

**ADDENDUM TO RESPONDENTS' BRIEF**

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**TABLE OF CONTENTS**

Saint Paul, Minnesota City Charter, Chapter 8 (2019).....*Add. 1*

## CHAPTER 8. - INITIATIVE, REFERENDUM, AND RECALL

### Sec. 8.01. - Initiative, referendum and recall.

The people shall have the right to propose ordinances, to require ordinances to be submitted to a vote, and to recall elective officials by processes known respectively as initiative, referendum and recall.

### Sec. 8.02. - Petition.

Initiative, referendum or recall shall be initiated by a petition

- (1) signed by registered voters of the city equal in number to eight (8) percent of those who voted for the office of mayor in the last preceding city election in the case of initiative or referendum, or
- (2) signed by registered voters of the city equal in number to twenty (20) percent of those who voted for the office of mayor in the last preceding city election in the case of recall of the office of mayor, or
- (3) signed by registered voters of the relevant council ward equal in number to twenty (20) percent of those who voted for the relevant office of councilmember in the last preceding city election or fifteen (15) percent of the registered voters in the relevant council ward, whichever number is greater.

(C.F. No. 10-635, § 2, 7-21-10; Ord. No. 12-9, § 2, 3-28-12)

#### Sec. 8.02.1.

A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 8.04, Section 8.05 or Section 8.07, as the case may be.

#### Sec. 8.02.2.

Each signer of the petition shall write thereon the petitioner's name and the street number and council ward or legislative district and precinct designation of the petitioner's residence.

(Ord. No. 17665, § 6, 6-29-89; Ord. No. 12-9, § 2, 3-28-12)

#### Sec. 8.02.3.

Each separate page of the petition shall have appended thereto a certificate, verified by oath, that each signature was affixed by the person purporting to have signed the same in the presence of the person making the certificate. The person making the certificate shall be a resident of the city.

#### Sec. 8.02.4.

Any person whose name appears on a petition may withdraw his or her name by a statement in writing filed with the city clerk before the clerk advises the council as to the sufficiency of the petition. Any name appearing on any petition which does not comply with the foregoing requirements, except as to council ward or legislative district and precinct designation, shall be stricken, and no names shall be counted which have not been verified.

(Ord. No. 17665, § 6, 6-29-89; Ord. No. 12-9, § 2, 3-28-12)

Sec. 8.03. - Determination of sufficiency.

Any petition seeking initiative, referendum and recall hereunder shall be deemed received by the council when it is filed with the city clerk, for which filing there shall be no fee. Immediately upon receipt of the petition the city clerk shall examine the petition as to its sufficiency and report to the council within twenty (20) calendar days, except that in the case of a recall petition it shall be thirty (30) calendar days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.

Sec. 8.04. - Initiative.

Any ordinance may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the ordinance sought to be proposed. If the council fails to enact the ordinance without change within sixty (60) days after the filing of the petition with the city clerk, it shall be placed on the ballot at the next general election in the city which occurs on or after the 120th day from the filing of the petition with the city clerk. If a majority of those voting on the ordinance vote in its favor, it shall become effective immediately.

**Editor's note**— Section 8.04 amended by Ord. No. 17339, C.F. 86-320, adopted by city council April 10, 1986, pursuant to Minnesota Statutes, Section 410.12.

Sec. 8.05. - Referendum.

Any ordinance or resolution passed pursuant to subdivisions (5) or (6) of Section 6.03.3 of this Charter may be subjected to referendum by a petition filed within forty-five (45) days after its publication. The petition shall state, at the head of each page or in an attached paper, a description of the ordinance or resolution involved. Any ordinance or resolution upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance or resolution is not thereafter entirely repealed, it shall be placed on the ballot at the next election, or at a special election called for that purpose, as the council shall determine. The ordinance or resolution shall not become operative until a majority of those voting on the ordinance or resolution vote in its favor.

If a petition is filed against an emergency ordinance, the ordinance shall remain in effect, but shall be placed on the ballot at the next election or a special election called for that purpose, and shall be repealed if a majority of those voting on the ordinance vote to repeal it.

**Editor's note**— Section 8.05 amended by Ord. No. 16213, C.F. 26813, C.F. 268534, adopted by the city council Mar. 24, 1977, pursuant to Minnesota Statutes, Section 410.12.

Sec. 8.06. - Repeal of ordinances or resolutions submitted to voters.

No ordinance adopted by the voters on initiative or ordinance or resolution approved by referendum shall be repealed within one year after its approval.

**Editor's note**— Section 8.06 amended by Ord. No. 16213, C.F. 268534, adopted by the city council March 24, 1977, pursuant to Minnesota Statutes, Section 410.12.

Sec. 8.07. - Recall.

Any person holding an elective office, other than an office created by special law, may be removed by recall. The petition shall state at the head of each page a demand for the removal of the officer, the office held, and a brief description of the grounds for recall.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.1.

If the council finds a recall petition to be sufficient, it shall notify the officer involved and announce the same at its next meeting. Any officer so named may resign within five (5) calendar days after being notified as to the sufficiency of the petition. If the officer does not resign, a recall election shall be held.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.2.

Within ten (10) days after the council has found the petition to be sufficient, it shall order a special election to be held within sixty (60) days to determine whether the officer shall be removed. If a majority of those voting on the question shall vote in favor of removal, the office shall be deemed vacant and filled as provided in this Charter.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.3.

If any election is to be held within ninety (90) days and not less than thirty (30) days after filing of the petition, the council shall postpone the recall election until that time.

Sec. 8.07.4.

No recall petition shall be filed against any officer during the first or the last six (6) months of the officer's term.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.5.

In the published notice of any recall election there shall be printed in not more than two hundred (200) words the grounds for recall stated in the petition, and the officer sought to be recalled may respond in not more than two hundred (200) words.

Sec. 8.08. - Disposition of insufficient petitions.

If the council determines that the petition is insufficient or irregular, the city clerk shall deliver a copy of the petition to the person or persons therein named to receive it, together with a written statement of its defects. The persons circulating the petition shall be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the council finds that the petition is still insufficient or irregular, the city clerk shall file the petition in the clerk's office and notify the persons previously notified of the defects. The final finding of insufficiency or irregularity shall not prejudice the filing of a new petition for the same purpose nor, in the case of an initiated or referred ordinance or resolution, shall it prevent the council from referring the ordinance or resolution to the voters at the next regular or special election at its option.

(Ord. No. 17665, § 6, 6-29-89)

**Editor's note**— Section 8.08 amended by Ord. No. 16213, C.F. 268534, adopted by the city council March 24, 1977, pursuant to Minnesota Statutes, Section 410.12.