

In this issue of the *Winsted Voice* the Office of the Community Lawyer introduces the first article of the Protocol Series.

A protocol is a code which prescribes adherence to correct procedure. Protocols establish the rules for conducting business.

In a democracy, protocols are of great importance because strict adherence to procedure is the basis for trust in the fairness of our governmental system. Citizens in a totalitarian government cannot rely upon established procedure; the rules can change at the whim of an unscrupulous leader. In a democracy, procedure takes precedence. No matter who is in charge, the rules remain the same.

We know that even in a democracy rules of procedure can be manipulated. But when citizens know and understand the rules, manipulation is less likely. An informed citizenry is capable of holding officials accountable by demanding adherence to the procedures. It is more difficult to "pull the wool over the eyes" of a citizen who knows the rules.

The Protocol Series is intended to help citizens understand the rules of procedure of their government in order to strengthen their skills in building a stronger democracy.

The first topic in the protocol series is on the right of initiative. In Winchester, the Town Meeting and the Board of Selectmen share legislative authority. Section 305 of the Charter gives citizens of Winchester the right to propose ordinances. The process for proposing ordinances is outlined in a pamphlet entitled, *Your Right of Initiative*. This pamphlet is a part of the *Know Your Local Government* series created by the Office of the Community Lawyer and is available free of charge to the public.

The pamphlet is reprinted here in the *Winsted Voice* for citizens to familiarize themselves with the process. The Procedure for Petition section of the pamphlet states that once the petition is filed, the Town Clerk has 15 days to decide if it is sufficient. The word sufficient means that the Clerk must determine whether the petition complies with all of the procedural requirements listed. It does not mean that the Clerk may decide whether the proposal is valid or legal.

The Office of the Community Lawyer encourages citizens to come in and discuss issues of public concern. Office Hours: Wednesday 12 - 2 p.m.; Thursday 4 - 6 p.m. or call for an appointment.

Know your Local Government Your Right of Initiative

This pamphlet is issued as a public service by The Shafiek Nader Trust for the Community Interest. The Trust is a charitable and educational organization whose purpose is to strengthen democratic practices by people in communities.

WHAT IS AN INITIATIVE?

Each level of government has the power to make laws which are binding on all its citizens. The United States Congress makes federal laws about national concerns such as postal services, civil rights, federal taxes, national defense and labor relations. The State of Connecticut makes laws of statewide application about such diverse matters as qualifications to operate a motor vehicle, hazardous waste disposal, state taxes, marriage, divorce and adoption, and criminal conduct. Towns and cities, acting through their legislative bodies, also have the power to pass ordinance applicable to their local communities, and to assess penalties for their violation.

In addition, where local law allows, citizens themselves have the power to pass an ordinance by using the petition and referendum process. Not all subjects can be dealt with by the petition process, however. For example, where the home rule charter prescribes particular rules, as for the adoption of a budget, the process cannot be changed by ordinance. A charter change would be required. In Winchester, the charter also states that certain topics may not be dealt with by the initiative process. They include: appointing or removing officials or employees of the Town, adopting the annual budget, authorizing the annual budget, authorizing the levy of taxes, and fixing the tax rate.

Initiative - a law proposed to voters by petition.

Referendum - a vote called by petition at which voters approve or reject a law.

YOUR RIGHT OF INITIATIVE

The home rule charter provides that electors of the Town of Winchester retain the important right of Initiative to obtain the passage of a local ordinance. In order to start the process, any elector may file a petition with the Town Clerk. Specific requirements must be strictly followed, however, before the petition will be accepted. Any deviations from the requirements will result in the petition being rejected.

The form of the petition must be one "prescribed or approved" by the clerk, so the first step is to show the clerk the completed form for advance approval, before getting the signatures.

FORM FOR PETITION

(Note: all signatures must be in ink or indelible pencil.)

We, the undersigned electors of the Town of Winchester, hereby present this petition under the provisions of the Charter of the Town of Winchester initiating the following ordinance.

(Insert the Ordinance)

and we certify that we are electors of the Town of Winchester residing at the addresses set opposite our names and that we have not signed this petition more than once.

Signature, Number Street PROCEDURE FOR PETITION

- The petition must contain the full text of the proposed ordinance.

- It must be signed in ink or indelible pencil by at least 2% of the qualified electors.

- It must be accompanied by affidavits signed and sworn to by each circulator

- Each page of the petition must have a statement, signed under the penalties for false statements that the person who circulated it is a qualified elector, and that he or she was present when each of the signers signed the petition.

- It must also state affirmatively that each signer was known to the person who circulated the petition, or satisfactorily identified himself or herself, and that all the signatures were obtained not more than six months prior to filing of the petition.

- The name and address of the circulator must also appear on each page.

Once the petition is filed, the Clerk has 15 days to decide if it is sufficient. If it is, it will be certified and referred to the Board of Selectmen at their next meeting. The Board of Selectmen, then may, within 60 days after receipt, simply adopt the ordinance after a public hearing. If they do not, then they must call a special town meeting to be held within 90 days of the clerk's certification. (If a regular election is scheduled within the next four months, the vote on the ordinance may be taken at that election.) In order for the ordinance to pass, a majority consisting of at least 4% of the electors must vote in favor of it.

FORM FOR CIRCULATOR'S AFFIDAVIT

Litchfield County

State of Connecticut

(Insert Name and Address of Circulator), being duly sworn depose and say that I am an elector of the Town of Winchester and that I am the circulator of the foregoing petition containing (insert number) signatures, that each person whose signature appears on this page signed the same in person in my presence, that I either know each such signer or that such signer satisfactorily identified himself or herself to me, that they are the signatures of the persons whose names they purport to be, and that all the signatures on said page(s) were obtained not earlier than six (6) months prior to the filing of said petition.

Signed

Subscribed and sworn to before me this day of , 19 year

Notary Public

Any page of the petition which does not have the circulator's statement is invalid.

For more information see "Citizen Lawmakers. The Ballot Initiative Revolution", By David D. Schmidt.