

CHAPTER 7 INITIATIVE, REFERENDUM AND RECALL PROCEDURES

7.00.00 INTRODUCTION

The Ramsey County Manager's Office is the focal point for all official communications on initiative, referendum and recall petitions. All pre-petitions and completed petitions (as described below) should be submitted to the County Manager's Office. The County Manager's Office will coordinate the review functions conducted by the County Elections Division and the County Attorney's Office.

An information piece explaining the work flow and timelines of the initiative and referendum procedures is available from the Ramsey County Elections Division. People should contact the Elections Division for information and assistance on the initiative and referendum procedures.

7.10.00 DEFINITIONS

7.10.01 Days

Unless noted otherwise, all "days" referred to hereafter are calendar days. The day a petition is filed with the County Manager, see Section 7.40.06 Filing the Petition, shall be day zero. The first day after a petition is filed with the County Manager shall be day one, all subsequent days will be counted from day one.

7.10.05 Chief Petitioners

Three people identified on initiative pre-petitions and on initiative or referendum petitions as the primary people responsible for the petition. All notices and correspondence related to the status of a petition shall be sent by certified mail return receipt requested to the chief petitioners. (See Sections 7.30.01, 7.40.06, and 7.60.01.)

7.10.10 Designated Contact Person

The one chief petitioner who is identified to serve as the designated contact person and shall be the one chief petitioner who is contacted regarding the return of an insufficient petition. (See Sections 7.30.01, 7.40.06, 7.50.02, 7.50.05.)

7.10.15 Initiative

Initiative gives registered voters in Ramsey County the power to propose ordinances, except as provided for in Chapter 5 of the Ramsey County Charter, to the County Board of Commissioners. If the County Board fails to adopt a proposed ordinance, then the voters shall have the power to adopt or reject that ordinance at a County election.

7.10.20 Notice

All notices related to the status of a petition shall be sent by certified mail return receipt requested to the chief petitioners. In the case of an insufficient petition, the designated contact person will be requested to pick up the petition from the County Manager's Office.

7.10.25 Qualified Signatures

Signers of petitions must be registered voters in Ramsey County and shall sign and print their name and provide the street address of their residence. Each signer may sign a petition only once. (See Section 7.40.03.)

7.10.30 Qualifying Statement for Initiative Proposals

The qualifying statement shall consist of the legal determination, the official summary of the proposed ordinance and the draft ballot title and statement from the Ramsey County Attorney's Office, and verification of the 500 pre-petition signatures from the Ramsey County Elections Division. (See Section 7.30.03.)

7.10.35 Qualifying Statement for Referendum Proposals

The qualifying statement shall consist of identification of the ordinance to be reconsidered, the official summary attached to the ordinance when it was adopted by the County Board, and a draft ballot title and statement as drafted by the Ramsey County Attorney's Office. (See Section 7.50.04.)

7.10.40 Recall

Recall gives the registered voters in Ramsey County the power to remove elected officials from office by popular vote as provided for in State law.

7.10.45 Referendum

Referendum gives registered voters in Ramsey County the power to require reconsideration of an ordinance, except as provided for in Chapter 5 of the Ramsey County Charter, adopted by the County Board of Commissioners. Referendum petitions must be filed within 30 days after the ordinances publication. If the County Board fails to repeal an ordinance so reconsidered, the voters shall have the power to approve or reject that ordinance at a County election.

7.10.50 Registered Voter

A resident of Ramsey County who is registered to vote in Ramsey County as verified based on records maintained by the County's Elections Division.

7.20.00 LIMITATIONS SET BY RAMSEY COUNTY CHARTER¹

7.20.01 Subject of an Ordinance

The initiative and referendum processes apply to all ordinances and matters that may be the subject of an ordinance. Ordinances passed by the County Board may be subjected to referendum by a petition filed within thirty (30) days after its publication.

Chapter 5 of the Ramsey County Charter discusses action of the County Board which shall be by ordinance. Initiative and referendum powers shall not extend to adoption and revision of the County budget or tax levy, approval or amendment of the Personnel Rules, approval of collective bargaining agreements, and other actions specified in Section 5.04 of the Ramsey County Charter. The County Attorney's Office will determine if a proposed initiative qualifies to be the subject of an ordinance as required by the Ramsey County Charter.

7.20.02 Protected Rights

Initiative and referendum processes will be used in a manner consistent with the rights protected by the state and federal constitutions and laws. The County Attorney's Office will determine if a proposed initiative is consistent with these laws.

7.30.00 PRE-PETITION PROCEDURES FOR INITIATIVE PROPOSALS

7.30.01 Pre-Petition Procedures

Proponents of a proposed initiative effort shall comply with the following pre-petition process. Voters seeking to propose an ordinance using the initiative procedure shall develop the full text of the proposed new ordinance.

