



Charter Subcommittee Agenda

City of Newton In City Council

Monday, May 14, 2018

6:00 PM
Room 204

Scheduled for Discussion:

Discussion and review:

- Article 7: Planning
- Article 8: Nominations and Elections
- Article 10: Free Petition; Initiative; Referendum

Respectfully Submitted,

R. Lisle Baker, Chair

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**ARTICLE 7.
PLANNING**

See-SECTION 7-1. Department of Planning and Development.

~~There shall be a Department of Planning and Development.~~

~~See-There shall be a department of planning and development and a planning and development board. The membership and term of office of the planning and development board shall be determined by ordinance. The mayor shall appoint the members of the board subject to council confirmation as provided in section 3-3(a).~~

SECTION 7-2. Comprehensive Plan.

(a) Content—~~There shall be a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the entire city. The~~ containing the plan shall cover the entire city and all of its functions and services or shall consist of a combination ~~elements described in section 81D of plans governing specific functions and~~ chapter 41 of the General Laws; provided however, that the city may also undertake planning activities relating to particular services or specific geographic areas ~~within the city.~~

(b) Adoption— Within 2 years of the swearing in of a new mayor, the mayor shall submit to the city council reaffirmation of the comprehensive plan or a modification of the plan, including the recommendations of the planning and development board, for the city council's approval with or without amendments.

The mayor may submit to the city council a new comprehensive plan or modifications to the comprehensive plan as the mayor deems necessary.

Upon receipt ~~from the mayor~~ of a proposed new comprehensive plan, or a proposed modification of the ~~existing plan~~, ~~the city council shall refer the proposal to the planning and development board which shall, within a time specified by the city council, report its recommendations on the proposal. After receipt of~~ comprehensive plan, and the recommendations of the planning and development board, the city council shall hold at least 1 public hearing on the proposed ~~comprehensive plan or the proposed modification of the~~ or new comprehensive plan and shall, by resolution, adopt the ~~same~~ new comprehensive plan or modification of the comprehensive plan with or without amendments. ~~The city council may thereafter from time to time modify the comprehensive plan.~~

(c) Effect—The ordinances of the city, including but not limited to, the zoning ordinances, shall be not inconsistent with the comprehensive plan shall serve as a guide to all future action by the city council concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

~~See.~~

SECTION 7-3. Implementation of the Comprehensive Plan.

(a) Land Use and Development Regulations —In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not

limited to, an official map and zoning regulations. reflecting the intent of the city's comprehensive plan.

~~(b) Urban Renewal—In accordance with the General Laws, the city council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight or other conditions or deterioration.~~

~~(c) Action by the City Council—Before acting on and the Planning and Development Board — If any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where the ordinance involves a matter covered by addressed in the comprehensive plan concerning land use, development regulations, or capital improvement expenditures, the city council shall first refer the ~~proposal~~ proposed ordinance to the planning and development board ~~which~~. The board shall, within a time specified by the city council and prior to the public hearing on the proposed ordinance, report in writing its recommendations on the proposal. Upon adopting any such ordinance, the city council shall make findings and report on the relationship between the ordinance and the comprehensive plan and the comprehensive plan shall be deemed to be amended in accordance with the findings and report. in writing to the city council on the proposed ordinance in accordance with section 5 of chapter 40A of the General Laws.~~

ARTICLE 8.
NOMINATIONS AND ELECTIONS

~~See.~~**SECTION 8-1. Nonpartisan General Provisions for All Elections.**

~~All elections~~(a) Elections of ~~City~~city officers shall be nonpartisan, and election ballots or ballot labels for such officers shall be printed without any party mark, emblem, or designation ~~whatsoever.~~

~~See.~~(b) Signature Requirements —The number of signatures of voters in the city required to place the name of a candidate on the official ballot to be used at an election shall be:

(1) for mayor: 400 signatures; and

(2) for councilor-by-ward, councilor-at-large or school committee member: 150 signatures.

