

ORDINANCE NO. 732

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE TOWN CODE OF WICKENBURG BY PROVIDING FOR THE MANNER OF EXERCISING THE POWER OF THE INITIATIVE AND REFERENDUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL of the Town of Wickenburg, County of Maricopa, State of Arizona, as follows:

Section I. In General

The Town Code of Wickenburg is hereby amended by adding to Chapter 2, Mayor and Council, a new Article 2-4 to read and provide as follows:

Article 2-4 INITIATIVE AND REFERENDUM

- 2-4-1 Power Reserved; Time of Election
- 2-4-2 Number of Signatures
- 2-4-3 Time of Filing
- 2-4-4 Sample Ballots and Publicity Pamphlets

Section 2-4-1 Power Reserved; Time of Election

There is reserved to the qualified electors of the town the power of the initiative and the referendum as prescribed by the state constitution. Any initiative or referendum matter shall be voted on at the next ensuing primary or general election.

Section 2-4-2 Number of Signatures

- A. 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.
- B. The basis upon which the number of qualified electors of the town required to file a referendum petition shall be as determined by state law.

Section 2-4-3 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 2-4-4 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 upon:

- 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 eight 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.
- 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 thirty days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:
 - 1. Each argument must relate to the propositions proposed by initiative or referred by referendum which will appear on the ballot.
 - 2. Each argument must identify the proposition to which they refer and indicate whether the argument is in support of or opposition to the proposition.
 - 3. Each argument may not exceed three hundred (300) words in length.
 - 4. Each argument must be signed by the person submitting them. Arguments submitted by organizations shall be signed on behalf of the organization by an officer of the organization authorized to take such action. All persons signing documents shall indicate their residence or post office address.
 - 5. No person or organization shall submit more than one argument for each proposition to be voted upon.
 - 6. Each argument shall be accompanied by an amount of Five Hundred (\$500.00) dollars to offset proportional costs of printing. This requirement shall not be waived on any account. Each person submitting an argument shall pay a proportionate share of the printing and mailing costs of the publicity pamphlets. When, and if, such subsequent, proportionate arguments are submitted, in the Town Clerk's discretion, the initial depositor may be reimbursed, provided, however, that the subsequent submitted arguments do not have the effect of increasing the cost of the pamphlet printing and postage.

Section II. Providing For Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this ordinance, or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

APPROVED, PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, THIS 19th DAY OF November, 1990.

ATTEST:

Edna Grieves
Edna Grieves, Town Clerk

James M. Mason
James M. Mason, Mayor

Date Signed: November 26, 1990

Date Signed: November 19, 1990

APPROVED AS TO FORM:

Harry E. Craig
Harry E. Craig, Town Attorney

First Reading: November 5, 1990

Date Signed: Nov. 7, 1990

Second and
Final Reading: November 19, 1990