A letter accompanying the proposed initiative shall identify three individuals to serve as chief petitioners; state their addresses and telephone numbers; and identify the name and address of one chief petitioner to serve as the designated contact person. All notices and correspondence related to the status of a petition shall be sent by certified mail return receipt requested to the chief petitioners.

The proposed initiative must be accompanied by a pre-petition signed by 500 or more registered voters in Ramsey County and be submitted to the County Manager's Office.

Immediately upon receipt of a proposed initiative and the pre-petition, the County Manager shall transmit the original documents to the Elections Division which shall determine the sufficiency of the pre-petition signatures. The County Manager's

¹ Underlined text indicates language contained in the Ramsey County Charter.

Office will transmit a copy of the documents to the County Attorney's Office for the legal determinations related to paragraphs 7.20.01 and 7.20.02 above.

7.30.02 Official Summary Statement

Within thirty (30) days of receipt of the initiative proposal, the County Attorney's Office will:

- determine if the proposal is consistent with the Charter requirements regarding appropriate subjects of an ordinance procedure and protected rights, and will identify defects;
- write an official summary which shall include the title and a summary of the intent of the proposed ordinance;
- draft a ballot title and statement; and
- forward copies of the legal determination, official summary and the ballot title and statement to the chief petitioners, the County Board of Commissioners and the County Manager.

7.30.03 Definition of Qualifying Statement for Initiative Proposals

For an initiative, the qualifying statement required by the Charter will consist of the legal determination, the official summary of the proposed ordinance and the draft ballot title and statement from the County Attorney's Office, and verification of the 500 pre-petition signatures from the Ramsey County Elections Division.

7.30.04 Notice of Qualifying Statement for Initiative Proposals

The County Manager shall give notice to the chief petitioners of the qualifying statement for an initiative proposal, in the manner required by 7.10.20.

7.30.05 Time for Gathering Signatures for Initiative Proposals

Following the date on which notice of the qualifying statement for an initiative proposal is given by the County Manager, the chief petitioners shall have ninety (90) days in which to gather the number of signatures required for an initiative petition. For purposes of this calculation, the day on which notice is mailed by certified mail return receipt requested shall not be counted.

7.40.00 INITIATIVE AND REFERENDUM PETITIONS: FORM AND FILING

7.40.01 Required Number of Signatures and Petition Format

Initiative and referendum procedures shall be started by a petition signed by registered voters of the County equal in number to 10 percent of those who voted in the County for the Office of President of the United States in the last general election.

The Ramsey County Elections Division will calculate this number and make it available to the public following each presidential election.² The Elections Division shall provide a sample format for initiative and referendum petitions.

7.40.02 Form of Petition

The petition shall state, at the head of each page or have attached to it throughout its circulation, the exact text of the proposed ordinance or a description of the ordinance to be reconsidered. Initiative and referendum petitions may consist of one or more papers. Each paper circulated separately shall contain at its head the statement required by the Ramsey County Charter.

The official summary developed by the County Attorney's Office shall serve as the description of the ordinance required by the Charter.

7.40.03 Qualified Signatures

The signers of the petition must be registered voters in Ramsey County and shall sign and print their name and provide the street address of their residence. Each signer may sign a petition only once. Any name appearing on any petition which does not comply with the foregoing requirements shall be stricken, and no names shall be counted which have not been verified.

These characteristics constitute "qualified signatures of registered voters."

7.40.04 Certifying the Petitions

Each separate page of the petition shall have appended thereto a certificate, verified by oath that each signature was affixed by the person purporting to have signed the same in the presence of the person making the certificate. The person making the certificate shall be a resident of the County.

7.40.05 Withdrawing Name From a Petition

Any person whose name appears on a petition may withdraw their name by a statement in writing filed with the County Manager before the County Manager advises the County Board as to the sufficiency of the petition.

Immediately upon receipt of statements withdrawing names from a petition, the County Manager shall transmit the statement to the Elections Division.

7.40.06 Filing the Petition

Any petition shall be deemed received by the County Board when it is filed with the County Manager. There is no fee for this filing.

² Based on the 1988 presidential election results, the current required number of signatures is 23,533.

A letter accompanying the petition shall identify three individuals to serve as chief petitioners; state their addresses and telephone numbers; and identify the name and address of one of the chief petitioners to serve as the designated contact person. All notices and correspondence related to the status of the petition shall be sent by certified mail return receipt requested. The County Manager will direct all communications regarding the status of the petition to the chief petitioners.

7.40.07 Timeliness of Petitions

Following the receipt of a petition, the County Manager shall make an initial determination of the timeliness of the petition. For an initiative, the petition shall be timely if it is filed with the County Manager within 90 days after the notice of the qualifying statement for an initiative proposal was given by the County Manager to the chief petitioners. For a referendum, a petition is timely if it is filed with the County Manager within thirty (30) days after the publication of the ordinance which is the subject of the referendum. If a petition is timely, it shall be transmitted for a determination of sufficiency according to 7.50.01 through 7.50.07. If a petition is not timely, the County Manager shall give notice to the chief petitioners of the untimeliness.

