

## Article VI - INITIATIVE AND REFERENDUM

### Section 6.1 - General Provisions.

#### A. Authority.

##### (1) Initiative.

The registered voters have the right to propose ordinances to the City Council and, if the City Council fails to adopt an ordinance so proposed without any change in substance or intent, to have the ordinance submitted to the voters at an election.

##### (2) Referendum.

The registered voters have the right to require reconsideration by the City Council of an existing ordinance and, if the City Council fails to repeal such ordinance, to have it submitted to the voters at an election.

#### B. Limitations.

##### (1) Subject Matter.

The right of initiative and referendum shall not extend to any of the following:

- (a) Any measure of an executive or administrative nature;
- (b) The City budget;
- (c) The appropriation of money;
- (d) The levy of taxes or special assessments;
- (e) The issuance of General Obligation and Revenue Bonds;
- (f) Any measure which will interfere in any way with any contractual relations of the City, past, present or future;
- (g) Compensation of City employees and officials;
- (h) Emergency ordinances;
- (i) Any measure required of or imposed upon the City by, or contrary to, State or Federal law;
- (j) Amendments to this Charter, except as provided in Section 7.2 of this Charter;
- (k) Any measure affecting the City Zoning Ordinance;
- (l) Essential corporate services as defined by State law;

(m) Any measure involving annexation; and

(n) Any measure involving action, disposition or settlement of litigation.

(2) Resubmission.

No initiative or referendum petition shall be filed within two (2) years after the same measure or a measure substantially the same has been submitted to the voters at an election.

(3) City Council Repeal, Amendment and Reenactment.

No ordinance proposed by initiative petition and adopted by the vote of the City Council without submission to the voters or adopted by the voters pursuant to this Article may for two (2) years thereafter be repealed or amended, except by a vote of the people, unless provision is otherwise made in the original initiative petition. No ordinance referred by referendum petition and repealed by the vote of the City without submission to the voters or repealed by the voters pursuant to this article may be reenacted for two (2) years thereafter, except by vote of the people, unless provision is otherwise made in the original referendum petition.

C. Construction.

(1) Scope of Power.

It is intended that this article confer broad initiative and referendum powers upon the registered voters of the City of Oskaloosa, Iowa.

(2) Initiative.

It is intended that an initiative petition may seek to repeal an existing ordinance in whole or in part by virtue of proposing a new ordinance. It is intended that an initiative petition may propose to amend an existing ordinance.

(3) Referendum.

It is intended that a referendum petition may propose to repeal an ordinance in whole or in part.

D. Effect of Filing Petition.

The filing of an initiative or referendum petition does not suspend or invalidate any ordinance under construction and such ordinance shall remain in full force and effect until its amendment or repeal by City Council pursuant to this Charter or until a majority of the registered voters voting on such ordinance vote to repeal or amend the ordinance and the vote is certified.

E. City Obligation.

An initiative or referendum vote which repeals an existing ordinance in whole or in part does not affect any obligations entered into by the City, its agencies or any person in reliance on the ordinance during the time it was in effect.

#### Section 6.2 - Commencement of Proceedings; Affidavit.

##### A. Commencement.

One or more registered voters, hereafter referred to as the "petitioners," may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will supervise the circulation of the petition and will be responsible for filing it in proper form, stating their names and addresses and specifying the address to which all relevant notices are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

##### B. Affidavit.

The City Clerk shall accept the affidavit for filing if on its face it appears to have signatures of one or more registered voters. The City Clerk shall issue the appropriate petition forms to the petitioners within two (2) working days after the affidavit is accepted for filing.

#### Section 6.3 - Petitions; Revocation of Signatures.

##### A. Number of Signatures.

Initiative or referendum petitions must be signed by registered voters equal in number to at least twenty-five percent (25%) of the number of persons who voted in the last regular City election, but by not fewer than fifteen percent (15%) of the registered voters at the time of that same election.

##### B. Form and Content.

All papers of a petition prepared for filing must be substantially uniform in size and style and must be assembled as one instrument. Each signature on the petition must be followed by the address of the person signing and the date the signature is executed. A petition prepared for circulation must contain or have attached thereto throughout its circulation the full text of the ordinance proposed or sought to be reconsidered. The petition filed with the City Clerk need have attached to it only one copy of the ordinance being proposed or referred.

