



LET THE PEOPLE DECIDE

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A Layman's Guide to the City Charter on Initiative Special Elections.

[The following [section 3-404\(3\) of the City Charter](#), which both the City Clerk and Stop Rail Now have commented on, is poorly drafted. However, it is merely complicated; it is not ambiguous. The paragraphs below, in regular type face, are the complete and exact language of the this sub-paragraph and the indented italicized paragraphs are our comments on it. They have been approved by our attorneys.]

3. For Initiative Special Elections. A special election for an ordinance by initiative power shall be called within ninety days of filing of the petition if signed by duly registered voters equal in number to at least fifteen percent of the votes cast for mayor in the last regular mayoral election, ...

This means that a costly special election shall be held within 90 days if this minimum number of votes is filed with the City Council. The votes cast for Mayor in the 2004 election were 294,544. And 15 percent of that is 44,182 [[2006 State Data Book, Table 8.10](#)].

... and if such petition specifies that a special election be called; ...

Stop Rail Now's petition does indeed specify "a special election."

... provided that if the clerk certifies less than fifteen percent but at least ten percent, ...

Since we are still in the same sentence these percentages are of the "votes cast for mayor in the last mayoral election," which means less than 44,182 but at least 29,454.

... the proposed ordinance shall be submitted at the next general election or scheduled special election.

There is no scheduled special election and so it "shall be submitted at the next general election."

No special initiative election shall be held if an election is scheduled within one hundred eighty days of submission of the proposal.

This last sentence essentially says that notwithstanding any of the foregoing, particularly the first three lines, if an election is scheduled within 180 days of the day of submission of the petition, the city will still not hold a special election within 90 days. You will only get to vote on your submission in the next scheduled or general election. In other words, as an example, if Stop Rail Now had filed its petition in May this year with the 44,182 signatures, or 15 percent, as specified above, we still would not have been given a special election in August (90 days later), we would have to wait until November for the general election. This provision is to reduce the occurrence of special elections and to avoid their high costs.