7.50.00 INITIATIVE AND REFERENDUM PETITIONS: SUFFICIENCY

7.50.01 Receipt of Petition

Immediately upon receipt of the petition, the County Manager shall transmit the original petition to the Elections Division which shall examine the petition to determine its sufficiency.

7.50.02 Total Signatures

Within five (5) working days of filing the petition, the Elections Division shall determine the total number of signatures on the petition. If the total number of signatures is less than 100 percent of the signatures required, the County Manager will notify the chief petitioners of the deficit petition and request the designated contact person to pick up the petition from the County Manager's Office. No further action will be taken by Ramsey County on the deficit petition.

7.50.03 Determination of Sufficiency

If the total number of signatures on the petition is 100 percent or more, the Elections Division shall examine the petition as to sufficiency. Sufficiency requires:

- * A qualifying statement,
- * Signatures of registered voters,
- * Verification of signatures, and
- * The names of petitioners who have withdrawn or have not qualified and whose names are stricken and are not to be counted.

The County Manager will make a report as to the petitions sufficiency to the County Board within thirty (30) days of the initial filing.

7.50.04 Definition of Qualifying Statements

For an initiative, see paragraph 7.30.03.

For a referendum, the qualifying statement required by the Charter will consist of identification of the ordinance to be reconsidered, the official summary attached to the ordinance when adopted by the County Board, and a draft ballot title and statement as drafted by the County Attorney's Office.

7.50.05 Disposition of Insufficient Petitions

If the County Board determines that the petition is insufficient or irregular, the County Manager shall notify the chief petitioners and shall arrange to return a copy of the petition to the designated contact person, together with a written statement of its defects.

The persons circulating the petition shall be given thirty (30) days in which to file additional signatures and to correct the petition in all other particulars. If, at the end of that period, the County Board finds that the petition is still insufficient or irregular, the petition shall be filed in the office of the County Manager and the persons circulating the petition shall be notified of the defect. The final finding of insufficiency or irregularity shall not prejudice the filing of a new petition for the same purpose nor, in the case of an initiated or referred ordinance, shall it prevent the County Board from referring the ordinance to the voters at the next regular or special election at its option.

7.50.06 Sufficient Initiative Petition and Board Action

Upon receiving the report of sufficiency from the County Manager, the County Board shall determine by resolution the sufficiency of the petition. The County Board has sixty (60) days after the filing of the petition with the County Manager to enact the ordinance without change, or to place it on the ballot at the next general election occurring in the county. If no election is to occur within one hundred twenty (120) days after the filing of the petition, the County Board shall, within such one hundred twenty (120) day period, call a special election on the proposed ordinance.

7.50.07 Sufficient Referendum Petition and Board Action

As soon as the County Board declares by resolution a referendum petition to be sufficient, then the ordinance, other than emergency ordinances, upon which the petition is filed shall be suspended in its operation.

The County Board may repeal the ordinance. If the ordinance is not entirely repealed, it shall be placed on the ballot at the next election, or at a special election called for that purpose, as the County Board shall determine.

If a referendum petition filed against an emergency ordinance is found to be sufficient, then that ordinance shall remain in effect, but shall be placed on the ballot at the next election or a special election called for that purpose.

7.60.00 INITIATIVE AND REFERENDUM ELECTIONS

7.60.01 Withdrawing Petition Prior to Election

The three individuals who serve as chief petitioners may withdraw the petition and have the issue stricken from the ballot up to fifty calendar days prior to the election in which the proposed ordinance is to appear on the ballot.

7.60.02 Election

For an initiative petition, if no election is to occur within 120 calendar days after the filing of the petition, the County Board shall, within such 120 day period, call a special election on the proposed ordinance.

For a referendum petition, it shall be placed on the ballot at the next election, or at a special election called for that purpose, as the County Board shall determine.

If a majority of those voting on the ordinance vote in its favor, it shall become effective immediately.

7.60.03 Conflicting Initiative Proposals

If provisions of two or more measures approved at the same election conflict, the conflicting provisions of the measure receiving the highest affirmative vote shall prevail. Portions of both may take effect where there is no conflict.

7.60.04 Repeal of Ordinances Submitted to Voters

No ordinance adopted by the voters on initiative or ordinance approved by referendum shall be repealed within twelve (12) months after its approval.

7.60.05 Limit on Frequency of Repetition

No question may be put to the electorate by initiative or referendum more than once in any twelve (12) month period. Subsequent submission shall be placed on the ballot at a primary or general election.

7.70.00 RECALL PROCEDURES

7.70.01 Recall Provisions

Recall procedures will be in accordance with state law which requires a showing of malfeasance or nonfeasance in office.

7.70.02 State Law

Current state law pertaining to recall procedures is found in Minnesota Statutes, Chapter 351.14 through 351.23.