

CITY of ALBUQUERQUE

TWENTY FIRST COUNCIL

COUNCIL BILL NO. P-14-4 ENACTMENT NO. _____

SPONSORED BY: Ken Sanchez and Brad Winter

1 CHARTER AMENDMENT PROPOSAL

2 ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE
3 NEXT CITY-WIDE SPECIAL ELECTION, OR THE GENERAL ELECTION BALLOT
4 OF NOVEMBER 4, 2014, THAT AMENDS ARTICLE III, SECTION 3 OF THE
5 CHARTER OF THE CITY OF ALBUQUERQUE, CONCERNING DIRECT
6 LEGISLATION BY VOTER INITIATIVE SO THAT PROPOSED MEASURES
7 SHALL BE SUBMITTED TO THE CITY'S ELECTORS ONLY AT GENERAL OR
8 REGULAR MUNICIPAL ELECTIONS; AND THAT AMENDS THE CALCULATION
9 FOR THE MINIMUM NUMBER OF PETITION SIGNATURES.

10 WHEREAS, Article III, Section 3 of the City Charter authorizes direct
11 legislation by voter initiative provided that certain minimum requirements are
12 satisfied, including that a minimum number of registered City voters have
13 signed the petition; and

14 WHEREAS, under the current provisions of Art. 3 Section 3 an election on
15 the direct legislation must be held within ninety days of the gathering of the
16 required signatures and filing the petition with City Clerk; and

17 WHEREAS, this process creates the possibility for multiple City-wide
18 special elections in any given year at great cost to the taxpayers of the City
19 and City resources, and it is impossible to budget in advance for an unknown
20 number of potential special elections; and

21 WHEREAS, the City Council has the ability to propose an amendment to
22 the City Charter that might help minimize these burdens while still allowing for
23 the continuation of the voter initiative process; and

24 WHEREAS, Article VI, Section 3 of the Charter authorizes the City Council
25 to Initiate Charter Amendments by approving a proposed amendment to be
26 placed out to the voters for consideration and approval; and

1 WHEREAS, in order to ensure continued access to the ballot initiative
2 process by the citizens of Albuquerque while protecting public funds and
3 resources, the City Council desires to submit to the City's electors, at the next
4 city-wide special election or the November 4, 2014 general election, a proposal
5 to amend Article III, Section 3 of the City Charter concerning direct legislation
6 by voter initiative.

7 BE IT PROPOSED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
8 OF ALBUQUERQUE:

9 SECTION 1. The City Clerk shall place the complete text of the below
10 summary, title and proposition on the ballot at the next city-wide special
11 election, or the November 4, 2014 general election, and the City of
12 Albuquerque qualified voters shall be permitted to vote "for" or "against" the
13 proposition:

14 SUMMARY

15 Proposing that ballot initiative measures shall be submitted to
16 voters at either general or regular municipal elections and
17 amending the calculation for the minimum number of petition
18 signatures.

19 TITLE & PROPOSITION

20 PROPOSING TO AMEND ARTICLE III, SECTION 3 OF THE ALBUQUERQUE
21 CITY CHARTER:

22 "Section 3. DIRECT LEGISLATION BY VOTER INITIATIVE.

23 (a) Except as provided in Subsection (d) of this Section, a measure may be
24 proposed to the governing body for enactment as follows:

25 1. Notice of intent to circulate a petition proposing any measure must be
26 signed by five qualified voters and filed with the City Clerk;

27 2. Concurrently with the filing of the notice of intent, the proposed
28 measure shall be filed with the City Clerk;

29 3. The number of qualified voters required to sign the petition shall be a
30 number more than ~~[20% of the average number of voters who voted at the four~~
31 ~~regular municipal elections prior to filing the notice of intent or more than]~~
32 20% of the number of voters who voted at the [last] regular municipal
33 [mayoral] election prior to filing the notice of intent~~[, whichever is greater];~~

1 4. Before any signatures are affixed thereon, the form of such petition
2 must be approved by the City Clerk as provided by law and the date of filing
3 the notice of intent shown thereon;

4 5. No such petition or any part thereof, may be filed more than sixty
5 days after the date of filing the notice of intent;

6 6. If the Council fails to act upon a measure so proposed within fourteen
7 days after the City Clerk files a certification with the Council that the petition
8 has been signed by the required number of voters, or the Council acts
9 adversely thereon or amends it an election on the issues must be held [~~within~~
10 ~~ninety days after the date of filing the petition~~] [at the next general or regular
11 municipal election.]

12 (b) At such election the ballot shall contain the proposed measure as
13 originally submitted and the measure as amended, if amended by the
14 governing body of the city. Below each of these measures, there shall be
15 printed the words: "For" and "Against" followed by spaces for marking with a
16 cross or a check the word desired.

17 (c) The measure receiving a majority of the votes cast on that measure in
18 its favor is adopted. If each measure receives a majority of votes cast on that
19 measure in its favor, the measure receiving the greatest number of votes cast
20 in its favor is adopted. If neither measure receives a majority of the votes
21 cast, neither shall be in effect.

22 (d) The initiative procedure of this Section shall not be available to amend
23 or repeal, directly or indirectly:

24 1. Any ordinance authorizing bonds or other obligations where such
25 ordinance, bonds or other obligations appropriately have been approved at an
26 election in the city;

27 2. Any ordinance levying or otherwise relating to special assessments;

28 3. Any ordinance which imposes, levies, increases or otherwise amends
29 any excise tax pledged to any bonds or other obligations then outstanding;

30 4. Any ordinance which imposes, levies, increases or otherwise amends
31 rates, tolls, fees and charges for services rendered by any municipal utility or
32 any municipal revenue producing project if bonds or other obligations payable
33 from the designated source are then outstanding; or

1 5. Any ordinance authorizing or otherwise relating to any city bonds or
2 other obligations then outstanding.

3 **SECTION 2. TIME OF FILING WITH THE CITY CLERK.** The Director of City
4 Council Services, or designee, shall file the proposed amendment described in
5 Section 1 above with the City Clerk at either: a) the next soonest notice from
6 the City Clerk that a direct legislation by voter initiative petition has been
7 signed by the required number of voters pursuant to the process described in
8 Article III, Section 3 of the City Charter, or b) within the ninety days
9 immediately preceding the November 4, 2014 regular municipal election.

10 **SECTION 3. COORDINATION WITH BERNALILLO COUNTY.** The City Clerk
11 shall coordinate with the Bernalillo County Clerk to prepare and file any
12 necessary documents and agreements to facilitate the placement of this
13 proposed Charter amendment described in Section 1 on the November 4,
14 2014, general election ballot.

15 **SECTION 4. SEVERABILITY CLAUSE.** If any section, paragraph, word or
16 phrase of this proposition is for any reason held to be invalid or unenforceable
17 by any court of competent jurisdiction, such decision shall not affect the
18 validity of the remaining provisions of this proposition. The Council hereby
19 declares that it would have passed this proposition and each section,
20 paragraph, sentence, clause, word or phrase thereof irrespective of any
21 provision being declared unconstitutional or otherwise invalid.

22 **SECTION 5. EFFECTIVE DATE.** This proposition is effective immediately.
23 The Charter Amendment described in Section 1 of this proposition shall take
24 effect immediately following the certification of the election if approved by the
25 voters.