No. 8639, 7-26-1982, § 19.)

Sec. 51. Initiative.

Any proposed ordinance of the city may be submitted to the council by a petition signed by electors of the city, as hereinafter required.

The provisions of Section 50 of this Charter, respecting the forms and conditions of the petition, the mode of verification, certification and filing, shall be substantially followed, with such modifications as the nature of the case requires.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty (20) percent of the total ballots cast at the last preceding general municipal election, and contains a request that said ordinance be submitted forthwith to a vote of the people, at a special election, then the council shall, except as herein provided, either:

(a) Pass said ordinance without alteration within twenty (20) days after attachment of the clerk's certificate of sufficiency to the accompanying petition; or

(b) Within twenty-five (25) days after such certification, proceed to call a special election, to be held not less than forty (40), nor more than fifty (50) days after such call, at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten (10), but less than twenty (20) percent of the total ballots cast at the last preceding general municipal election at which members of the council were elected, and said ordinance be not passed by the council, as provided in the preceding paragraph (a), then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election occurring at any time after twenty-five (25) days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Upon any ordinance being submitted to the council, as in this Section provided, the council may however, within ten (10) days after attachment of the clerk's certificate of sufficiency, pass an alternative ordinance covering the same subject matter. If within ten (10) days after the passage of such alternative ordinance, not less than fifty (50) percent of the petitioners for the submitted ordinance shall file with the clerk a petition for the withdrawal of their names from such petition the ordinance petitioned for shall not be submitted to a vote of the people, as petitioned for, and the alternative ordinance shall thereupon become effective. If a petition for withdrawal of names of at least fifty (50) percent of the petitioners for the ordinance be not filed with the clerk within said ten (10) days after the passage of such alternative ordinance, the ordinance petitioned for shall be submitted to a vote of the people, as in this Section provided. In such event the council may at the same time submit said alternative ordinance and the one receiving the highest number of votes at a said election shall thereupon become the ordinance of the city.

Whenever any ordinance or proposition is to be submitted to the voters of the city at any election, the council shall either cause the ordinance or proposition to be printed and mailed by the clerk, with a sample ballot to each voter, at least three (3) days prior to the election, or order such ordinance or proposition to be printed in the official newspaper, and published at least three (3) days prior to the election.

The council shall prepare suitable ballots for the submission of any ordinance provided for in this Section. If a majority of the electors voting on any such ordinance submitted by petition, vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this Section.

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

There shall not be held under this Section of the Charter more than one special election in any period of six (6) months; nor shall any such special election be called to be held within sixty (60) days prior to any general municipal election.

Any ordinance or measure that the council, or the qualified electors of the city, shall have authority to enact, the council may, of its own motion, submit to the electors for adoption or rejection at a general or special municipal election. (As amended by election, September 8, 1964.)

Sec. 52. Referendum.

No ordinance passed by the council shall go into effect before thirty (30) days from the time of its last publication, except when otherwise required by the general laws of the state or by provisions of this Charter.

If, during said thirty (30) days a petition, signed by qualified electors of the city equal in number to at least ten (10) percent of the total ballots cast at the last preceding general municipal election protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation; and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as provided in Section 51 of this Charter, to a vote of the electors of the city, either at the next general municipal election, or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of sections 50 and 51 of this Charter, respecting the forms and conditions of the petition, and the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

An ordinance approved upon referendum shall have no greater force or dignity than an ordinance passed by the council without referendum, and shall be subject to amendment and repeal in the regular manner. Similarly, an ordinance submitted to the people at the option of the council shall be subject to repeal in the regular manner. But an ordinance proposed by petition and adopted by a vote of the people cannot be repealed or amended except by vote of the people. (As amended by election, September 8, 1964.)