

CHAPTER 8

INITIATIVES AND REFERENDUMS

- 1-8-1: CREATION OF RIGHT
- 1-8-2: NUMBER OF PETITIONERS REQUIRED
- 1-8-3: FORM OF PETITION
- 1-8-4: TIME FOR FILING PETITIONS FOR REFERENDUMS
- 1-8-5: PRINTING PETITION AND SIGNATURE SHEETS; TIME LIMIT FOR FILING
- 1-8-6: VERIFICATION OF SIGNATURE SHEETS
- 1-8-7: EXAMINATION AND CERTIFICATION OF SIGNATURES
- 1-8-8: REMOVAL OF SIGNATURES
- 1-8-9: SUFFICIENCY OF PETITION; NOTIFICATION; ELECTION
- 1-8-10: FORM OF BALLOT
- 1-8-11: CONDUCT OF ELECTION
- 1-8-12: CANVASS OF RETURNS
- 1-8-13: PROHIBITED ACTS; PENALTIES

1-8-1: CREATION OF RIGHT

The people of this city shall have the right to enact ordinances through the initiative process, and to repeal ordinances through the referendum process, according to the procedures set forth herein.

1-8-2: NUMBER OF PETITIONERS REQUIRED

There shall be attached or appended to the initiative or referendum petition the signatures of the legal voters of the city equal to at least twenty percent (20%) of the total number of voters registered to vote at the last general election held in the city for the election of officers.

1-8-3: FORM OF PETITION

The initiative petition shall be in substantially the following form:

Initiative Petition to the Mayor and Council of the City of Tetonian, Idaho: "We the undersigned citizens and legal voters of the City of Tetonian, respectfully demand that the following proposed ordinance, to-wit: (setting out full text of measure proposed) shall be submitted to the legal voters of the City of Tetonian, for their approval or rejection at an election to be called in accordance with Chapter 8, Title 1 of the Tetonian Code and each for himself says: I have personally signed this petition; I am a legal voter of the City of Tetonian; and my residence address is correctly written after my name."

(Signature)(Printed Name)(Street Address)

(Here follow numbered lines for signatures)

The petition for referendum on any ordinance passed by the city council shall be in substantially the same form with appropriate title and changes, setting out in full the text of the ordinance to be referred to the people for their approval or rejection.

1-8-4: TIME FOR FILING PETITIONS FOR REFERENDUMS

Referendum petitions with the requisite number of signatures attached shall be filed with the city clerk not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum.

1-8-5: PRINTING PETITION AND SIGNATURE SHEETS; TIME LIMIT FOR FILING

- A. Before or at the time of beginning to circulate any petition for initiative or referendum, the person(s) or organization(s) under whose authority the petition is to be circulated shall send or deliver to the city clerk a copy of such petition duly signed by at least twenty (20) electors eligible to sign such petition. The city clerk shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signatures. All petitions and sheets for signatures shall be printed on a good quality bond or ledger paper, on pages eight and one-half inches (8 1/2") in width by thirteen inches (13") in length, with a margin of one and three-fourths inches (1 3/4") at the top for binding, and the sheets for signatures shall have numbered lines thereon from 1 to 20 for signatures. The petition shall be prepared in sections, with each section numbered consecutively. Each section of a petition must have a printed copy of the petition as the first page(s), and each section shall have attached to it not more than ten (10) sheets for signatures.
- B. The city clerk shall indicate in writing on the petition that he has approved it as to form. The city clerk shall inform the person(s) or organization(s) under whose authority the petition is to be circulated, in writing, that the petition must be filed with the city clerk with the required number of certified signatures within seventy five (75) days following the date of approval as to form. Any petition that has not been filed with the city clerk with the required number of certified signatures within the seventy five (75) days allowed shall be declared null and void in its entirety.

1-8-6: VERIFICATION OF SIGNATURE SHEETS

Each and every signature sheet of each petition containing signatures shall be verified on the face thereof in substantially the following form by the person who circulated said sheet of the petition, by his or her affidavit, as a part thereof:

STATE OF IDAHO)

:ss

County of Teton)

I, , swear, under penalty of perjury, that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and that the person was eligible to sign this petition.

Signature

Street Address

SUBSCRIBED AND SWORN to before me this day of , 20 .

Notary Public

My Commission Expires:

