

**ARTICLE VII  
INITIATIVE AND REFERENDUM**

**§ 7.01. General Authority.**

- (a) **Initiative:** The qualified voters of the city shall have the power to propose ordinances to the city council that are not in conflict with this charter, state law, or the state constitution, but this power shall not extend to ordinances appropriating money, levying taxes, or relating to zoning. If the city council fails to adopt the proposed ordinance, the voters may approve or reject it at a city election.
- (b) **Referendum:** The qualified voters of the city shall have the power to require council reconsideration of any adopted ordinance, but this power does not extend to an ordinance relating to appropriation of money, levy of taxes, or zoning; nor does referendum authority extend to the budget, the capital program, an emergency ordinance, or bonds issued pursuant to an election. If the council fails to repeal an ordinance so reconsidered, the voters may approve or reject it at a city election.
- (c) **Nonbinding referendum:** The qualified voters of the city may petition the council to hold a nonbinding referendum election on any issue that affects the city, but this power does not extend to an ordinance relating to appropriation of money, levy of taxes, zoning, the budget, the capital program, an emergency ordinance, or bonds issued pursuant to another election. The city council is not required to call an election if a petition for a nonbinding referendum is submitted. The city council may call a nonbinding referendum election on any issue on its own motion.

**§ 7.02. Petitioners' Committee and Affidavit.**

Any five qualified voters may begin initiative, referendum or nonbinding referendum proceedings by filing an affidavit with the city secretary stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names and addresses, their voter's registration numbers and the address or addresses to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, cite the ordinance sought to be reconsidered, or the question proposed to be submitted to the voters at a nonbinding referendum election. When the affidavit is filed, the city secretary shall, by the next business day, issue the appropriate petition blanks to the committee.

**§ 7.03. Petitions.**

- (a) **Number of signatures:** Initiative, referendum and nonbinding referendum petitions must be signed by least fifteen percent of the number of qualified voters registered to vote at the last regular city election.
- (b) **Form and content:** All papers of a petition shall be of uniform size and style and shall be assembled as one instrument for filing. Each person signing the petition shall personally sign their own name in ink or indelible pencil and the petition shall also include each signer's name, voter's registration number or date of birth, residence address and the date of signing. Petitions shall contain or have attached to them throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or the question proposed to be submitted at a nonbinding referendum election.

- (c) Circulator's affidavit: When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator attesting (1) that he/she personally circulated the paper, (2) the number of signatures on the paper, (3) that all the signatures were made in their presence, (4) that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and (5) that each signer had an opportunity before signing to read the full text of the ordinance or proposition at issue.
- (d) Time for filing referendum petitions: Petitions must be filed within one hundred eighty days after issuance of the appropriate blanks to the petitioners' committee. Additional time as specified in section 7.04 shall be allowed for amending petitions.  
(November 2, 2021, measure E, F)

#### **§ 7.04. Determining Sufficiency of Petition.**

- (a) Certificate of city secretary: Within ten days after a petition is filed, the city secretary shall complete a certificate as to its sufficiency. If the petition is found to be insufficient, the certificate shall specify the particulars of its defects. When the certification is complete, the city secretary shall by next business day, send a copy of the certificate to each member of the petitioners' committee by certified mail.
- (b) Sufficient petition, final determination: If the petition is certified sufficient, the city secretary shall present the certificate to the city council at the next regular council meeting. The certificate shall be a final determination of the sufficiency of the petition.
- (c) Insufficient petition, final determination: If the petition is certified insufficient and the petitioners' committee does not pursue its options under subsections (d) and (e), the city secretary shall present the certificate to the city council at the next regular council meeting. The certificate shall be a final determination of the insufficiency of the petition.
- (d) Insufficient petition, appeal: If the petition is certified insufficient and the petitioners' committee does not file notice of intention to amend as provided in subsection (e) within two working days after receipt of the certificate, the committee may file a request that the city council review the certificate. The council shall review the certificate at its next regular meeting after the request is filed and shall approve or disapprove the certificate. The council's determination shall be a final determination of the sufficiency of the petition.
- (e) Insufficient petition, amendment: If the petition is certified insufficient because it lacks the required number of valid signatures, it may be amended one time only. The petitioners' committee shall file notice that it intends to amend the petition with the city secretary within two working days after receipt of the certificate. A supplementary petition with additional signatures and in a form that complies with sections 7.03(b) and (c) must be filed within two weeks after receipt of the certificate.

Within five days after an amended petition is filed, the city secretary shall complete a certificate as to its sufficiency. Within twenty-four hours of completion, the city secretary shall send a copy of the certificate to each member of the petitioners' committee by certified mail. The final determination of the sufficiency of an amended petition shall be

as prescribed by subsections (b), (c), and (d) of this section. An amended petition shall not be amended again.

- (f) Court review; new petition: A final determination of the sufficiency of a petition is subject to judicial review. A final determination that the petition is insufficient, even if sustained by a court, shall not prevent the filing of a new petition for the same purpose.

#### **§ 7.05. Effect of Ordinance Suspended.**

If a referendum petition is determined to be sufficient, the ordinance that is the subject of the petition shall be suspended until the council repeals or amends the ordinance as requested by the petition or until the ordinance is upheld by election.

#### **§ 7.06. Action on Petitions.**

- (a) Council action: Within thirty days after the date an initiative or referendum petition is certified as sufficient, the city council shall either (1) adopt a proposed initiative ordinance without any change in substance, or (2) repeal a referred ordinance, or (3) call an election on the proposed or referred ordinance according to subsection (b).
- (b) Election on proposed or referred ordinance: An election shall be held at the next uniform election date in accordance with state law but not earlier than 30 days after the date the council calls the election. If a regular city election falls within the specified period, the ordinance election shall be included on the ballot. Copies of the proposed or referred ordinance shall be available at the polls. Special elections for initiated or referred ordinances shall not be held more often than once each six months. Further, if an initiated ordinance is rejected or a referred ordinance is sustained in an election, no ordinance that is substantially the same may be the subject of an initiative or referendum petition within two years from the date of that election.
- (c) Publication of proposed or referred ordinance: The city secretary shall publish the proposed or referred ordinance on the city's official website or other electronic media that is readily accessible to the public for the fifteen days preceding the election. The caption of the proposed or referred ordinance shall also be posted at city hall for at least fifteen days preceding the election, and copies shall be available at city hall upon request.
- (d) Petition withdrawn: The petitioners' committee may withdraw an initiative or referendum petition at any time before a final determination that it is sufficient by filing a request to withdraw with the city secretary. The request shall be signed by at least four members of the petitioners' committee. When a request is filed, the petition shall have no further force or effect and all related proceedings shall be terminated.

#### **§ 7.07. Election Results.**

- (a) Initiative: If a majority of votes cast are in favor of a proposed ordinance, it shall be considered adopted and shall be effective from the date the election results are certified just as if it had been adopted by the city council. If conflicting ordinances are approved at the same election, both ordinances shall be given effect to the extent possible;

however, the ordinance receiving the greatest number of affirmative votes shall prevail to the extent of the conflict.

- (b) Repeal or amendment of initiated ordinance: An ordinance adopted by initiative shall not be repealed or amended for two years after its effective date.
- (c) Referendum: If a majority of votes cast are against the referred ordinance, it shall be considered repealed, and the repeal shall be effective from the date election results are certified. If a majority of votes cast are in favor of the referred ordinance, it shall remain in effect and the referendum petition shall become void.
- (d) Readoption of referred ordinance: An ordinance repealed by referendum shall not be re-enacted for two years from its repeal.