

ARTICLE IX. - INITIATIVE AND REFERENDUM

§ 9.01. - General authority.

- (a) *Initiative.* The qualified electors of the city shall have the power to propose ordinances to the council as hereinafter provided in section 9.03 et seq, and if the council fails to adopt the ordinance so proposed, with or without any change in substance, then the same shall be submitted to the electors to adopt or reject at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Referendum.* The qualified electors of the city shall have the power to require reconsideration by the council of any adopted ordinance as hereinafter provided in section 9.03 et seq, and if the council fails to repeal an ordinance so reconsidered, then the same shall be submitted to the electors to approve or reject it at a city election, provided that such power shall not extend to the budget or capital programs or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

§ 9.02. - Commencement of proceedings; petitioners' committee; affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

§ 9.03. - Petitions.

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) percent of the total number of qualified electors registered to vote at the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c)

Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the council of the ordinance sought to be reconsidered.
- (e) *Time limitations.* Petitions for an initiative or a referendum shall become null and void if not filed with the city clerk within ninety (90) days after the city clerk has received the petitioners' affidavit and issued the appropriate petition blanks to the petitioner committee.

§ 9.04. - Procedure after filing.

- (a) *Certificate of clerk; amendment.* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 9.03, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present the clerk's certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Council reviews.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within three (3) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c)

Court review; new petition. A final determination as to the sufficiency of a petition shall be subject to circuit court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

§ 9.05. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition, or
- (b) The petitioners' committee withdraws the petition, or
- (c) The council repeals the ordinance, or
- (d) Sixty (60) days have elapsed after a vote of the city on the ordinance.

§ 9.06. - Action on petitions.

- (a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in section 4.18 or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the electors of the city.
- (b) *Submission to electors.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 9.07. - Results of election.

- (a) *Initiative*. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification by the City Council of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum*. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification by the City Council of the election results.