

The following is an excerpt from the
Dallas City Charter relating to
Chapter IV – Elections and Referendums.

CHARTER

city of

DALLAS, TEXAS



CITY OF DALLAS

February 2015 Printing

- (4) inspect or direct the city records management officer to inspect the city records and report to the city council and the city manager any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law;
- (5) administer oaths;
- (6) attest contracts, assessment certificates, and other legal instruments when executed by the authorized officers of the city;
- (7) serve as the election official for all city elections; and
- (8) perform such other duties as may be required of the city secretary by this Charter, the city council, or state law. (Amend. of 5-1-93, Prop. No. 9)

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 1. HOLDING OF MUNICIPAL ELECTIONS.

All municipal elections shall be held under the provisions of this Charter unless the laws of the State of Texas applicable to city elections require otherwise. (Amend. of 4-3-76, Prop. No. 10)

SEC. 2. QUALIFICATIONS OF VOTERS.

(a) All qualified electors of the state who reside within the city shall have the right to vote in all city elections.

(b) In this Charter, the terms “qualified voter,” “registered voter,” “qualified elector,” and “registered elector” are synonymous and may be used interchangeably. (Amend. of 4-3-76, Prop. No. 10; Amend. of 4-2-83, Prop. No. 4; Amend. of 5-1-93, Prop. No. 6)

SEC. 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after March 1 of each odd-numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in May of odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this

Charter, or until their respective successors shall have been elected, qualified, and taken office. (Amend. of 4-2-83, Prop. No. 4; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-3-97, Prop. No. 7; Amend. of 11-8-05, Prop. No. 6)

SEC. 4. ELECTION OF CITY COUNCIL MEMBERS.

All qualified voters of the city shall be entitled to vote for a candidate in Place 15. The qualified voters of the respective districts shall be entitled to vote for one candidate from Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, corresponding to the district of which the voter is a resident. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 1)

SEC. 5. DISTRICTS AND REDISTRICTING.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than 30 days after the city council is briefed on the federal decennial census taken in the prior year, each member of the city council shall appoint one member of the redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

(2) Persons appointed to the redistricting commission must be registered to vote and meet the qualifications for service on a city commission. A member of the city council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.

(3) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic, and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

(4) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.

(5) City council members may not have contact, directly or indirectly, with a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

(6) Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the

proposed plan must be approved by a vote of three-fourths of the members of the city council. If final action is not taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(7) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city. (Amend. of 8-12-89, Prop. Nos. 1 and 4; Amend. of 5-1-93, Prop. No. 1; Amend. of 11-8-05, Prop. No. 7; Amend. of 11-4-14, Prop. No. 6)

SEC. 6. CANDIDATE'S RESIDENCE.

(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, and has resided within the district in which the person is a candidate for a period of at least six months prior to the date of the election. Any person elected to a place representing a district must continuously reside in the district during that person's term of office. A candidate for member of council, Place 15, may be a resident of any portion of the city, must have resided in the city for a period of at least six months prior to the date of the election, and must continuously reside within the city during the person's term of office.

(b) If the district in which a person will have resided for at least six months prior to the date of an election will change because of the relocation of a district boundary, the person is eligible to become a candidate:

(1) for the new district assigned to the person's residence; or

(2) for the previous district of the person's residence if the person moves to a residence within the revised boundaries of that district prior to becoming a candidate for election.

(c) No person may appear on the official ballot as a candidate for a place on the city council unless:

(1) that person files with the city secretary a signed, sworn, and dated affidavit certifying compliance with the residency requirements of this section, except that a sworn application for a place on the ballot filed with the city secretary in accordance with the Texas Election Code will satisfy the requirements of this paragraph; and

(2) the city secretary is reasonably able to verify the truth of the affidavit of residency. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 1)

SEC. 7. NOMINATION BY PETITION.

