

## SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) *Referendum Petition, Effect on Final Vote* - If, ~~within not later than forty five thirty~~ (45)30 days ~~following after +~~ the date on which the City Council or the School Committee has voted ~~finally~~ to approve *of any measure\**, a final petition which ~~is~~was addressed to the City Council or the School Committee and signed by a number of voters equal to 10% of the total number of voters voting in the most recent biennial City election, but not less than 2 1/2 % of all registered voters as of the same date\*\*, ~~the petition~~ is filed with the City Clerk, protesting against the measure or any part thereof, then the effective date of such measure 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.

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[\* italics words were added by Council and approved by Legislature and Governor, in order to make sense of the sentence.]

\*\* Number of petitioners needs to be revisited and discussed.

The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council shall provide for the submission of the question for a determination by the voters either at a special election which is may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City election; provided however that pending such submission and determination, the effect of the measure shall continue to be suspended.

(b) *Commencement.* Referendum petition procedures shall be started by the filing of a proposed referendum petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain the passage of a particular measure, or part thereof protested against, which shall be set forth in the petition, and shall be signed by not less than 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 shall indicate which member shall serve as clerk of the petitioners' committee.

(c) *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 fifteen (45)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: (i) the measure or part thereof protested against, as proposed, may lawfully be proposed by the referendum petition process; (ii) whether, in its present form it may be lawfully adopted by the City Council or School Committee; and (iii) whether the City Clerk may issue blank forms as provided below. 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. If the City Attorney takes longer than ten (10) days to issue an opinion, the forty five (45) day deadline to file the final petition is extended by one day for each day the process is delayed.

If the opinion of the City Attorney is that the petition is eligible pursuant to 7-8 (b), the City Clerk shall within three (3) days of receipt of the City Attorney opinion make available to the clerk of the referendum committee provide blank forms for the use of the subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure or part thereof protested against, as determined by the City Attorney, together with the names and addresses of the first 10 voters who signed the originating petition.

(d) *Certification of Signatures* Not later than ten (10) days after the filing with the City Clerk of the fully signed referendum petition, 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.

(e) *Publication* - The full text of any referendum petition which is submitted to the voters shall be published in a local newspaper 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.

(f) *Form of Question* - The ballots used when voting on a referendum measure or part thereof proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure or part thereof, which was passed by City Council (or School Committee) vote on (Here insert date of City Council or School Committee vote) stand as passed?

(Here insert the full text of the proposed measure or part thereof, or a fair, concise summary prepared by the petitioners' committee, and approved by the City Attorney)

\_\_\_\_\_YES \_\_\_\_\_NO

(g) *Time of Taking Effect* - If a majority of the votes cast on the question is in the affirmative, the measure, or part thereof protested against, shall be deemed to be effective forthwith, unless a later date is specified in such measure, or part thereof protested against; if a majority of the votes cast on the question is in the negative, the measure, or part thereof protested against, shall

be deemed to be ineffective forthwith, provided, however, that no such measure or part thereof shall be deemed to be rejected 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.