

**Briefing Document for the 2023 Kansas City Charter Review Commission**  
**Proposed Article VII Revisions**

**Current state**

- Current Charter language:
  - Sec. 701. - Initiative petitions. “Any new ordinance or any ordinance to amend or repeal, in whole or in part, any existing ordinance, may be submitted to the Council by petition signed by electors of the City equal in number to at least five per cent (5%) of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election. Each petition paper shall contain the proposed ordinance in full and all papers for each petition shall be uniform in character.”
  - Sec. 710. - Referendum petition. “Any ordinance passed by the Council, except ordinances with an accelerated effective date or emergency measures, shall be subject to referendum of the electors. If within forty (40) days after the passage of any such ordinance, and subject to the provisions as to notice required by section 503(b)(2) of this charter, a petition signed by electors equal in number to at least ten per cent (10%) of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election be filed with the City Clerk, requesting that the ordinance or any part thereof be repealed or submitted to a vote of the electors, it shall not take effect until the steps herein indicated have been taken. Referendum petitions need not contain the entire text of the ordinance, or of any entire section or sections thereof, the repeal of which is sought, but the text of any portion, the repeal of which is so sought, less than a complete section shall be set forth in such petition.”
  - Sec. 721. - Filing recall petition. “A petition demanding the removal of any officer elected by the vote of the people shall be known as a recall petition. A recall petition, to be effective, must be filed with the City Clerk, or with the election authorities, within thirty (30) days after the filing of the affidavit as provided in the next preceding section, and to be sufficient, must bear the signatures of registered voters of the City or district from which such officer was elected equal in number to at least twenty per cent (20%) of the total vote cast therein for candidates for the office of Mayor at the last preceding regular municipal election. A recall petition, if insufficient as originally filed, may be supplemented as provided in this article. The committee of petitioners hereinafter described shall have the right, at their option, to file a recall petition either with the City Clerk or with the election authorities of the City, and the City Clerk or the election authorities, as the case may be, with equal force and effect, shall have the power to certify as to the sufficiency of such recall petition.”
  - Sec. 732. - Supplementary petitions. “If the City Clerk, or the election authorities, if a recall petition is filed with such authorities, shall find an initiative, referendum or recall petition to be insufficient, the committee of petitioners may at any time within ten (10) days after the making of a certificate of insufficiency by the City Clerk, or by the election authorities, if a recall petition was filed with such authorities, file a supplementary petition upon additional papers as provided in case of an original petition. The Clerk, or the election authorities, if a recall petition was filed with such authorities, shall, within five (5) days after such a supplementary petition is filed, make examination of such supplementary petition, and, if the Clerk's or their certificate shall show the petition, as supplemented still to be insufficient, the Clerk or they shall file it in the Clerk's or their office and notify the committee of the petitioners of the findings, and no further action shall be had on such insufficient petition. The determination that any petition is insufficient shall not prejudice the filing of a new petition for the same purpose. No technical rule shall govern the determination of the sufficiency of such petitions or the signatures appealed thereto, but the intent and the identity of each signer thereof shall be fairly determined.”
- Historical context: The City tried to amend the initiative and referendum process in 2001 and 2003. It failed both times. In 2001 it was presented as part of a comprehensive package of charter changes proposed by the Charter Commission. In 2003 it was presented as a single question. In 2006, the Charter Commission decided not to amend the process when it adopted the new Charter. The City did not propose amendments to the process in 2013.

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**Why consider a change?**

- Consistently low turnout results in very low thresholds, which are highly variable from election to election, since the current system calculates thresholds based on votes in last Mayoral election.

<i>Year</i>	<i>Votes</i>
1995	92,495
1999	77,269
2003	52,494
2007	84,748
2011	71,433
2015	34,167
2019	66,963

- Low thresholds can lead to unnecessary conflict and abuse of the system.
- Kansas City’s use of votes in Mayoral election is outlier among other Missouri cities ([reference page 3](#))
  - Independence, Lee’s Summit, St. Charles, St. Joseph, St. Louis, and Springfield all use registered voter count to calculate threshold. Columbia uses voters in last election, but the threshold is 25% (compared to the 5% threshold in place here).

