

CHAPTER 5 INITIATIVE, REFERENDUM AND RECALL OF ELECTIVE OFFICERS

Sec. 5.01. Recall; Method Prescribed.

The holder of any elective office may be removed at any time by the electors registered to vote for a successor of such incumbent in the following manner:

- (1) Committee to institute action. Any five (5) registered voters who are constituents of the officer of the City whose recall is proposed may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred (200) words, and their intention to bring about such recall. **The certificate must state grounds for removal, which constitute malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office of a serious crime.** A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.
- (2) Recall petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature shall be in substantially the following form:

RECALL PETITION

proposing the recall of _____ from office as _____ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of registered voters.

Name	Address
1.	
2.	
3.	
4.	
5.	

The undersigned eligible voters understanding the nature of the grounds for removal of the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name	Address
1.	
2.	
3.	

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

The petition must be signed by registered voters equal in number to at least fifteen (15) percentum of the total number of registered voters in the constituency of the elected officer whose recall is petitioned in the City of Mankato.

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- (3) Filing of petition. Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the same within the next twenty (20) days, and shall attach to said petition a certificate showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, the City Clerk shall so notify one (1) or more members of the committee, and said petition may be amended within ten (10) days from the date of such notification. The City Clerk shall, within twenty (20) days after such amendment, make like examination of the amended petition, and if the 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 City Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed. If the officer sought to be removed does not resign within five (5) days after the filing of said petition, the Council shall fix a date for holding said election not less than thirty-five (35) nor more than forty-five (45) days from the date of the City Clerk's certificate that a sufficient petition is filed; provided that if any other municipal election is to occur within sixty (60) days from said date, the Council shall provide for the holding of the recall election at that time.

Sec. 5.02. Cause of Recall.

In the call for the election, there shall be given the statement of the grounds for the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred (200) words, the officer may justify his or her course in office.

Sec. 5.03. Recall Elections.

Subd. 1. Recall. The City Clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, except as hereinafter provided, returns be made, and the result thereof declared, in all respects as in other City elections. Only registered voters in the constituency of the elected officer whose recall is petitioned shall be permitted to vote. The form of the ballot at such election shall be as near as may be as follows: "Shall A be recalled?", the name of the officer whose recall is being sought being inserted in the place of A, and the electors shall be permitted to vote separately "yes" or "no" upon this question. In case of a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, the officer shall be thereby removed from office.

Subd. 2. Election to Fill Recall Vacancy. In the event an officer has been recalled, the resulting vacancy shall be filled by special election. The special election shall occur and be conducted in the same manner as other special elections to fill vacancies on the Council except that a special election shall be held without regard to the amount of time remaining on the recalled official's term of office. The recalled officer shall not be a candidate at such special election and shall be ineligible under any circumstances to hold the office from which he/she was recalled until the next general election for such office.

Sec. 5.04. Recall; Time Limit.

No recall petition shall be filed against any officer until the officer has held office at least three (3) months.

Sec. 5.05. Direct Legislation.

Subd. 1. Initiation of Ordinances. Any five (5) registered voters may form themselves into a committee for the initiation of any ordinance creating or establishing a general rule for the conduct of City affairs or a penal ordinance prohibiting certain conduct inimical to the public welfare. No Ordinance shall be initiated

hereunder that would apply to specific administrative acts, the exercise of existing grants of authority and/or discretionary acts such as, without limitation by way of enumeration: settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sales of bonds, appointment of city officials, levying of taxes, granting of licenses and permits, the adoption of budgets, approval or disapproval of plats, variances, conditional use permits, zoning or rezoning requests, laying out of streets or like, specific administrative or quasi judicial acts dealing with the exercise of authority in the specific instance. After formulating their ordinance they shall file a certified copy thereof with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Subd. 2. Form, Conditions, Verification, Certification and Filing of Petition. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. The provisions of Section 5.01 hereof respecting the forms and condition of the petition, the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Subd. 3. Fifteen Percent Petition. If the petition be signed by registered voters equal in number to fifteen (15) percentum of the entire number of registered voters in the City of Mankato, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the Council shall either:

- (a) Pass said ordinance without alteration within twenty (20) days after attachment of the City clerk's certificate of sufficiency to the petition; or
- (b) Within twenty-five (25) days after such certification, proceed to call a special election to be held within sixty (60) days after certification, at which said ordinance without alteration shall be submitted to a vote of the people; unless a regular municipal election is to occur within sixty (60) days after such certification, in which case it shall be submitted at such election; or
- (c) In case the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the City Clerk within ten (10) days from the passage thereof by the Council, then the ordinance need not be submitted to the electors.

Subd. 4. Publication of Popular Ordinance. Whenever any ordinance is to be submitted to the voters of the City at any election, the Council shall either cause the ordinance to be printed and mailed by the City Clerk with a sample ballot to each voter at least ten (10) days prior to the election, or order such ordinance to be printed in the official newspaper and published in like manner as ordinances adopted by the Council.

Subd. 5. Election. The ballots used in voting upon such proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the electors voting on said proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

Subd. 6. Several Ordinances at One Election. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section.

Subd. 7. Repeal of Popular Ordinance. The Council may submit a proposition for the repeal of any such ordinance, or for amendment thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinance shall be repealed or amended accordingly. Initiated ordinances adopted by the electors shall be published and may be amended or repealed by the Council as in the case of other ordinances.

Sec. 5.06. Referendum.

Subd. 1. No ordinance passed by the Council shall go into effect before thirty (30) days from the time of its publication, except when otherwise required by the general laws of the State, or by the provisions of this Charter respecting street improvements and except an ordinance for the immediate preservation of the public peace, health and safety, which contains a statement of its urgency, and is passed by a five-sevenths vote of the Council; provided that no grant of any franchise shall be construed to be urgent. Franchises shall be subject to the referendum vote herein provided. If during said thirty (30) days a petition signed by registered voters of the City equal in number to at least fifteen (15) percentum of the entire number of registered voters in the City protesting against the passage of such ordinance be presented to the Council, the same shall thereupon be suspended from going into operation provided the ordinance which is the subject of the petition would have properly been the subject of an initiative petition under Section 5.05 of this Charter. It shall be the duty of the Council to reconsider such ordinances, and if the same be not entirely repealed, the Council shall submit the ordinance as provided in Section 5.05 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. Such ordinance shall not become operative unless a majority of the electors voting on the same shall vote in favor thereof. The provisions of Sections 5.01 and 5.05 respecting the formation of committees to institute action and initiate ordinances, and respecting 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.

Subd. 2. Any ordinance that the 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 in the same manner and with the same force and effect as is provided for ordinances submitted on petition under Section 5.05 of this Charter.