

City of Fayetteville Staff Review Form

C. 5
Amend §36.01 Initiative Petitions;
When to be Filed
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**City Council Agenda Items
and
Contracts, Leases or Agreements**

9/18/2012

City Council Meeting Date
Agenda Items Only

Sondra E. Smith City Clerk City Clerk
Submitted By **Division** **Department**

Action Required:

36.01 Initiative Petitions; When To Be Filed Change the time to file an initiative petition with the City of Fayetteville from at least 60 days to at least 90 days.

All initiative petitions under Amendment 7 to the Constitution of the State of Arkansas must be filed with the City Clerk at least 90 days before the regular municipal election at which the proposed measure is to be voted upon.

\$ _____ Cost of this request	\$ _____ Category / Project Budget	_____ Program Category / Project Name
_____ Account Number	\$ _____ Funds Used to Date	_____ Program / Project Category Name
_____ Project Number	\$ _____ Remaining Balance	_____ Fund Name

Budgeted Item

Budget Adjustment Attached

Sondra E. Smith 8/29/12 Previous Ordinance or Resolution # _____
Department Director Date

Original Contract Date: _____

[Signature] 8-30-2012 Original Contract Number: _____
City Attorney Date

Paul a. Buh 8-30-2012
Finance and Internal Services Director Date

Received in City Clerk's Office 08-29-12 P05:00 RCVD
Kim G.

[Signature] 8-31-12
Chief of Staff Date

Received in Mayor's Office
ENTERED 8/31/12
[Signature]

Lowell Jordan 8/31/12
Mayor Date

Comments:



C. 5
 Amend §36.01 Initiative Petitions;
Office of the City Clerk/Treasurer
 Sondra E Smith, City Clerk/Treasurer
 Lisa Branson, Deputy City Clerk
 Phone: (479) 575-8323
 Fax: (479) 718-7695
 city_clerk@ci.fayetteville.ar.us

Departmental Correspondence

To: Mayor Lioneld Jordan
 City Council

CC: City Attorney Kit Williams
 Chief of Staff Don Marr

From: Sondra Smith, City Clerk/Treasurer *Sondra E. Smith*

Date: August 29, 2012

RE: Initiative Petitions

County Clerk Karen Pritchard has requested that we discuss changing City Code **36.01 Initiative Petitions; When to be Filed**. The current code is as follows:

36.01 Initiative Petitions; When To Be Filed

All initiative petitions under Amendment 7 to the Constitution of the State of Arkansas must be filed with the City Clerk at least 60 days before the regular municipal election at which the proposed measure is to be voted upon.

The proposal is to change the date to file initiative petitions to ninety (90) days before the regular municipal election at which the proposed measure is to be voted upon.

The deadline for the County Clerk to have ballots printed and sent to service people is forty five (45) days before the election. Once the City Clerk receives an initiative petition the signatures on the petition must be checked which could take one week or longer. This does not give the County Clerk time to get the information from the City and get the ballots proofed and printed before the forty five (45) days ballots must be sent to service people.

The County Election Commission has a deadline of seventy (70) days before an election to receive items for the ballot. Washington County has established ninety (90) to one hundred and twenty (120) days for their deadline. Changing our initiative petition deadline will assist everyone with the process and ensure correct and timely ballots.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

CHAPTER 36: ELECTIONS

**ARTICLE I
GENERAL PROVISIONS**

36.01 Initiative Petitions; When To Be Filed

All initiative petitions under Amendment 7 to the Constitution of the State of Arkansas must be filed with the City Clerk at least 60 days before the regular municipal election at which the proposed measure is to be voted upon.

(Code 1965, §2-22.1; Ord. No. 2472, 10-3-78; Code 1991, §36.01)

State law reference(s)—Form of initiative petition-sufficiency of signatures, A.C.A. §7-9-104.