(c) Ballot Position —The election commission shall randomly draw lots to determine the order in which names of candidates shall appear on the ballot for each office.

(d) Information to Voters —The name and street address of each candidate, but not any other information regarding the candidate, shall appear on the ballot at any city election; provided, however, that if the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, the phrase "Candidate for Re-election" shall appear beside the candidate's name.

SECTION 8-2. Regular City Elections.

~~(a)~~

Date —The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

~~(b) Ballot Position —The order in which names of candidates appear on the ballot for each office in a regular city election shall be determined by a drawing by lot conducted by the election commission.~~

~~(c) Information to Voters —If the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, against the candidate's name shall appear the phrase "Candidate for Re-election".~~

~~See.~~

SECTION 8-3. Preliminary Elections: Special Elections.

~~(a) Date~~—For ~~each regular city election and~~ any special election called to fill a vacancy in the office of mayor, ~~there shall be held~~ and for each regular city election, a preliminary election ~~for the purpose of nominating~~shall be held to nominate candidates. The city council shall set the date for each preliminary election. ~~(Acts of 2008, chapter 152; Acts of 2015, chapter 26)~~

~~(b) Signature Requirements —The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election, or any special election for an office other than mayor, shall be as follows: for the office of mayor, four hundred signatures; for councilor at~~

large, one hundred fifty signatures; for ward alderman, fifty signatures from the ward in which the election is to be held; for school committee member, one hundred fifty signatures.

(c) ~~Ballot Position~~—The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the election commission.

(d) ~~Information to Voters~~—Every petition requesting the placement of the name of a candidate for nomination on the official ballot for use at a preliminary election, or for use at any special election for an office other than mayor, may state in not more than eight words the elected public offices which the candidate for nomination holds or has held. Against the name of any such candidate there shall be printed on the official ballot for a preliminary election, or any special election for an office other than mayor, the statement contained in the petition.

(e) ~~Proviso~~ (b) Conditions Making Preliminary Election Unnecessary—If at the expiration of the time for filing petitions for nomination of candidates to be voted for any preliminary election, not more than twice as many such petitions have been filed for an office as are to be elected to such office, the candidates whose petitions have ~~thus~~ been filed shall be ~~deemed to have been~~ considered nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, ~~as the case may be,~~ and the ~~Election Commission~~ election commission shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. ~~If in consequence it shall appear that~~ if no names are to be printed upon the official ballot to be used at any preliminary election ~~in any ward or wards of the city,~~ no preliminary election shall be held ~~in any such ward or wards.~~

~~See.~~

SECTION 8-4. Special Elections.

~~Special elections~~

The city council shall set the date for a special election to fill the office of councilor, ~~mayor-by-ward, councilor-at-large,~~ or school committee member as provided in sections 2-5, ~~3-10~~ and 4-6; provided that the date shall be held within 120 days following after the date on which the election is called. ~~Persons~~ No special election under section 2-5, 3-10 or 4-6 shall be held during the month of July or August and any election that would otherwise be scheduled to take place in July or August shall be held at the earliest possible date in September. A person elected at ~~the elections~~ a special election shall immediately be sworn and assume ~~their~~ that office.

~~See.~~

SECTION 8-5. Wards.

The territory of the city shall be divided into ~~eight~~ 8 wards.

~~See.~~

SECTION 8-6. Application of State Laws.

Except as expressly provided in the charter and authorized by state law, ~~all~~ city elections shall be governed by the laws of the ~~Commonwealth~~ commonwealth relating to the composition, powers, and duties of the election commission, the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular, and special elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

SECTION 8-7. Certificate of Election and Appointment.

Every person who is elected, ~~including those elected by the city council,~~ or appointed by the mayor, city council or school committee to an office, shall receive a certificate of the election or appointment from the city clerk. Except as otherwise provided by law, before performing any act under the election or appointment, the person shall take and subscribe to an oath to qualify the person to enter upon the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the city council may prescribe, be open to the inspection of the public.