1-8-7: EXAMINATION AND CERTIFICATION OF SIGNATURES

- A. All petitions with attached signature sheets shall be presented on the same day to the city clerk, who shall make a cursory examination of them to determine whether the petitions apparently contain the necessary number of signatures.
 1. If the total number of signatures on the petitions is not sufficient to satisfy the number required by section 1-8-2 of this chapter, all petitions with attached signature sheets shall be retained by the city clerk who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered, if within the time limit of section 1-8-5 of this chapter.
 2. If the cursory examination of the signature sheet reveals:
 - a. Erasures on any signature;
 - b. Illegible or indecipherable signatures;
 - c. Signatures not properly identified by all of the information required on the sheet;
 - d. Duplicate signatures; or
 - e. Signatures of persons who have requested in writing to have their names removed from the petition, then the city clerk shall summarily reject such signatures and they shall not be counted.
 3. Each rejected signature shall be drawn through with ink and initialed by the city clerk. If the total number of signatures not rejected is not sufficient to satisfy the number required by section 1-8-2 of this chapter, all petitions with attached signature sheets shall be retained by the city clerk who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered, if within the time limit of section 1-8-5 of this chapter.
- B. All petitions presented to the city clerk found to apparently contain the necessary number of signatures, after the cursory examination provided above, shall be filed with the city clerk and become public records of the city not to be returned. The city clerk shall examine each such signature purported to be that of a registered elector of the city, and compare each such signature with the registration documents available to the city clerk. The city clerk shall summarily reject all signatures which are not the signatures of a registered elector of the city; and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the city clerk. The city clerk may take up to ten (10) days after filing of the petition to complete his examination. Weekends and legal holidays shall not be counted in the ten (10) day period. The

city clerk shall certify each signature found to comply with all of the requirements of this chapter by an appropriate mark following each signature. The city clerk may delegate all or a portion of the duties set forth in this subsection to the county clerk of Teton County.

- C. The city clerk shall total the number of certified signatures, and if found to total at least the number of signatures required by section 1-8-2 of this chapter, action on the petition shall proceed as provided in section 1-8-9 of this chapter.

1-8-8: REMOVAL OF SIGNATURES

- A. The signer of any initiative or referendum petition may remove his or her own name from the petition by crossing out, obliterating or otherwise defacing his or her own signature at any time prior to the time when the petition is presented to the city clerk for signature verification.
- B. The signer of any initiative or referendum petition may have his or her name removed from the petition at any time after presentation of the petition to the city clerk but prior to verification of the signature, by presenting or submitting to the city clerk a signed statement that the signer desires to have his or her name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The city clerk shall immediately strike the signer's name from the petition, and adjust the total of certified signatures on the petition accordingly. The statement shall be attached to, and become a part of, the initiative or referendum petition. The city clerk shall notify the person filing the petition that a name has been voluntarily removed from the petition and further signatures may be gathered, if necessary, if within the time limit of section 1-8-5 of this chapter.

1-8-9: SUFFICIENCY OF PETITION; NOTIFICATION; ELECTION

- A. In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly, by certified mail, inform the petitioners, and shall also notify the city council at its next meeting, that the initiative or referendum petition is in proper form.
- B. An election shall be ordered by the city clerk to be conducted citywide. The election date for an initiative or referendum shall be the nearest date to: a) the first Tuesday in February, b) the fourth Tuesday in May, c) the first Tuesday in August, or d) the Tuesday following the first Monday in November, that is more than forty five (45) days after the city clerk orders an election to be held. (Code 2008)

1-8-10: FORM OF BALLOT

The city attorney shall prepare a ballot for an initiative or referendum election in one of the following ways:

- A. If the full text of the ordinance or proposed ordinance to be voted upon does not exceed seven hundred fifty (750) words in length, it may be set out in full on the election ballot; or
- B. If the full text of the ordinance or proposed ordinance to be voted upon exceeds seven hundred fifty (750) words in length and the city council votes not to have it

printed at length on the election ballot the city attorney shall prepare a short title and description of the ordinance or proposed ordinance which shall clearly and impartially state its purpose and effect, which short title and description shall be printed on the election ballot.

1-8-11: CONDUCT OF ELECTION

Initiative or referendum elections shall be conducted and the results thereof canvassed and certified in all respects as near as practicable, in like manner as general elections, except as otherwise provided.

1-8-12: CANVASS OF RETURNS

The mayor and city council shall meet within five (5) days after said election to canvass the votes cast at such election, and the city clerk shall immediately announce the results. Weekends and legal holidays shall not count in the five (5) day period. Any initiative measure approved by a majority of the votes cast shall be in full force and effect from the date of such announcement. Any ordinances proposed to be repealed by a referendum which receives a majority of the votes cast shall be repealed, effective on the date of such.

1-8-13: PROHIBITED ACTS; PENALTIES

A person is guilty of a misdemeanor who:

- A. Signs any name other than his own to any initiative or referendum petition;
- B. Knowingly signs his name more than once on the same initiative or referendum petition;
- C. Knowingly signs his name to any initiative or referendum petition if he is not a registered city elector;
- D. Wilfully or knowingly circulates, publishes or exhibits any false statement concerning the contents, purport or effect of any initiative or referendum petition for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition;
- E. Presents to any officer for filing any initiative or referendum petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;
- F. Circulates or causes to circulate any initiative or referendum petition, knowing the same to contain false, forged or fictitious names;
- G. Makes any false affidavit concerning any initiative or referendum petition or the signatures appended thereto;
- H. Fails to allow a person to remove his or her name from the petition;
- I. Offers, proposes, attempts, or threatens in any manner or form for any pecuniary reward or consideration:

1. To sell, hinder or delay any initiative or referendum petition or any part thereof or any signatures thereon;
2. To desist from beginning, promoting or circulating any initiative or referendum petition;
3. To use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimation of any person or business interest. (Ord. 2008-2)