

OFFICE OF THE CITY ATTORNEY

OPINION 91-07

TO: Honorable Mayor and Council
FROM: Stephen M. Kemp, City Attorney
DATE: September 12, 1991
SUBJECT: Impact of Signed Initiative Petitions

QUESTION:

At the September 10, 1991 Council Meeting, questions arose regarding the impact of a signed initiative petition.

OPINION:

Article 4, Pt. 1, §1 of the Arizona Constitution provides that the power of the initiative is reserved to the qualified electors of the City. Unlike, the State Constitution, the Peoria City Charter provides that an initiative may be voted upon at a special election. Article X, Section 2, Charter. However, the Charter does not specify how the date for a special election would be determined. If one applies the time requirements for circulating referendum petitions as a minimum standard, it would appear that the special election must be at least one hundred and eighty (180) days after the petition number is obtained. It should be noted that this charter provision may conflict with the Arizona Constitution which allows circulation of an initiative petition up to four (4) months before the general election.

Under A.R.S. §19-111, the initiative process is commenced by applying to the City Clerk for a petition number which must be printed on the petitions to be circulated. The petition must indicate whether the matter is to be submitted at a special election or a general election of the City. Under Section 18-1-2 of the City Code, the petitions must contain 15% of the total number of the votes cast for Mayor in the 1991 primary election.

Based on approximately 7,200 votes cast, the required number of

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signatures is approximately 1,100.

Once the petition is filed, the council must place the initiative upon the ballot, provided that it is a proper subject for legislative action. The initiative may not be submitted to the qualified electors less than ninety (90) days after it was filed with the City Clerk. A.R.S. §19-143.

In conclusion, a signed initiative petition must be placed on the ballot provided it contains the minimum numbers of signatures and it is a proper subject for legislative action. If you should have any questions, please do not hesitate to contact me.

SMK:ei

cc: Ken C. Forgia, Mayor
City Council

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