ARTICLE 10~~7~~
FREE PETITION~~5~~, INITIATIVE~~5~~, AND REFERENDUM

~~See.~~

SECTION 10-1. Free Petition

(a) Individual, Discretionary Petitions.

The city council and the school committee shall receive all petitions addressed to either of them and may ~~in their discretion~~ take such action with regard to the petitions as they deem necessary and advisable.

Sec. 10-2.(b) Group Petitions; Action Required.

~~The city council~~ to City Council or ~~the school committee~~ School Committee

If 100 or more voters sign a petition seeking the passage of a measure, and deliver the petition to the city council or the school committee, the city council or school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure. the petition. The hearing shall be held by the city council or the school committee, or, in either case, by a committee or ~~subcommittee of either the city council or school committee and the action by~~ sub-committee of the city council or school committee ~~shall be taken,~~ not later than 3 months after the petition is filed with the ~~city clerk.~~ clerk of the council or the secretary of the school committee. Hearings on 2 or more petitions filed under this section may be held at the same time and place ~~and the city.~~ The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the first 50 certified signers 10 persons whose names appear first on ~~each~~ the petition at least ~~48 hours~~ 7 days before the hearing. Notice, by publication, of all such hearings shall be at public expense. (Referendum of 11-04-75.)

~~See.~~

SECTION 10-32. Initiative; Repeat Matters; Measures

~~Except as otherwise provided by law or this charter, a measure may be proposed to the city council or the school committee in accordance with this article, but no measure which is substantially the same as any other measure submitted or referred to the voters and disapproved by them within 2 years or which would have the effect of repealing any measure so submitted or referred and approved by the voters within 2 years may be proposed by initiative procedures.~~

Sec. 10-4. Initiative:

(a) Commencement of Proceedings; Referral to City Solicitor.

~~—~~ Initiative procedures shall be started by the filing of an initiative petition with the ~~city clerk.~~ clerk of the council or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure ~~set forth, which shall appear in full~~ in the petition, and shall be signed by at least ~~50~~ 200 voters. The petition shall be accompanied by an affidavit signed by 10 voters and

containing each voter's residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor — If the city clerk determines election commissioners determine that at least 50 the number of the filers are signatures of voters, the city clerk shall transmit is sufficient, the petition shall be delivered to the clerk of the council or the secretary of the school committee, who shall, immediately following receipt of such certification, deliver a copy of the petition to the city solicitor.

Sec. 10-5. Initiative: Opinion of Solicitor.

Within 15 days after receipt of the petition, the- The city solicitor shall, within 15 days following receipt of a copy of the petition, advise the city clerk-council or the school committee, in writing, whether the measure may lawfully be proposed by the initiative proceduresprocess and whether-, in its present form it may be lawfully be passedadopted by the city council or the school committee. If the opinion of the city solicitor is that the measure mayis not lawfully be passedin proper form, the city solicitorreply shall state the reason or reasons for thesuch opinion in the reply. The city clerk shall furnish a. A copy of the city solicitor's opinion of the city solicitor shall also be mailed to the person whose name first appears those identified on the initiative petitionaffidavit as the petitioners committee.

Sec. 10-6. Initiative: (c) Additional Signatures.

The signatures of additional voters who support — If the city solicitor determines that the petition is in addition to those in Section 10-4, may be gathered on forms prepared in accordance with Section 10-13. The separate pages bearing additional signatures a proper form, the city clerk shall be filed at one time with the city clerk not more than six months after the filing of the originalprovide blank petition with the city clerk forms within 10 days for the use of subsequent signers and shall be deemed to be partprint at the top of each blank form a fair, concise summary of the initiative petition. Such additional signaturesproposed measure, as determined by the city solicitor, together with those the names and addresses of the first fifty filersmembers of the petitioners committee. The city clerk shall notify the petitioners committee that the blank petition forms are issued. Within 180 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least equal in number to ten10 per cent of the total number of voters-registered to vote at voters as of the date of the most recent preceding regular city election.

