



CITY OF Boca Raton

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June 1, 2026

TO: Mayor and City Council

FROM: Mark Sohaney City Manager (with signature)

SUBJECT: Consideration of Resolution No. 60-2026 (Charter Amendments Relating to Initiative and Referendum Procedures)

At the request of Deputy Mayor Grau, the following materials are presented for the City Council's consideration on June 9, 2026. These materials relate to proposed amendments to the City Charter concerning initiative, referendum, and Charter-amendment petition procedures, and include the following related items:

- (1) Ordinance No. 5791 – proposed Charter amendments revising provisions of Article VI, "Initiative, Referendum and Recall Petitions," and Article VII, "General Provisions," of the City Charter relating to election timing and ballot placement procedures, petition signature threshold calculations, and preservation of the status quo pending voter determination of certified citizen petitions (the "Charter Amendments Relating to Initiative and Referendum Procedures" or "Charter Amendments"); and
(2) Resolution No. 60-2026 – providing for submission of the proposed Charter Amendments set forth in Ordinance No. 5791 to the voters at the next available election, as determined and made available by the Palm Beach County Supervisor of Elections, but no later than the March 2027 Uniform Municipal Election, and establishing the ballot title and ballot summary in accordance with applicable law (the "Ballot Resolution").

[Note – The proposed Charter Amendments contained in Ordinance No. 5791 are attached as Exhibit "A" to the Ballot Resolution and would take effect if approved by a majority of voters at referendum.]

The Charter Amendments revise procedures governing citizen initiatives, referenda, and charter-amendment petitions, including election timing and ballot-placement procedures, petition signature threshold calculations, and preservation of the status quo pending voter determination of certified citizen petitions.

First, the Charter Amendments revise election timing and ballot placement procedures to better align the City Charter with current election administration practices. Municipal elections and ballot questions are coordinated through the Palm Beach County Supervisor of Elections, an independent constitutional officer under Florida law, and the existing Charter timing requirements may not always align with election scheduling procedures and ballot placement timelines administered through that office. The Charter Amendments therefore revise the Charter to provide that such matters be placed on the next available election made available by the Palm Beach County Supervisor of Elections, while preserving the underlying initiative, referendum, and Charter-amendment rights reserved to the electors of the City.

Second, the Charter Amendments revise the method for calculating initiative and referendum petition signature thresholds by replacing the phrase “total number of votes cast” with “total number of ballots cast” in the applicable Charter provision. The existing Charter language originated when City Council elections were conducted through a Citywide at-large system. Amendments adopted in 2004 changed City elections to separate seat-specific City Council contests, resulting in multiple separate contests appearing on the same municipal ballot. Because the phrase “total number of votes cast” measures aggregate votes recorded across election contests, while the phrase “total number of ballots cast” measures the number of voters participating in the election, the total number of votes cast may substantially exceed the total number of ballots cast depending upon the number of seats appearing on the ballot. The Charter Amendments are intended to modernize and clarify the Charter by tying petition-signature thresholds more directly to voter participation rather than the cumulative number of votes cast across multiple contests.

Third, the Charter Amendments create a status quo preservation mechanism applicable to certified initiative petitions and Charter-amendment petitions pending voter determination. Under existing Charter provisions, referendum petitions already operate in certain circumstances to temporarily suspend ordinances or resolutions pending electoral review. The Charter Amendments create a comparable mechanism applicable to certified initiative and Charter-amendment petitions to preserve the status quo pending voter determination before governmental action conflicting with the subject matter of the petition becomes irrevocably implemented or legally committed. The Charter Amendments are intended to preserve the integrity and effectiveness of the initiative and Charter-amendment rights reserved to the electors while balancing the orderly administration of City government.

The Ballot Resolution provides for submission of the Charter Amendments to the electors at the next available election, as determined and made available by the Palm Beach County Supervisor of Elections, but no later than the March 2027 Uniform Municipal Election, in accordance with applicable law, and establishes the ballot title and ballot summary to be presented to the voters.

The ballot title is: “INITIATIVE, REFERENDUM, AND CHARTER-AMENDMENT PETITION PROCEDURES.” The ballot summary states:

“Amending the City Charter to: align initiative, referendum, and charter-amendment procedures with election scheduling administered by the Supervisor of Elections; revise petition signature calculations to be based on the number of participating voters casting ballots rather than aggregate votes cast across multiple contests; preserve the status quo following certification of citizen petitions to prohibit governmental action conflicting with the subject matter of such petitions before voters have an opportunity to vote on the petition.”

The ballot question is then presented to the electors for a “YES” or “NO” vote on whether the Charter amendments should be adopted.

The Charter Amendments and Ballot Resolution are intended to modernize and clarify existing Charter procedures while preserving the initiative, referendum, and Charter-amendment rights reserved to the electors of the City and ensuring that such procedures operate in a clear, orderly, and legally compliant manner consistent with current election-administration practices and the broader democratic principles embodied throughout the City Charter.

