

## Edits to Charter Review Committee Sections 7-7 and 7-8 Version AW 010421

These suggested edits make the following changes to sections 7-7 and 7-8;

### Section 7-7 Citizen Initiatives

- **Subpart 7-7 (e) is amended by removing the “supplementary petitions” step, which requires citizens to gather a second round of signatures. As it stands now, citizens proposing an initiative would have to gather 636 signatures to get their measure before the City Council (5% of 12,719 registered voters.) If the City Council rejects the initiative, which can take 30 days, the petitioners then have two months to gather another 318 signatures (2.5% of total registered voters.) This is a total gathering requirement of 954 voters---and it elongates the process by adding another two months to the process. This is dilatory and punitive. If you count the 10 days the city attorney reviews the initiative, plus whatever time it takes for the clerk to print forms, plus the 45 days petitioners have to gather signatures, plus the 30 days the Council has to take action on the petition, plus the 60 days the petitioners have to gather a second round of signatures--it can take up to 155 days (5.1 months) just to process an initiative---and then you could wait potentially up to one year for a the next scheduled election—unless a special election is called. This process is too time-consuming. A second “supplementary” collection phase is unnecessary. If the petitioners don’t spend time and energy getting voter turnout, they will either lose their initiative, or not meet the 20% floor of voters (2,543) who must turn out to make the vote count under section 7-7(h). There is no fear of a low turn-out, because it only hurts the petitioner.**
- **The town clerk is given up to 15 days in section 7-7(c)to prepare printed forms for initiatives. No time frame has been given previously.**

Suggested edits to 7-7 are in cross-through and bold face.

### SECTION 7-7: CITIZEN INITIATIVE MEASURES

(a) Definition, Summary, and Commencement – The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter. The process may be used by registered voters to request passage of a particular measure by the City Council or School

Committee. The initiative process is summarized in Appendix 7-7. Appendix 7-7 is intended as a general guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-7 must be taken from the text of Section 7-7 paragraphs (a) through (h). [changes to timeline, required signatures and wording suggested by Charter Committee 2020] Initiative procedures shall be started by the filing of a proposed initiative petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by not less than ten (10) voters of the City. The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form and shall indicate which member shall serve as clerk of the petitioners' committee.

(b) Referral to City Attorney - The City Clerk shall, following receipt of each such proposed petition, deliver a copy of the petition to the City Attorney. The City Attorney shall, not later than ten (10) days after receipt of a copy of the petition, in writing, advise the City Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed may lawfully be proposed by the initiative process; (2) whether, in its present form it may be lawfully adopted by the City Council or the School Committee; and (3) whether the City Clerk may issue blank forms as provided pursuant paragraph 7-7 (c). If the opinion of the City Attorney is that the measure fails in any respect, the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the petitioners' committee.

(c) Submission to City Clerk - If the opinion of the City Attorney is that the petition is eligible pursuant to Section 7-7 (b), the City Clerk shall **have up to fifteen days to** provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the City Attorney, together with the names and addresses of the first ten (10) voters who signed the originating petition. No later than forty-five (45) days following the date the blank forms are issued by the City Clerk, the petitions shall be returned and filed with the City Clerk signed by not less than five percent (5 %) of all registered voters as of the most recent biennial City election. Signatures to an initiative petition need not all be on one (1) paper, but all such papers pertaining to a measure shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Not later than ten (10) days after the filing of the petition with its signatures, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent regular biennial City Election. The City Clerk shall attach to the petition a certificate showing the results of the City Clerk's examination and shall return the petition to the Clerk of the Council or the secretary of the School Committee according to how the petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of the petitioners' committee.

(d) Action on Petitions – Not later than thirty (30) days after the date a petition is returned to the Clerk of the Council or the secretary of the School Committee by the City Clerk, and after publication in accordance with section 2-9(c), City Council or the School Committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure

shall be considered a rejection of the initiative measure. If the City Council or the School Committee fails to act with respect to any initiative measure within thirty (30) days after the date it is returned to it by the City Clerk, the measure shall be considered to have been rejected on the 30th day. If an initiative measure is rejected, the City Clerk shall promptly give notice of that fact by certified mail to the person designated as Clerk of the petitioners' committee.

(e) ~~Supplementary Petitions~~ **Submission To Voters.** Not later than sixty (60) days after the date an initiative petition has been rejected, ~~a supplemental initiative petition may be filed with the City Clerk by the petitioner's committee as determined in section 7-7(a). The supplemental initiative petition shall be in the same form as the initial petition and signed by a number of additional voters, which is equal to or greater than two and one half percent (2 ½ %) of all registered voters as of the most recent biennial City election. If the number of signatures to a supplementary petition is found to be sufficient by the Board of Registrars of Voters and City Clerk,~~ the City Council shall submit the proposed measure, without alteration, to the voters for determination at the next regular biennial city election, or at a special election; provided, however, that if the next regular biennial City election is to be held not later than one (1) year after the date of the certificate, the City Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.

(f) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the City's official web site not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure, which was proposed by voters in an initiative petition, take effect? (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners' committee, and approved by the City Attorney) \_\_\_\_\_ YES \_\_\_\_\_ NO

(h) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent (20%) of the total number of registered voters as of the most recent biennial City election have voted at the election at which the question has been voted upon.

### **The following suggested edits make the following changes to sections 7-8:**

- **Section 7-8 become its own section with no reliance to cross tab section 7-7. The process is outlined within 7-8, and anyone seeking a referendum does not have to refer to 7-7 for relevant sections. Much of the confusion over 7-8 has been its reliance on some sections of 7-7-7. The revisions make the two kinds of citizen actions,**

initiatives and referendums, mirror each other, but each section is free-standing, and does not require back-and-forth references.