Sec. 10-7. Initiative; Validation of Signatures; Action on Petition.

The sufficiency of the number of signatures to an initiative petition shall be determined in accordance with section 10-14. Within 30 days after an initiative petition is presented to the city council or the school committee, the city council or the school committee shall act with respectSignatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. The street and number of the residence of each signer shall appear with each signature on the petition.

Within 10 days following the filing of the petition, the election commissioners shall determine the number of voters that signed the petition and the percentage represented by that number of the total number of voters as of the date of the most recent regular city election. The election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the clerk of the council or the secretary of the school committee, depending on how the petition is addressed. A copy of the election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions —Within 30 days following the date a petition and certificate has been returned to the initiative measure by passing it clerk of the council or the secretary of the school committee by the election commissioners, the city council or the school committee shall pass the measure without change, by rejecting it or by passing some other pass a measure which is stated to be in lieu of the initiative measure, or reject the measure. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to the any initiative measure as required by this section which is presented to it within 30 days after presentation, following the date it is returned to either the council or school committee by the election commissioners the measure shall be deemed to have been rejected on the such thirtieth day after presentation. If an initiative measure is rejected, the city clerk of the council or the secretary of the school committee shall promptly give written notice of that fact to the first 10 members of the petitioners committee by certified mail. Initiative measures shall not be subject to the charter objection as provided in subsection (e) of section 2-9-(c).

Sec. 10-8. Initiative: (e) Supplemental Petitions; Submission to Voters.

—Within 45 days after notice of following the rejection of date an initiative measure petition has been given by the city clerk rejected, a supplemental initiative petition addressed to may be filed with the city clerk of the council or the secretary of the school committee on forms prepared in accordance with section 10-13 may be filed with the city clerk. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to 5 per cent percent of the total number of voters registered to vote at as of the date of the most recent preceding regular city election. The sufficiency of the number of signatures to a supplemental initiative petition shall be determined in accordance with section 10-14.

(f) Scheduling of Election —If the number of signatures to a such supplemental initiative petition is found to be sufficient, by the city council shall provide election commissioners for submission of the initiative measure to the voters in accordance with section 10-15. petitions submitted to the school committee, the city clerk shall notify both the secretary of the school committee and the city council. For petitions submitted to the council, the clerk shall notify the city council. For either a petition addressed to the school committee or the city council, the city council shall call a special election to be held on a date fixed by it not less than 45 nor more than 90 days following

the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within 180 days following the date of said certificate, the city council may omit the calling of such special election and cause said question to appear on the municipal election ballot at such approaching election for determination by the voters.

Sec. 10-9. Referendum: Right to Refer to Registered Voters.

Except as otherwise provided by law or this charter, any measure passed by the city council or the school committee, including a measure proposed by initiative procedures and passed by the city council or the school committee, may be protested and referred to the voters in accordance with this article.

Sec. 10-10. Referendum: Commencement of Proceedings.

Referendum procedures shall be started by the filing of a referendum petition with the city clerk within 20 days after the final passage by the city council or the school committee of the measure to which the petition relates. The petition shall be addressed to the city council or the school committee on forms prepared in accordance with section 10-13 and shall be signed by a number of voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. Whenever referendum procedures are started in accordance with this section, the referendum measure shall thereupon be suspended from taking effect and such suspension shall remain in force until: (i) it is determined that there is an insufficient number of signatures to the petition; (ii) the referendum measure has been repealed or rescinded by the city council or the school committee; or (iii) the question of whether the measure should take effect has been determined by the voters. (Referendum of 11-04-75.)

Sec. 10-11. Referendum: Validation of Signatures; Action on Petition.

The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with section 10-14. Within 30 days after a referendum petition is presented to the city council, it shall reconsider the referendum measure and shall repeal or rescind it or the city council shall provide for referring the matter to the voters in accordance with section 10-15. Within 30 days after a referendum petition is presented to the school committee it shall likewise reconsider and repeal or rescind the referendum measure or shall notify the city council that it has failed to take such action with respect to the measure. Upon receipt of such notice, the city council shall thereupon provide for referring the matter to the voters in accordance with said section 10-15.

