

FRIDLEY CITY CHARTER  
CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

Section 5.01. POWERS RESERVED BY THE PEOPLE.

The people of the City of Fridley reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes; to require any ordinance when passed by the Council to be referred to the electorate for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively. (Ref. Ord. 857, 1142)

Section 5.02. EXPENDITURES BY PETITIONERS.

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, monetary or otherwise, for service rendered in connection with the circulation thereof. This shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within five (5) days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto. (Ref. Ord. 1252)

Section 5.03. FURTHER REGULATIONS.

1. A lawful petition under this Charter may be submitted, signed and circulated upon an ordinance to be initiated, or upon an ordinance to be made the subject of a referendum or on a proceeding for recall upon the grounds authorized by law and required by the Constitution of the State of Minnesota. Reasons stated in the proposed petition, are to be stated and noted in the petition itself. A petition for any other purpose may be made in accordance with procedures established by this Charter or under provisions of law as may be elsewhere provided. (Ref. Ord. 625, 1142)
2. A petition under this Charter shall be filed in the office of the City Clerk as one (1) instrument, which instrument shall contain any required documents (appropriate to the petition), a copy of any ordinance proposed, covered or affected, and all the signature papers and affidavits attached in support of the same. (Ref Ord 1142)
3. A petition shall be circulated by a registered voter of the City. A petition shall be signed by registered voters of the City. All the signatures on any petition need not be on one (1) signature paper. The circulator of the petition shall be certified as the circulator of the petition by an attached notarized affidavit which states:
  - (1) that the circulator has signed the petition;
  - (2) that each signature was signed in the circulator's presence;
  - (3) the signature is from the person who signed the petition in front of the circulator; and

(4) that each signer affirmed they were a registered voter at the residence stated thereon.

Any signature paper lacking the notarized affidavit shall be void. If void, the signatures on that paper shall not be used in the calculation of the signatures needed to fulfill the petition requirement. (Ref Ord 1305)

- 4. The insufficiency or irregularity of a petition shall not prejudice the filing of any new petition for the same purpose, nor shall it prevent the Council from referring any ordinance proposed to the electorate at the next regular or special election, or otherwise acting favorably upon the same. (Ref. Ord. 625)
- 5. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this Charter as it deems necessary. (Ref. Ord. 625)
- 6. The City Clerk, upon receipt of documented information that any signature on any petition paper has been falsely attested to, shall promptly forward such information to the proper authority for prosecution under State Statutes applying thereto. (Ref. Ord. 625)

INITIATIVE

Section 5.04. INITIATION OF MEASURES.

Any five (5) registered voters may form a committee for the initiation of any ordinance as provided in Section 5.03.01. Before circulating any petition the committee shall file a copy of the proposed ordinance with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the proposed ordinance to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the proposed ordinance shall be a copy to which the City Clerk affixes the words: "Proposed Ordinance on File. Fridley City Clerk:\_\_\_\_\_ Date:\_\_\_\_\_." (Ref. Ord. 857, 1142)

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS.

The completed petition for the adoption of any ordinance not yet in effect shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. Each signature paper shall be in substantially the following form: (Ref Ord 1305)

INITIATIVE PETITION

Proposing an ordinance to . . . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electorate for their approval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
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At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

**Section 5.06. FILING OF PETITIONS AND ACTION THEREON.**

Within ten (10) days after the filing of the completed petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office and no further action shall be taken. The City Clerk shall notify one (1) or more members of the petition committee of that fact. (Ref. Ord. 625, 857, 1142, 1305)

**Section 5.07. ACTION OF THE COUNCIL ON INITIATIVE PETITIONS.**

**A. Completed Petition With Signatures Under 25%**

When the completed petition is found to be sufficient, with the number of signers of the petition not less than fifteen percent (15%) and less than twenty-five percent (25%) of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the

petition, and unsatisfactory to a majority of the petition committee, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election.

**B. Completed Petition With Signatures of 25% or More**

When the completed petition is found to be sufficient with the number of signers of the petition equal to at least twenty-five percent (25%) or more of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition, the Council shall call for an election and place the question on the ballot. If the petition is submitted by July 1st of an even year, the question shall be placed on the next regular municipal election ballot. If the petition is submitted after July 1st of an even year or during an odd year, the Council shall call for a special election subject to Minnesota Election Law. (Ref 1305)

**Section 5.08. INITIATIVE BALLOTS.**

The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election; but the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two (2) or more initiative ordinances approved by the voters, the ordinances shall not go into effect until the City Council has had sixty (60) days to resolve the inconsistencies. (Ref. Ord. 625, 857, 1305)

**Section 5.09. INITIATION OF CHARTER AMENDMENTS.**

The ways to initiate amendments to this Charter are set forth in Minnesota Statutes. (Ref. Ord. 857, 914.)

**REFERENDUM**

**Section 5.10. THE REFERENDUM.**

If prior to the date when an ordinance takes effect a petition signed by at least fifteen per cent (15%) of the total votes cast at the last state general election in the City request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. (Ref. Ord. 857, 1142, 1305)

Section 5.11. REFERENDUM PETITIONS.