*Current
Code*

36.02-36.14 Reserved

**ARTICLE II
REFERENDUMS**

36.15 When Petition To Be Filed

All referendum petitions under Amendment 7 to the Constitution of the State of Arkansas must be filed with the City Clerk within 31 days after the passage of the ordinance to which it relates.

(Code 1965, §2-19; Ord. No. 588, 12-21-25; Code 1991, §36.15)

State law reference(s)—Form of referendum petition-sufficiency of signatures, A.C.A. §7-9-105(a).

36.16 – 36.99 Reserved

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §36.01 **INITIATIVE PETITIONS; WHEN TO BE FILED** TO CHANGE 60 DAYS BEFORE THE GENERAL ELECTION TO BETWEEN 90 DAYS AND 83 DAYS BEFORE THE GENERAL ELECTION TO FACILITATE BALLOT PRINTING FOR EARLY VOTING

WHEREAS, early voting especially for armed service members stationed overseas require ballots to be prepared early enough to ensure our citizens have the right to vote; and

WHEREAS, the *Arkansas Constitution* provides that a city may choose when initiative petitions must be filed anywhere between 90 days and 60 days before the election; and

WHEREAS, to help ensure the City Clerk has sufficient time to inspect an initiative petition and allow the petitioner sufficient time to correct minor mistakes or obtain replacement signatures, the period of time for filing initiative petitions should be extended to be from 83 to 90 days before the election.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §36.01 **Initiative Petitions; When To Be Filed** by repealing the current language and enacting new language under the same title:

“All municipal initiative petitions shall be filed pursuant to *Amendment 7* of the *Constitution of the State of Arkansas* found in *Article 5 §1* of the *Arkansas Constitution*. These initiative petitions shall be filed no earlier than 90 days nor later than 83 days before the general election date.”

PASSED and **APPROVED** this 4th day of September, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

voters of each municipality and county as to all local, special and municipal legislation of every character in and for their respective municipalities and counties, but no local legislation shall be enacted contrary to the Constitution or any general law of the State, and any general law shall have the effect of repealing any local legislation which is in conflict therewith.

Municipalities may provide for the exercise of the initiative and referendum as to their local legislation. General laws shall be enacted providing for the exercise of the initiative and referendum as to counties. Fifteen per cent of the legal voters of any municipality or county may order the referendum, or invoke the initiative upon any local measure. In municipalities the number of signatures required upon any petition shall be computed upon the total vote cast for the office of mayor at the last preceding general election; in counties upon the office of circuit clerk. In municipalities and counties the time for filing an initiative petition shall not be fixed at less than sixty days nor more than ninety days before the election at which it is to be voted upon for a referendum petition at not less than thirty days nor more than ninety days after the passage of such measure by a municipal council; nor less than ninety days when filed against a local or special measure passed by the General Assembly.

Every extension, enlargement, grant, or conveyance of a franchise or any rights, property, easement, lease, or occupation of or in any road, street, alley or any part thereof in real property or interest in real property owned by municipalities, exceeding in value three hundred dollars, whether the same be by statute, ordinance, resolution, or otherwise, shall be subject to referendum and shall not be subject to emergency legislation.

GENERAL PROVISIONS

Definition. The word "measure" as used herein includes any bill, law, resolution, ordinance, charter, constitutional amendment or legislative proposal or enactment of any character.

No Veto. The veto power of the Governor or mayor shall not extend to measures initiated by or referred to the people.

Amendment and Repeal. No measure approved by a vote of the people shall be amended or repealed by the General Assembly or by any city council, except upon a ye and nay vote on roll call of two-thirds of all the members elected to each house of the General Assembly, or of the city council, as the case may be.

Election. All measures initiated by the people whether for the State, county, city or town, shall be submitted only at the regular elections, either State, congressional or municipal, but referendum petitions may be referred to the people at special elections to be called by the proper official, and such special elections shall be called when fifteen per cent of the legal voters shall petition for such special election, and if the referendum is invoked as to any measure passed by a city or town council, such city or town council may order a special election.