Sec. 10-12. Initiative and Referendum: (g) Publication — The city clerk shall provide a Notice to Voters by mail to every household in the city with at least 1 registered voter. The notice shall contain a fair, concise summary of the initiative measure as prepared by the city solicitor and the full text of the measure which is to be submitted to the voters. Such notice shall be sent not fewer than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, at the public library, and by electronic means as determined by the city clerk.

(h) Ineligible Measures.

~~None of the following~~ measures shall be subject to initiative or referendum procedures: (i) proceedings relating to the organization or operation of the city council or school committee; (ii) an emergency measure passed in conformity with this charter; (iii) the city budget or the school committee budget; (iv) revenue loan orders; (v) any appropriations for the payment of the city's debts or obligations; (vi)

appropriations of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws; (vii) any proceedings or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee; (viii) any proceedings repealing or rescinding a measure or a part of a measure, which is protested by referendum procedures; and (ix) any proceeding providing for the submission or referral of a matter to the voters at an election.

Sec. 10-13. Initiative and Referendum: Forms of Petitions.

(a) Signatures to initiative, supplemental initiative and referendum petitions need not all be on 1 paper.

(b) Each separate page of an initiative, supplemental initiative and referendum petition on which signatures in addition to those of the original filers of the petition are obtained shall bear the names and addresses of any 10 original filers of the petition and shall also have the following 2 sentences in substantially the following form at the top of the petition:

“Each of the undersigned requests that the (City Council) (School Committee) of the City of Newton pass the following measure (set forth initiative measure in full). Each of the undersigned certifies that the signer is a registered voter of the city and that the signer has not signed this initiative petition more than once.”

(c) Each separate page of a supplemental initiative petition shall have the following 2 sentences in substantially the following form at the top:

“Each of the undersigned requests that the following measure which was presented by an initiative petition and then rejected by the (City Council) (School Committee) of the City of Newton be submitted to all the registered voters of the city (set forth initiative measure in full). Each of the undersigned certifies that the undersigned is a registered voter of the city and has not signed this supplemental initiative petition more than once.”

(d) Each separate page of a referendum petition shall have 2 sentences in substantially the following form at the top:

“(Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton whereby it passed the following measure: (set forth the protested measure in full), and requests that such measure be repealed or rescinded.); or (Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton in passing (describe measure in general terms) insofar as said measure contains the following provisions: (set forth the protested provisions in full), and requests that such provisions be repealed or rescinded.) Each of the undersigned certifies that the signer is a registered voter of the city and the signer has not signed this referendum petition more than once.”

(e) All initiative, supplemental initiative, and referendum petitions shall require the following information to be furnished by each signer in accordance with the following instructions which shall appear on each page:

Name*

Present Address (Street and Number)

* Written signature of voter; provided, however, that a registered voter prevented from writing by physical disability may authorize another person to write the voter’s signature and address.

Registered Address (Street and Number on January 1, 20**)

1.....

2.....

3.....

** If a voter was registered later than this date, the registered address on the later date shall be used.

(f) If a petition is expected to be filed in the period between July 15 and December 31, the year inserted in "Registered Address" in subsection (e) shall be the then current year. If a petition is expected to be filed in the period between January 1 and July 15, the year inserted in "Registered Address" in said subsection (e) shall be the preceding year. (Referendum of 11-04-75.)

Sec. 10-14. Initiative and Referendum Procedures; Validation; Notice; Objections.