Any five (5) registered voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee shall file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the ordinance proposed to be repealed to the referendum shall be a copy to which the city clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk \_\_\_\_\_, Date \_\_\_\_\_." A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to the electorate for their approval or disapproval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
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At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Section 5.12. FILING OF REFERENDUM PETITIONS

1. REFERENDUM PETITION PROPOSING REPEAL OF CHARTER AMENDMENT

The requirements for the purposes of petitioning for a referendum repealing a charter amendment are set forth in Minnesota State Statutes.

## 2. REFERENDUM PETITION PROPOSING REPEAL OF AN ORDINANCE

Within ten (10) days after the filing of the completed referendum petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office, no further action shall be taken, and the ordinance will become effective immediately or on the date specified. The City Clerk shall notify one (1) or more members of the petition committee of that fact. (Ref. Ord. 1252, 1305)

### Section 5.13. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition; or
2. The petitioner's committee withdraws the petition; or
3. The council repeals the ordinance; or
4. Upon seven days after canvass of election is completed when a majority of those voting on any such ordinance vote in favor of it. (Ref. Ord. 1252)

### Section 5.14. ACTION OF THE COUNCIL ON REFERENDUM PETITIONS

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and nay vote reaffirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance by August 1st of an even year, the question shall be placed on the next regular municipal election ballot. If approved after August 1st of an even year, the Council shall immediately order a special election to be held subject to Minnesota Election Law. (Ref. Ord. 1252, 1305)

Section 5.15. REFERENDUM BALLOTS.

The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

RECALL

Section. 5.16. THE RECALL

Any five (5) registered voters may form a committee for the purpose of bringing about the recall of any elected officer of the City as provided in Section 5.03.01.

Before circulating any petition, the committee shall-file with the City Clerk a copy of a statement naming the elected officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about the recall with their names and addresses as members of said committee. The statement of grounds for removal of the elected officer must identify malfeasance or nonfeasance of conduct in the officer's performance of official duties. Malfeasance constitutes an illegal or harmful act which an elected official should not perform in an official capacity. Nonfeasance is the neglect or refusal to perform official duties. The committee shall also attach a verified copy of said statement to each of the signature papers herein described, together with their names and addresses as sponsors thereof. A verified copy of said statement shall be a copy to which the city clerk shall affix the following words: "Proposed Recall Statement on File. Fridley City Clerk (Attest): \_\_\_\_\_ Date:\_\_\_\_\_. (Ref. Ord. 625, 857, 1142)

Section 5.17 RECALL PETITIONS.

The petition for the recall of any elected official shall consist of the statement identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Such petition shall not be considered to be complete unless signed by at least twenty five percent (25%) of the total number of votes cast in the last state general election in the Ward or City represented by the office holder. Each signature paper shall be in substantially the following form: (Ref 1305)

RECALL PETITION

Proposing the recall of . . . . . from office as . . . . . which recall is sought for the reasons set forth in the attached statement. This movement is sponsored by the following committee of registered voters:

Name	Address
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name	Birth Year	Address	Signature
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At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Section. 5.18 FILING OF PETITION.

Within thirty (30) days after the filing of the original proposed petition, the committee shall file the completed petition in the Office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if the City Clerk finds it irregular, or finds that the number of signers is less than twenty-five percent (25%) of the total number of votes cast at the last state general election in the Ward or City represented by the office holder, the City Clerk shall at once notify one (1) or more members of the petition committee advising the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that time the City Clerk finds the petition still insufficient or irregular, one (1) or more of the members of the petition committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall be taken thereon. (Ref. Ord. 857, 1142, 1305)

Section. 5.19. RECALL ELECTION.

If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election subject to Minnesota Election Law. (Ref. Ord. 1252, 1305)

Section. 5.20. PROCEDURE AT RECALL ELECTION.

The Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the elected officer concerned in justification of his/her conduct in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted, as far as possible, in accordance with the usual procedure in municipal elections. (Ref. Ord. 857, 1142)



**Section 5.21. FORM OF RECALL BALLOT.**

1. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the Council shall declare the office vacant and shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.

2. If the officer sought to be recalled does not resign within ten (10) days after the receipt by the Council of the completed recall petition, the question to be placed on the ballot at the recall election referenced in Section 5.19 of the Charter shall be: "Shall \_\_\_\_\_ be recalled?", the name of the officer whose recall is sought being inserted in the blank, and those voting shall be permitted to vote "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall (a majority voting "Yes"), the officer shall be promptly removed from office. The Council shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06. If a majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer shall continue in office with no further action required. (Ref. Ord. 1252)

**Section 5.22. INSTRUCTIONS TO PETITIONERS.**

The City Clerk shall provide to every person circulating a petition for the initiation of an ordinance, for the initiation of Charter amendments, for a referendum, or for the recall of an elected official, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts. (Ref. Ord. 625, 1142)