**Proposed change**

- Shift signature thresholds to reflect total number of registered voters ([reference page 4](#))
  - Registered voter counts in recent years:

<i>Year</i>	<i>Registered Voters</i>	<i>5%</i>	<i>10%</i>	<i>20%</i>
2015	309,277	15,464	30,928	61,855
2019	326,206	16,310	32,621	65,241
2023	341,817	17,091	33,801	67,601

- Implementation considerations
  - Educating electorate about this change. This may be generally accomplished by putting it on the ballot for review as a potential charter change, but additional communications from the Clerk’s Office and Law may be needed.
  - Limited administrative lift (mainly updating current forms and guidance).
  - Are adjustments needed to the percentages used as well?
  - Recall, Initiative, and Referendum Petitions over past 5 years are attached ([reference pages 5-6](#)).
- Other options considered & why this proposal has been identified as the best option
  - Static or specific numbers set by Charter may not account for population growth and changes over time.
  - Change to mirror Missouri state law related to initiative and referendum petitions, which requires certain percent of votes from each congressional district, is confusing and poses additional challenge beyond baseline registered voter number.

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	Initiative	Referendum
Columbia	20 percent of votes cast for council-member-at-large at last regular municipal election, but in no instance less than 400. Section 127, City Charter.	25 percent of votes cast for council member-at-large at the last municipal election, but in no instance less than 500. Section 128, City Charter.
Independence	5 percent registered voters at last general city election. Article 7.3, City Charter.	5 percent registered voters at last general city election, Article 7.3, City Charter.
Lee’s Summit	7 percent registered to vote at the last regular municipal election. Section 10.03, City Charter.	10 percent registered to vote at the last regular municipal election. Section 10.03, City Charter.
St. Charles	10 percent registered to vote at the last regular city election. Section 10.3, City Charter.	10 percent registered to vote at the last regular city election. Section 10.3, City Charter.
St. Joseph	5 percent voters registered to vote at the last regular City election. Section 11.3, City Charter	5 percent voters registered to vote at the last regular City election. Section 11.3, City Charter.
St. Louis	5 percent registered at the last Mayoral election. Section 2, City Charter.	7 percent registered at the last Mayoral election. Section 2, City Charter.
Springfield	7 percent of registered voters at the last general municipal election in April. Section 14.1, City Charter.	10 percent of the total number of persons voting in the last general municipal election in April. Section 14.2, City Charter.

**ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL PETITIONS**

**Sec. 701. Initiative petitions.**

Any new ordinance or any ordinance to amend or repeal, in whole or in part, any existing ordinance, may be submitted to the Council by petition signed by electors of the City equal in number to at least five per cent (5%) ~~of the total number of electors registered to vote at the time of the last Mayoral election~~~~of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election~~. Each petition paper shall contain the proposed ordinance in full and all papers for each petition shall be uniform in character.

[Return to table of contents](#)

**Sec. 710. Referendum petition.**

Any ordinance passed by the Council, except ordinances with an accelerated effective date or emergency measures, shall be subject to referendum of the electors. If within forty (40) days after the passage of any such ordinance, and subject to the provisions as to notice required by section 503(b)(2) of this charter, a petition signed by electors equal in number to at least ten per cent (10%) ~~of the total number of electors registered to vote at the time of the last Mayoral election~~~~of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election~~ be filed with the City Clerk, requesting that the ordinance or any part thereof be repealed or submitted to a vote of the electors, it shall not take effect until the steps herein indicated have been taken. Referendum petitions need not contain the entire text of the ordinance, or of any entire section or sections thereof, the repeal of which is sought, but the text of any portion, the repeal of which is so sought, less than a complete section shall be set forth in such petition. (Ord 140060, eff. 5-1-14)

[Return to table of contents](#)

**Sec. 720.5. Grounds for recall.** (CS Ord 051253, eff. 9-1-06)

Grounds for recall must relate to and affect the administration of the official's office, and be of a substantial nature directly affecting the rights and interests of the public. Grounds for recall are limited to objective reasons which reasonable people, regardless of their political persuasion, could agree would render any official's performance ineffective, which must be an act of misfeasance, the improper performance of some act which may lawfully be done, or malfeasance, the commission of some act wholly beyond the official's authority, or nonfeasance, the failure to perform a required duty. The Council shall not fail to place the matter before the voters based on the inadequacy of the grounds stated by the committee of petitioners.