Whenever a completed initiative petition, a supplemental initiative petition, or a referendum petition is filed with the city clerk, the city clerk shall submit the petition to the election commission forthwith. The

election commission shall thereupon examine the petition and place a check mark against each signature which the commission determines is the name of a voter, except that when the commission has checked a number of signatures which is 40 per cent greater than the minimum number of signatures required for a valid petition, the commission need not examine or check any further signatures. The commission shall prepare a certificate showing the number of signatures to the petition which have been checked by the commission and the number of voters who were entitled to vote at the most recent preceding regular city election and the commission shall return the petition with the certificate to the city clerk. The number of persons who were so entitled to vote shall be deemed to be the number of voters for the purposes of sections 10-6, 10-8 and 10-10. The city clerk shall hold the petition and the commission's certificate available for public inspection during ordinary office hours for 2 full days; provided, however, that unless written objections to the certificate of the commission are filed by a voter within said period, the commission's certificate shall be deemed conclusive. If objections are so filed, the city clerk shall promptly give written notice of that fact to the first 10 petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be disposed of forthwith in the manner provided by the General Laws and, to the extent required, the commission shall revise the certificate accordingly. If the certificate of the commission or its revised certificate, if any, shows that the number of signatures to the petition is insufficient, the city clerk shall give written notice of that fact to the first 10 petitioners and shall retain the petition for at least 6 months after which period the city clerk may destroy the petition. If the original or revised certificate shows that the number of signatures is sufficient, the city clerk shall present the petition and the applicable certificate to the city council or the school committee as may be appropriate.

Sec. 10-15. Initiative and Referendum: Referral to Voters.

Whenever an initiative measure is to be submitted to the voters or a referendum measure is to be referred to the voters, the city council shall provide for the submission or referral at the next regular city election; but in the case of a referendum measure the city council may (i) within 30 days after a decision by the city council or the school committee not to repeal or rescind a measure or (ii) in the case of inaction by the city council or the school committee on the repeal or rescission of a measure within 30 days following the 30-day period referred to in section 10-11, call a special election to be held within 120 days of the vote.

Sec. 10-16. Initiative and Referendum: Form of Question.

~~(—The ballots used when voting on a)~~ At the election at which an initiative measure is submitted ~~to proposed by the registered voters, the ballot under this section~~ shall contain a question in substantially the following form:

“Shall the following measure which was proposed by voters in an initiative petition take effect?
(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the city solicitor) — YES NO

(i) Time of Taking Effect —If a majority of the votes cast on the question is in the affirmative, and participation in the election complies with section 10-5, the measure shall be effective immediately, unless a later date is specified in the measure.

SECTION 10-3. Referendum Procedures~~an initiative petition~~

(a) Petition, Effect on Final Vote —Within 20 days following the date on which the city council or the school committee has voted finally to approve any measure, voters may file a petition protesting the measure or any part of the measure.

If such a petition is:

(1) signed by a number of voters equal to 5 percent of the total number of voters as of the date of the most recent regular city election as certified by the election commissioners;

(2) accompanied by an affidavit signed by 10 voters and containing each voter's residential address stating those voters will constitute the petitioners committee; and

(3) addressed to the ~~(City Council)~~city council, or to the school committee and filed with the secretary of the school committee or the clerk of the council, the effective date of the measure shall be temporarily suspended.

~~(School Committee) take effect? (Text of proposed measure) Yes _____ No _____ ?”.~~

~~(b)~~The school committee or the city council shall immediately reconsider its vote on such measure or part of the measure, and if such measure or part of the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending such submission and determination, the effect of such measure shall continue to be suspended. Action by the council on referendum measures shall not be subject to the charter objection in section 2-9(c).

(b) Certain Initiative Provisions to Apply —The petition described in this section shall be termed a referendum petition and insofar as applicable section 10-2(b) providing for referral to the city solicitor for a legal opinion and section 10-2(g) providing for Notice to Voters of a summary and full text of the measure, shall apply to such referendum petitions, except that the words “measure or part of the measure protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in said sections.

