

Know your Local Government



Your Right of INITIATIVE

This pamphlet is issued as a public service by The Shafieek 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 ordinances 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 forego-
ing 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 , 20 .

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.

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