- The process flow path follows the Appendix section. Subpart 7-8(a) begins with “commencement” just as section 7-7 (a) does. All the references in 7-8 now refer internally to subpart 7-8---not to subpart 7-7.
- Subpart 7-8(a) makes it clear that a “commencement” process requires only a few signatures before the city attorney gets to review it for legality, etc. The wording now has led to confusion in the past because referendum commencement appeared to require all the signatures to be gathered before the attorney reviewed the subject matter and language.
- Subparts 7-8 (b) through (h) all mirror similar sections in 7-7 so citizens do not have to cross tab to subpart 7-7 (b) through (h)
- The number of signatures required for a referendum is the same as for an initiative measure: 5% of all registered voters, which is currently 636 signatures---more than twice the amount of signatures needed during the 2019 library referendum. A 10% threshold of all registered voters would be 1,272—a number 4 times higher than the 2019 referendum thresholds—and far higher than Greenfield has ever had in the 28 years I have been involved with citizen actions in the city. Referendums should not be described as the “third rail” of government---they are

Suggested edits to 7-7 are in cross-through and bold face.

## SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

- (a) **Definition, Summary, and Commencement.** ~~Effect on Final Vote.~~ The referendum **petition** procedure is the process voters may use to protest a measure, or part thereof, approved by a vote of the City Council or School Committee, with the exception of those listed in Section 7-9. Voters file a referendum petition to identify the measure, or part thereof, and collect signatures to show support for the **referendum** petition. The referendum process is summarized in Appendix 7-8. Appendix 7-8 is intended as a general guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-8 must be taken from the text of Section 7-8 paragraphs (a) through (g). **Referendum petition procedures shall be started by the filing of a proposed referendum petition with the City Clerk. The referendum petition shall be addressed to the City Council or to the School Committee, shall contain the text of the particular measure, or part thereof, protested against, and shall be signed by not less than 10 voters of the City. The referendum petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the referendum petitioners’ committee and shall indicate which member shall serve as clerk of the referendum petitioners’ committee**
- (b) **Referral to City Attorney.** The City Clerk shall, following receipt of each such proposed referendum petition, deliver a copy of the referendum petition to the City Attorney. The City Attorney shall, not later than ten (10) days after receipt of a copy of the referendum petition, in

writing, advise the City Council or the School Committee, as may be appropriate, whether: (1) the referendum petition as proposed may lawfully be proposed by the referendum petition process; (2) whether, in its present form it may be lawfully adopted by the City Council or the School Committee; and (3) whether the City Clerk may issue blank forms as provided pursuant paragraph 7-8 (c). If the opinion of the City Attorney is that the referendum petition is eligible pursuant to Section 7-8 (b), the effective date of the measure, or part thereof, shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. If the opinion of the City Attorney is that the referendum petition fails in any respect, the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the referendum petitioners' committee.

- (c) **Submission to City Clerk** - If the opinion of the City Attorney is that the referendum petition is eligible pursuant to Section 7-8 (b), the City Clerk shall have up to fifteen days to provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed referendum petition, as determined by the City Attorney, together with the names and addresses of the first ten (10) voters who signed the originating referendum petition. No later than forty-five (45) days following the date the blank forms are issued by the City Clerk, the referendum petitions shall be returned and filed with the City Clerk signed by not less than five percent (5 %) of all registered voters as of the most recent biennial City election. Signatures to a referendum petition need not all be on one (1) paper, but all such papers pertaining to a referendum petition shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the referendum petition there shall also appear the street and number of the residence of each signer. Not later than ten (10) days after the filing of the referendum petition with its signatures, the Board of Registrars of Voters shall ascertain by what number of voters the referendum petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent regular biennial City Election. The City Clerk shall attach to the referendum petition a certificate showing the results of the City Clerk's examination and shall return the referendum petition to the Clerk of the Council or the secretary of the School Committee according to how the referendum petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of the referendum petitioners' committee.
- (d) **Action on Referendum Petitions** – Not later than thirty (30) days after the date a referendum petition is returned to the Clerk of the Council or the secretary of the School Committee by the City Clerk, and after publication in accordance with section 2-9(c), City Council or the School Committee shall act with respect to each referendum petition by passing it without change, by passing a measure which is stated to be in lieu of the referendum petition, or by rejecting it. The passage of a measure which is in lieu of a referendum petition shall be considered a rejection of the referendum petition. If the City Council or the School Committee fails to act with respect to any referendum petition within thirty (30) days after the date it is returned to it by the City Clerk, the referendum petition shall be considered to have been rejected on the 30th day. If a

referendum petition is rejected, the City Clerk shall promptly give notice of that fact by certified mail to the person designated as Clerk of the referendum petitioners' committee.

- (e) **Submission to Voters.** Not later than sixty (60) days after the date a referendum petition has been rejected, the City Council shall submit the proposed referendum petition, without alteration, to the voters for determination at the next regular biennial city election, or at a special election; provided, however, that if the next regular biennial City election is to be held not later than one (1) year after the date of the certificate, the City Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.
  
- (f) **Publication -** The full text of any referendum petition which is submitted to the voters shall be published in a local newspaper and on the City's official web site not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.
  
- (g) **Form of Question -** The ballots used when voting on a referendum petition proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure, which was proposed by voters in a referendum petition, take effect? (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the referendum petitioners' committee, and approved by the City Attorney) \_\_\_\_\_YES  
\_\_\_\_\_NO
  
- (h) **Time of Taking Effect -** If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent (20%) of the total number of registered voters as of the most recent biennial City election have voted at the election at which the question has been voted upon.