

1-1 By: Moody (Senate Sponsor - Rodriguez) H.B. No. 3015  
 1-2 (In the Senate - Received from the House May 9, 2013;  
 1-3 May 10, 2013, read first time and referred to Committee on State  
 1-4 Affairs; May 20, 2013, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to a recall election for officials of certain general-law  
 1-20 municipalities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 21, Local Government Code, is amended by  
 1-23 adding Subchapter C to read as follows:

1-24 SUBCHAPTER C. REMOVAL OF MEMBER OF GOVERNING BODY OF CERTAIN  
 1-25 GENERAL-LAW MUNICIPALITIES FOLLOWING ELECTION

1-26 Sec. 21.101. REMOVAL BY RECALL ELECTION AUTHORIZED. A  
 1-27 member of the governing body of a general-law municipality with a  
 1-28 population of less than 5,000 located in a county that borders the  
 1-29 United Mexican States and has a population of more than 800,000 may  
 1-30 be removed from office through a recall election initiated by  
 1-31 petition as provided by this subchapter.

1-32 Sec. 21.102. PETITION. (a) Before circulating a petition,  
 1-33 a notice of intent to circulate a petition must be filed with the  
 1-34 municipal clerk. A notice of intent to circulate a petition may not  
 1-35 be filed before the 180th day after the date the officer whose  
 1-36 removal is sought:

1-37 (1) was elected; or  
 1-38 (2) was subject to an unsuccessful recall election.

1-39 (b) After notice is filed under Subsection (a), a petition  
 1-40 may be circulated. Each page of the petition must legibly and  
 1-41 conspicuously:

1-42 (1) be titled "Recall Petition";  
 1-43 (2) state that the petition seeks to initiate a recall  
 1-44 election to remove a member of the governing body;  
 1-45 (3) state the full name and title of the member whose  
 1-46 removal is sought; and  
 1-47 (4) state the reasons for seeking removal.

1-48 (c) For a signature to be valid, it must:

1-49 (1) comply with the requirements of Section 277.002,  
 1-50 Election Code; and  
 1-51 (2) be the signature of a registered voter in the  
 1-52 territory that elected the member whose removal is sought.

1-53 (d) At least one signer of the petition must swear before a  
 1-54 notary public or other person authorized to administer oaths that  
 1-55 each signature on the petition was made by the person whose  
 1-56 signature it purports to be, and that oath must be memorialized on  
 1-57 the petition.

1-58 (e) A petition is valid if:

1-59 (1) the petition complies with the requirements of  
 1-60 Subsections (a), (b), (c), and (d) of this section and Chapter 277,  
 1-61 Election Code;

2-1 (2) the total number of valid signatures on the  
2-2 petition equals at least 50 percent of the total number of votes  
2-3 cast in the most recent election of the member whose removal is  
2-4 sought that was not a runoff election; and

2-5 (3) the petition is filed with the municipal clerk not  
2-6 later than the 30th day after the date of the filing of notice under  
2-7 Subsection (a).

2-8 Sec. 21.103. REVIEW OF PETITION. (a) Not later than the  
2-9 10th day after the date a petition is filed, the municipal clerk  
2-10 shall review the petition and determine whether the petition is  
2-11 valid.

2-12 (b) If the municipal clerk determines the petition is valid,  
2-13 the clerk shall attach a certificate to the petition stating that  
2-14 the petition is valid and submit the petition and certificate to the  
2-15 governing body of the municipality as soon as practicable. If the  
2-16 clerk determines that the petition is not valid:

2-17 (1) the clerk shall attach a certificate to the  
2-18 petition stating the facts supporting the determination that the  
2-19 petition is not valid;

2-20 (2) the clerk shall notify the person who filed the  
2-21 petition of the clerk's determination;

2-22 (3) the petition may be amended or supplemented and  
2-23 resubmitted not later than the 10th day after the date of the  
2-24 certification under Subdivision (1); and

2-25 (4) the clerk shall return the petition to the person  
2-26 who filed it.

2-27 (c) The municipal clerk shall determine the validity of a  
2-28 petition resubmitted under Subsection (b)(3) in the same manner as  
2-29 the original submission except that if the clerk determines the  
2-30 petition is not valid the petition may not be further amended or  
2-31 supplemented and the recall election is not held.

2-32 Sec. 21.104. ELECTION. (a) Unless the member who is the  
2-33 target of the petition resigns before the sixth day after the date a  
2-34 petition and certificate are delivered to the governing body of the  
2-35 municipality, the governing body shall order that a recall election  
2-36 be held on the first uniform election date that occurs 78 days after  
2-37 the date of the order.

2-38 (b) The ballot for a recall election shall be printed to  
2-39 permit voting for or against the proposition: "The removal of (name  
2-40 of the member of the governing body) from the governing body of  
2-41 (name of the municipality)".

2-42 (c) If less than a majority of the votes received at the  
2-43 recall election are in favor of removal of the member of the  
2-44 governing body named on the ballot, the member remains in office.  
2-45 If a majority of the votes received are in favor of the removal of  
2-46 the member, the governing body shall immediately declare the  
2-47 member's office vacant and the vacancy shall be filled in the manner  
2-48 prescribed by law for filling a vacancy on the governing body. A  
2-49 member removed by recall may not be appointed to fill the vacancy  
2-50 and may not be a candidate in any election called to fill the  
2-51 vacancy.

2-52 Sec. 21.105. CLERK. In this subchapter, a municipal clerk  
2-53 includes a municipal secretary or any other officer of the  
2-54 municipality who performs the duties of a municipal clerk or  
2-55 secretary.

2-56 SECTION 2. The heading to Subchapter B, Chapter 21, Local  
2-57 Government Code, is amended to read as follows:

2-58 SUBCHAPTER B. JUDICIAL REMOVAL OF MEMBER OF GOVERNING BODY OF  
2-59 GENERAL-LAW MUNICIPALITY

2-60 SECTION 3. This Act takes effect immediately if it receives  
2-61 a vote of two-thirds of all the members elected to each house, as  
2-62 provided by Section 39, Article III, Texas Constitution. If this  
2-63 Act does not receive the vote necessary for immediate effect, this  
2-64 Act takes effect September 1, 2013.

2-65 \* \* \* \* \*