

ORDINANCE 313-05

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING TOWN CODE, CHAPTER 2, MAYOR AND COUNCIL, ARTICLE 2-6, INITIATIVE AND REFERENDUM, BY RENUMBERING IT AS SECTION 2-3-7; 2-3-8; 2-3-9 AND 2-3-10.

BE IT ORDAINED by the Mayor and Common Council of the Town of Queen Creek, Arizona, as follows:

Section 1. That the Town Code, Chapter 2, Mayor and Council, Article 2-6 Initiative and Referendum is hereby amended to read as follows:

~~ARTICLE 2-6~~ ~~INITIATIVE AND REFERENDUM~~ RESERVED

~~Section 2-6-1~~ SECTION 2-3-7 Power Reserved; Time of Election

- A. There is reserved to the qualified electors of the town the power of initiative and the referendum as prescribed by the state constitution, Arizona Revised Statutes and this code.
- B. Any proper initiative matter shall be voted on by all qualified electors at the next ensuing town primary or general election pursuant to subsection A of Section 2-6-3.
- C. That upon presentation of a certificate to the council by the town clerk that all steps required by the constitution and the state statutes concerning referendum have been complied with, the council may call a special election on the matter referred on any future consolidated election date as set forth in A.R.S. § 16-204 (B) as it exists now or as it may be amended. The special election must comply with all other provisions of law regarding elections.
- D. The call of a special election for referendum matters shall be valid only upon the affirmative vote of four members of the council voting on said request and call. Should the required number of votes to call the special election not be obtained, then the referendum matter shall appear on the ballot at the next regular town primary or general election.
- E. If a special election on a referendum matter is called for by the council pursuant to subsection D of this section, then in addition to all other notices required by law, the clerk shall notify the person or organization that requested the referendum petition of the council decision by first class mail, postage prepaid at the address shown upon the request for referendum petition number.
- F. The provisions of this section shall apply to all referendum matters whether or not the petitions have already been presented to the clerk, and it is the intention of the council that this section be retroactive in nature as to any and all referendum petitions in existence at the time of this amendment to this code.

~~Section 2-6-2~~ SECTION 2-3-8 Number of Signatures

The total number of registered voters qualified to vote at the last municipal election, whether regular or special, immediately preceding the date upon which any initiative petition is filed, shall be the basis upon which the number of qualified electors of the town required to file an initiative petition shall be computed.

~~Section 2-6-3~~ SECTION 2-3-9 Time of Filing

- A. Initiative petitions shall be filed at least one hundred twenty days prior to the election at which they are to be voted upon.
- B. Referendum petitions shall be filed within thirty days of the adoption of the ordinance or resolution to be referred. If the town clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of application for an official number or on the same business day of the application, the thirty day period shall be calculated from the date such ordinance or resolution is available.

~~Section 2-6-4~~ SECTION 2-3-10 Sample Ballots and Publicity Pamphlets

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted on:

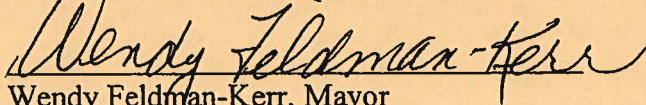
- A. A publicity pamphlet, containing the entire text of the official ballot, shall be mailed by the town clerk to each household within the town in which a registered voter resides, not less than ten days prior to the election to which the sample ballot pertains.
- B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition. Arguments submitted by the person filing the initiative or referendum shall appear first. The remaining arguments shall be placed in the order in which they were filed.
- C. Arguments supporting and opposing propositions appearing on the ballot shall be filed with the office of the town clerk by 5:00 p.m. not less than sixty days prior to the election at which the propositions are to be voted upon. If time does not permit compliance with the sixty day deadline, the town clerk may establish a separate deadline for filing referendum ballot arguments. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:
 - 1. Arguments must relate to the propositions proposed by initiative or referred by referendum which will appear on the ballot.
 - 2. Arguments must identify the proposition to which they refer and indicate

whether the argument is in support of or opposition to the proposition.

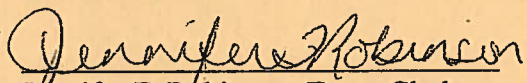
3. Arguments may not exceed three hundred words in length.
4. Arguments must contain the original signature of each person sponsoring it. Arguments submitted by organizations shall be signed by two executive officers of the organization, or if the argument is sponsored by a political committee, it must be signed by the committee's chairman or treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet.
5. No person or organization shall submit more than one argument for each proposition to be voted on.
6. Each argument shall be accompanied by a deposit in the amount of \$100.00 to offset proportional costs of printing. This requirement shall not be waived on any account.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 20TH day of April 2005.

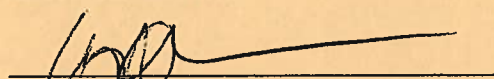
FOR THE TOWN OF QUEEN CREEK


Wendy Feldman-Kerr, Mayor

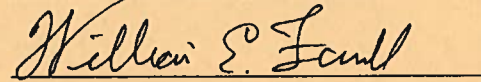
ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


Cynthia Seelhammer, Town Manager

APPROVED AS TO FORM:


William E. Farrell, Town Attorney