[Return to table of contents](#)

**Sec. 721. Filing recall petition.**

A petition demanding the removal of any officer elected by the vote of the people shall be known as a recall petition. A recall petition, to be effective, must be filed with the City Clerk, or with the election authorities, within thirty (30) days after the filing of the affidavit as provided in the next preceding section, and to be sufficient, must bear the signatures of registered voters of the City or district from which such officer was elected equal in number to at least twenty percent (20%) ~~of the total number of electors registered to vote at the time of the last Mayoral election~~~~of the total vote cast therein for candidates for the office of Mayor at the last preceding regular municipal election~~. A recall petition, if insufficient as originally filed, may be supplemented as provided in this article. The committee of petitioners hereinafter described shall have the right, at their option, to file a recall petition either with the City Clerk or with the election authorities of the City, and the City Clerk or the election authorities, as the case may be, with equal force and effect, shall have the power to certify as to the sufficiency of such recall petition.

[Return to table of contents](#)

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<b>Date</b>	<b>Type</b>	<b>Topic</b>	<b>Result</b>
10/28/2021	Recall	Petition for Recall of Kevin O'Neill (1st District-At-Large), Brandon Ellington 3rd District-At-Large), Katheryn Shields (4th District-At-Large), Lee Barnes, Jr. (5th District-At-Large), Andrea Bough (6th District-at-Large) Council Members and Quinton Lucas, Mayor of the City of Kansas City, Missouri.	Petitioners cancelled the petition one month later.
8/21/2021	Recall	Petition for Recall of Eric Bunch, 4th District Council, received by the City Clerk on Saturday, August 21, 2021.	Failed - insufficient signatures gathered.
10/1/2020	Recall	Petition for Recall of Mayor Quinton Lucas.	No recall petitions were filed.
8/19/2020	Recall	Petition for Recall of Mayor Quinton Lucas.	Withdrawn on 9/18/2020.
9/22/2017	Recall	Petition for Recall of Sylvester "Sly" James., Jr. as Mayor of the City of Kansas City, Missouri on Friday, September 22, 2017.	Withdrawn on 10/2/2017.
6/14/2012	Recall	Petition for Recall of Third District Councilman Jermaine Reed.	Failed - insufficient signatures gathered.
5/17/2009	Recall	Petition for Recall of Mark Funkhouser from the Office of the Mayor.	Failed - insufficient signatures gathered.
1/31/2008	Recall	Petition for Recall of Mark Funkhouser from the Office of the Mayor.	Failed - did not include names of five electors of the City on initial submission to create the petition; then resubmitted and ultimately withdrew the petition on 2/19/2008.
10/17/2004	Recall	Petition for Recall of Third District Councilwoman Sandra McFadden-Weaver.	Gathered sufficient signatures to be placed on ballot, but was rejected by voters at the 2/8/2005 election.
4/11/2022	Initiative Petition	Question for a Charter Amendment: Use Ranked Choice Voting in Kansas City Municipal Elections	Failed - insufficient signatures gathered.
5/2/2019	Initiative Petition	Initiative Petition to change the name of Dr. Martin Luther King, Jr. Blvd back to The Paseo Blvd.	Gathered sufficient signatures to be placed on ballot, and was approved by voters at the August election.
3/28/2019	Initiative Petition	Initiative Petition to Bring Green "Rapid" State-of-The Art Transit System to KC	Failed - insufficient signatures gathered.
8/2/2018	Initiative Petition	Petition Initiative to adopt an ordinance calling an election for the purpose of enacting a three-eight cent Pre-Kindergarten Sales Tax for 10 years	Gathered sufficient signatures to be placed on ballot, and was rejected by voters at the 4/2/2019 election.
4/5/2018	Initiative Petition	Initiative Petition to Enact a Healthy Home Rental Inspection Ordinance, with Inspection Registration Fees, in the City of Kansas City, Missouri	Gathered sufficient signatures to be placed on ballot, and was approved by voters at the 8/7/2018 election.
12/20/2018	Referendum Petition	Repealing Ordinance 180916, which established the Wornall Village Community Improvement District	Filed notice of intent to file a referendum petition but no petition was filed by the deadline.
10/4/2018	Referendum Petition	Repealing Ordinance 180676, authorizing Master Financing Agreement for the redevelopment of the Broadway Valentine Shopping Center	Filed notice of intent to file a referendum petition, with sufficient signatures.

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4/26/2018	Referendum Petition	Repealing Ordinance 180122, which allowed higher density of retail sales-by-drink licenses in entertainment districts (18th & Vine, Central Business, Country Club Plaza, Westport Shopping and Zona Rosa)	Filed notice of intent to file a referendum petition, with sufficient signatures.
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