(c) Form of Question —At the election at which a referendum measure is referred to the voters, the ballot shall contain a question in substantially the same form as 1 of the following:

“Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Here insert the full text of the proposed measure being considered for repeal, or a fair, concise summary prepared by the petitioners and approved by the city solicitor) Yes No ?”; or

~~(Text of measure) Yes _____ No _____ ?”; or~~

“Shall the following provisions of the (describe measure in general terms and the full text or a fair, concise summary prepared by the city solicitor of the affected provision(s) being considered for repeal) which was passed by the (City

_____ Council) (School Committee) be approved? (Text of provisions) Yes _____ No _____
?" _____ ?".

~~(c) Whenever an initiative measure or referendum measure is to be submitted or referred to the voters, the city clerk shall furnish a copy of the measure to the election commission. If the election commission deems it necessary or desirable, the commission shall prepare a fair and concise summary of the measure for use on the ballot or ballot label in lieu of the full text of the measure. The full text of the measure which is the subject matter of the petition shall be mailed to each household in which a voter resides.~~

~~**Sec. 10-17. Initiative and Referendum:**~~ (d) Time of Taking Effect.

~~An initiative measure shall take effect and a referendum measure shall be repealed or rescinded if —If a majority of the persons voting votes cast on the question so vote. Such is in the affirmative, the measure or part of the measure shall take effect upon certification by the Election Commission of such vote.~~

~~Sec. immediately, but if the majority of votes cast is in the negative and complies with section 10-18. Initiative~~ 5, the measure shall be null and void.

SECTION 10-4. Ineligible Measures

None of the following ~~Referendum: Inconsistent or~~ shall be subject to the initiative or the referendum procedures:

(1) ~~Conflicting Provisions.~~

~~If two or more questions are submitted or referred to the voters at one election and as a result of the election inconsistent measures, which were contained in such questions, would be in effect thereafter, only the measure receiving the greater number of votes in favor of its effectiveness shall take effect or remain in effect.~~

~~Sec. 10-19. Initiative and Referendum: Effect of Veto by the Mayor.~~

~~Nothing in this article shall be construed to impair a mayor's power to veto action by the city council to the extent that the power is conferred on the mayor, except that the mayor shall not have any power to veto proceedings relating to the internal organization or operation of the city council proceedings providing for the submission of an initiative measure or the referral of a referendum measure to the voters. If the mayor vetoes an initiative measure passed by or of the school committee;~~

(2) any emergency measure adopted in conformity with the charter;

(3) the city council or vetoes budget or the school committee budget;

(4) any revenue loan orders;

(5) any appropriation for the payment of the city's debt or debt service;

(6) any appropriation of funds to implement a collective bargaining agreement;

(7) any proceedings ~~of the~~ relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, of a city council officer or employee or other personnel action;

(8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures; and

(9) any proceedings providing for the submission or referral of a matter to the voters at an election.

SECTION 10-5. Required Voter Participation

For any measure to be effective under initiative, or for any measure or part of a measure to be declared null and void under a referendum procedure, at least 20 per cent of the total number of voters as of the most recent regular city election shall have participated in the election to adopt the measure proposed under the initiative or to rescind the measure protested by the referendum ~~measure and the city council fails to.~~

SECTION 10-6. ~~Conflicting Provisions~~ override

If 2 or more measures passed at the mayor's veto same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

SECTION 10-7. Submission of Other Matters to Voters

As authorized by chapter 127 of the acts of 2014, the city council shall provide of Newton may place a non-binding public opinion advisory question on the ballot for submitting either a regular or special municipal election under the procedures established by section 18A of chapter 53 of the General Laws.

SECTION 10-8. Repeat Matters

A measure submitted to the voters through the initiative measure or referring the procedures as authorized by this Article and not approved by the voters shall not be resubmitted for a minimum of 2 years following such vote.

This prohibition shall also apply to any proposed initiative measure deemed by the city solicitor to: (a) be substantially the same as the defeated measure or (b) effectively repeal an adopted initiative measure.

Any measure that was the subject of a referendum measure to the voters and repealed by the voters shall not be the subject of an initiative procedure for a minimum of 2 years following such vote.