

ARTICLE 8

CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1 FREE PETITION

The board of aldermen or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by **XXX (50, 150, 150)** voters or more, and which seeks the passage of a measure. The hearing shall be held by the board of aldermen or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the board of aldermen or the school committee shall be taken not later than six weeks after the petition is filed with the city clerk or the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The city clerk or the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least seven days prior to the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 8-2: CITIZEN INITIATIVE MEASURES

(a) Commencement – Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee, as the case may be. The petition shall be addressed to the board of aldermen 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, shall relate to an issue for which the city or school has the authority to act and effects the governance of the city and shall be signed by at least XXX provided, however, that at least XXX must be certified from each ward. The petition shall be accompanied by an affidavit signed by ten 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.

(b) Referral to City Solicitor. – The city clerk or the secretary of the school committee, as the case may be, shall forthwith following receipt of each such proposed petition deliver a copy of the petition to the city solicitor. The city solicitor shall, within fifteen days following receipt of a copy of the petition, in writing, advise the board of aldermen or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the board of aldermen or the school committee. If the opinion of the city solicitor is that the measure is not in proper form the reply shall state the reasons for such opinion, in full. A copy of the opinion of the city solicitor 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 solicitor is that the petition is in a proper form the city clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first ten voters who signed the originating petition. Within thirty 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 at least XXXX (ten percent, fifteen per cent) of the total number of voters as of the date of the most recent city election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be 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. Within ten days following the filing of the petition 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 city election. The board of registrars of voters shall attach to the petition a certificate showing the results of their examination and shall return the petition to the city clerk, 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* – Within thirty days following the date a petition has been returned to the city clerk, or the secretary of the school committee, and after publication in accordance with the provisions of section XXX (*as applicable*), the board of aldermen 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 deemed to be a rejection of the initiative measure. If the board of aldermen or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is returned to it, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the city clerk, or the secretary of the school committee, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) Supplementary Petitions – Within sixty days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to XXX (five, seven, eight) percent of the total number of voters as of the date of the most recent city election, provided, however, the signatures on the initial petition filed under sub-section (c), above, and the signatures on the supplemental petition filed under this sub-section, taken together, shall contain the signatures of at least XXX(twelve, fifteen, twenty) percent of the total number of voters in the city and in each of the wards into which the city is divided for the purpose of elections. If the number of signatures to such supplemental petition is found to be sufficient by the city clerk, the board of aldermen shall call a special election to be held on a date fixed by it not less than thirty-five nor more than ninety days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within one hundred and twenty days following the date of the said certificate, the board of aldermen may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(f) Publication – The full text of any initiative measure which is submitted to the voters shall be published in at least one newspaper of general circulation in the city not less than seven nor more than fourteen 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 and city library, including branches thereof (*if applicable*).

(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 an initiative petition take effect?

(Here insert a fair, concise summary prepared by the petitioners, and approved by the city solicitor.)

- 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.

SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote – If, within twenty-one days following the date on which the board of aldermen or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to XXX (e.g, ten, twelve) percent of the total number of voters as of the date of the most recent general city election and addressed to the board of aldermen or to the school committee as the case may be, protesting against the measure or any part thereof is filed with the secretary of the school committee or city clerk, the effective date of such measure shall be temporarily suspended. The school committee or the board of aldermen shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded the board of aldermen shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending such submission and determination the effect of such measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply – The petition described in this section shall be termed a referendum petition and insofar as applicable the provisions of section 8-2 shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections. The measure, or part thereof protested against, shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

SECTION 8-4: INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures:

- (1) proceedings relating to the internal organization or operation of the board of aldermen or of the school committee;
- (2) an emergency measure adopted in conformity with the charter;
- (3) the city budget or the school committee budget as a whole;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;
- (6) proceedings relating to the appointment, removal, discharge, employment,

promotion, transfer, demotion, or other personnel action;

(7) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;

(8) any proceedings providing for the submission or referral to the voters at an election; and

(9) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition;

SECTION 8-5: SUBMISSION OF OTHER MATTERS TO VOTERS

The board of aldermen may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular city election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 8-6: CONFLICTING PROVISIONS

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.