##### C. Affidavit of Circulator.

Each paper of a petition containing signatures must have attached to it when filed an affidavit executed by a registered voter certifying the number of signatures on the paper, that he or she personally circulated it, that all signatures were affixed in his or her presence, that he or she believes them to be 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. Any person filing a false affidavit will be liable to criminal penalties as provided by State law.

D. Time for Filing Initiative Petitions.

Signatures on an initiative petition must be secured and the petition filed within six (6) months after the date the affidavit required under Section 6.2A was filed.

E. Time for Filing Referendum Petitions.

Referendum petitions may be filed within sixty (60) days after final adoption by the Council of the ordinance sought to be reconsidered, or subsequently at any time more than two (2) years after such final adoption. The signatures on a referendum petition must be secured during the sixty (60) days after such final adoption; however, if the petition is filed more than two (2) years after final adoption, the signatures must be secured within six (6) months after the date the affidavit required under Section 6.2A was filed.

F. Revocation of Signatures.

Prior to the time a petition is filed with the City Clerk, a signatory may revoke his or her signature for any reason by filing with the City Clerk a statement of his or her intent to revoke such signature. After a petition is filed, a signatory may not revoke his or her signature. The City Clerk shall cause to be prepared and have available to the public forms suitable for the revocation of petition signatures.

#### Section 6.4 - Procedure After Filing.

A. Certificate of City Clerk; Amendment.

Within twenty (20) days after a 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 by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once, if one or more of the petitioners files a notice of intention to amend it with the City Clerk within two (2) working days after receiving a copy of such certificate and files a supplementary petition upon additional papers within fifteen (15) days after receiving a copy of such certificate. The time of filing the amendment must fall within the original petition time frame. Within fifteen (15) days after it is filed, the City 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 by registered mail, as in the case of an original petition. If a petition or amended petition is certified sufficient, the City Clerk shall promptly present the certificate to the Council.

B. Validity of Signatures.

A petition shall be deemed sufficient for the purposes of this Article if it contains valid signatures in the number prescribed by Section 6.3A and is timely filed, even if the petition contains one or more invalid signatures. A valid signature need not be in the identical form in which the registered voter's name appears on the voting rolls; nor may a signature be deemed invalid because the address accompanying the name on the petition is different from the address for the same name on the current voting rolls.

#### Section 6.5 - Action on Petitions.

##### A. Action by Council.

When an initiative or referendum petition has been determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the Council fails to adopt a proposed initiative ordinance or fails to adopt an ordinance which is similar in substance and intent within sixty (60) days, or if the Council 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 registered voters of the City as hereinafter prescribed. The council shall submit to the voters any ordinance which has been proposed or referred in accordance with the provisions of this Article. If at any time more than thirty (30) days before a scheduled initiative or referendum election the Council adopts the proposed initiative ordinance or adopts an ordinance which is similar in substance and intent or if the Council repeals a referred ordinance, the initiative or referendum proceedings shall terminate and the proposed or referred ordinance shall not be submitted to the voters.

##### B. Submission to Voters.

1. The vote on a proposed or referred ordinance shall be held at the regular City election or at a general election, whichever comes first.
2. The City Council shall provide for a special referendum election on a referred ordinance within ninety (90) days after the expiration of the sixty- (60) day period provided for reconsideration in Section 6.5A if there is no regular city election or general election within the ninety- (90) day period.
3. Copies of the proposed or referred ordinance shall be made available at the polls and shall be advertised at the City's expense in the manner prescribed by State law. The subject matter and purpose of the referred or proposed ordinance shall be indicated on the ballot.

#### Section 6.6 - Results of Election.

##### A. Initiative.

If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted, upon certification of the election results, and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council, except as provided in Section 6.1B(3). If conflicting ordinances are approved by majority vote 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 registered voters vote in favor of a referendum to repeal an ordinance, the referred ordinance shall be considered repealed, upon certification of the election results.