

CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

AMENDMENT: 2

TITLE: DELETING PROCEDURES FOR INITIATIVE AND REFERENDUM

SUMMARY: Procedures included in the charter for initiative and referendum elections will be deleted to streamline the charter. These procedures are included in Florida Statutes and the city's Election Code and are unnecessary in the charter.

TEXT: ~~Sec. 3.10. Initiative and referendum.~~

~~(1) — [Generally.]~~

~~(a) — *Initiative.* The qualified voters of the city shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital programs or any ordinances relating to appropriation of money, levy of taxes or salaries of city officers or employees.~~

~~(b) — *Referendum.* The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.~~

~~(2) — *Commencement of proceedings.* Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the commission 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 or other official designated by the commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.~~

~~(3) — *Petitions.*~~

~~(a) — *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifteen (15) percent of the total number of qualified voters 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 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 he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed~~

~~in his presence, that he believes them to be the genuine signature[s] 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 thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.~~

~~(4) *Procedure for filing.*~~

~~(a) — *Certificate of clerk; amendment.* Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk or other official designated by the commission 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 registered mail. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the commission within two (2) working 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 3.10(3), and within five (5) days after it is filed the clerk or other official designated by the commission 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 registered 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 commission review under subsection (b) of this section within the time required, the clerk or other official designated by the commission shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.~~

~~(b) — *Commission review.* 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 two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.~~

~~(5) — *Referendum petition; suspension of effect of ordinance.* When a referendum petition is filed with the city clerk or other official designated by the commission, 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 commission repeals the ordinance, or;~~
- ~~(d) — A vote of the city on the ordinance has been certified.~~

~~(6) — *Action on petitions.*~~

~~(a) — *Action by commission.* When an initiative or referendum petition has been finally~~

~~determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission 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, it shall submit the proposed or referred ordinance to the voters of the city.~~

~~(b) — *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion, provide for a special election at an earlier date within the described 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 fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the commission 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.~~

~~(7) — *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 of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. 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 of the election results.~~

[Words ~~stricken~~ are deletions; words underlined are additions.]