A person desiring to become a candidate for the city council shall file with the city secretary, within the time required by the Texas Election Code, as amended, an application for a place on the ballot and a petition signed by qualified voters of the city eligible to vote for the candidate equal in number to the minimum number of signatures required for a candidate petition by the Texas Election Code, as amended. Each application and petition must comply in form, content, and procedure with the Texas Election Code, as amended. (Amend. of 6-12-73, Prop. No. 11; Amend. of 4-2-83, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6)

SEC. 8. DESIGNATION ON OFFICIAL BALLOT.

The places on the official ballot shall be designated as "Member of Council, Place No. ____," designating the place numbers for which the voters in each district are eligible to vote, with Place 15 designated as mayor and being the first in order and the others being in numerical order, and the candidate's name shall appear in the place for which the candidate's petition and application were filed. The city secretary shall make up the official ballot from the names presented to the city secretary in the manner required by this Charter. The order in which the names of the candidates for each place must appear on the ballot will be determined by lot, in a drawing held under the supervision of the city secretary. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6)

SEC. 9. CANVASS OF ELECTION.

The city council shall canvass and certify the results of any general or special election in accordance with the Texas Election Code, as amended. (Amend. of 8-12-89, Prop. No. 5; Amend. of 5-1-93, Prop. No. 6)

SEC. 10. CANDIDATES ELECTED.

The candidate in the election receiving a majority of all of the votes cast for the position of city council member for the place for which the candidate ran, shall be declared elected. (Amend. of 8-12-89, Prop. No. 5)

SEC. 11. RUNOFF ELECTIONS.

If no candidate for a particular office receives a majority of the votes cast for all candidates for that office in the first election, a runoff election for that office is required.

Candidates in the runoff election will be listed on the ballot in the order of their standing in the first election. If two candidates tie in the number of votes received in the first election, they shall cast lots to determine the order in which their names will be listed on the runoff ballot. The runoff election will be conducted in accordance with the Texas Election Code, as amended. (Amend. of 4-2-83, Prop. No. 4; Amend. of 8-12-89, Prop. No. 5; Amend. of 5-1-93, Prop. No. 6)

SEC. 12. PETITION REQUIREMENTS.

(a) To be valid, a petition submitted for the purpose of complying with an election process must comply with the Texas Election Code, as amended.

(b) Every person circulating a petition or page of a petition, other than a petition to place a candidate's name on the ballot, shall file with the city secretary an affidavit containing the person's name and address and a statement that:

- (1) the person circulated the petition;
- (2) the purpose was explained to each signer;
- (3) each signer freely provided all information required;
- (4) all statements contained in the petition are true; and

(5) the person witnessed the affixing of each signature on the petition. (Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6)

SEC. 13. DISCLOSURE OF CANDIDATE CONTRIBUTIONS.

(a) The city secretary shall cause to be published, in a newspaper of general circulation or on the city's website, on at least two separate dates (20 and two days, respectively) prior to each election or recall election, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council that have been reported to the city secretary prior to the dates of publication.

(b) The city secretary shall also cause to be published, in a newspaper of general circulation or on the city's website, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council reported to the city secretary following any election or recall election.

(c) The city council shall provide sufficient resources to the city secretary to implement the mandate of this section. (Amend. of 11-8-05, Prop. No. 6)

CHAPTER V. RECALL OF CITY COUNCIL MEMBERS

SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS.

Any member of the city council may be recalled and removed from office by the electors qualified to vote for a successor of the incumbent as provided in this chapter. The procedure to remove members of the city council is as follows:

(1) A petition demanding the recall of the city council member must be filed with the city secretary. The petition must:

(A) be signed by qualified voters entitled to vote for a successor to the member sought to be removed, equal in number to at least 15 percent of the number of voters who, on the date of the last preceding general municipal election, were entitled to vote for the place occupied by the member sought to be removed;

(B) contain a general statement of the grounds for which the removal is sought; and

(C) comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

(2) On the day that the petition is first circulated, notice must be given in writing to the city secretary by five registered voters of the city council district from which the member is sought to be removed, and the total signatures required must be secured and the petition filed within 60 days after the city secretary receives the notice.

(3) Within 30 days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination. (Amend. of 6-12-73, Prop. No. 12; Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6)