cc: Joshua P. Koehler, City Attorney
Mary Siddons, City Clerk

City of Boca Raton



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RESOLUTION

60-2026

A RESOLUTION OF THE CITY OF BOCA RATON PROVIDING FOR SUBMISSION TO THE ELECTORS OF PROPOSED CHARTER AMENDMENTS RELATING TO INITIATIVE, REFERENDUM, AND CHARTER-AMENDMENT PETITION PROCEDURES; REVISING ELECTION TIMING AND BALLOT PLACEMENT PROCEDURES; REVISING PETITION SIGNATURE THRESHOLD CALCULATIONS; CREATING A STATUS QUO PRESERVATION MECHANISM APPLICABLE TO CERTIFIED INITIATIVE AND CHARTER-AMENDMENT PETITIONS PENDING ELECTORAL DETERMINATION; PROVIDING FOR A SPECIAL ELECTION TO BE HELD AT THE NEXT AVAILABLE ELECTION, AS DETERMINED AND MADE AVAILABLE BY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, BUT NO LATER THAN THE MARCH 2027 UNIFORM MUNICIPAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE

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1 WHEREAS, the City Council is authorized to propose amendments to the City Charter
2 by ordinance pursuant to Article VII of the Charter of the City of Boca Raton; and

3 WHEREAS, proposed amendments to the City Charter, set forth in Ordinance No. 5791
4 and attached hereto as Exhibit "A," have been prepared for submission to the electors; and

5 WHEREAS, the proposed Charter amendments revise procedures governing citizen
6 initiatives, referenda, and charter-amendment petitions, including election timing and ballot
7 placement procedures, petition signature threshold calculations, and preservation of the status
8 quo pending voter determination of certified citizen petitions; and

9 WHEREAS, the City Council finds that the proposed Charter amendments modernize
10 and clarify existing Charter procedures while preserving the initiative, referendum, and charter-
11 amendment rights reserved to the electors of the City; and

12 WHEREAS, the City Council further finds that submission of the proposed Charter
13 amendments to the electors in this manner provides a clear, orderly, and legally compliant
14 process for consideration of such matters; and

15 WHEREAS, pursuant to Article VII of the Charter and Section 166.031(1), Florida
16 Statutes, the City Council desires to submit the proposed Charter amendments to the electors of
17 the City at the next available election, as determined and made available to the City by the Palm
18 Beach County Supervisor of Elections, but no later than the March 2027 Uniform Municipal
19 Election; now therefore

20
21 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA RATON:

22
23 Section 1. The proposed amendments to the City Charter (a copy of which is attached
24 hereto as Exhibit "A," and set forth in Ordinance No. 5791) shall be submitted to the qualified
25 electors of the City for approval or rejection, in accordance with Article VII of the City Charter and
26 Section 166.031(1), Florida Statutes, at a special election to be held at the next available election,

1 as determined and made available to the City by the Palm Beach County Supervisor of Elections,
2 but no later than the March 2027 Uniform Municipal Election, and shall be deemed adopted upon
3 the favorable vote of a majority of the electors voting at that time upon the following question:
4

5 **INITIATIVE, REFERENDUM, AND CHARTER-AMENDMENT**

6 **PETITION PROCEDURES**

7 Amending the City Charter to: align initiative, referendum, and charter-
8 amendment procedures with election scheduling administered by the
9 Supervisor of Elections; revise petition signature calculations to be based on
10 the number of participating voters casting ballots rather than aggregate votes
11 cast across multiple contests; preserve the status quo following certification of
12 citizen petitions to prohibit governmental action conflicting with the subject
13 matter of such petitions before voters have an opportunity to vote on the petition.
14

15 SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

16 YES ___

17 NO ___
18

19 Section 2. A special election shall be held at the next available election, as determined
20 and made available to the City by the Palm Beach County Supervisor of Elections, but no later
21 than the March 2027 Uniform Municipal Election, to present the proposed Charter amendments
22 to the electors. The City Clerk shall publish this Resolution once during the fifth week and once
23 during the third week immediately preceding such special election, and shall make copies of the
24 proposed Charter amendments available at the polls.

25 Section 3. If any section, subsection, clause or provision of this resolution is held
26 invalid, the remainder shall not be affected by such invalidity.



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ORDINANCE

5791

AN ORDINANCE OF THE CITY OF BOCA RATON, FLORIDA,
AMENDING ARTICLE VI, "INITIATIVE, REFERENDUM AND
RECALL PETITIONS," AND ARTICLE VII, "GENERAL
PROVISIONS," OF THE CITY CHARTER RELATING TO
INITIATIVE, REFERENDUM, AND CHARTER-AMENDMENT
PETITION PROCEDURES; REVISING ELECTION TIMING
AND BALLOT PLACEMENT PROCEDURES; AMENDING
PETITION SIGNATURE THRESHOLD CALCULATIONS; AND
CREATING A STATUS QUO PRESERVATION MECHANISM
APPLICABLE TO CERTIFIED PETITIONS PENDING
ELECTORAL DETERMINATION; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
FOR CODIFICATION; PROVIDING FOR SUBMISSION TO
THE ELECTORATE; AND PROVIDING FOR
AN EFFECTIVE DATE.

WHEREAS, the City Charter reserves to the people of the City the powers of initiative,
referendum, and charter amendment as fundamental rights of democratic self-government

1 through which the voters of the City may directly propose, approve, reject, or reconsider laws and
2 legislative actions affecting the City; and

3 WHEREAS, Section 6.08(b) of the City Charter governs when elections must be held
4 for citizen-initiated ordinances and referendum matters involving ordinances or resolutions, and
5 currently requires that such elections be held no sooner than thirty (30) days and no later than
6 sixty (60) days after the expiration of the time provided for Council action; and

7 WHEREAS, Section 7.01(b)(3) of the City Charter governs when elections must be
8 held for citizen-initiated Charter amendments, and currently requires that such elections be held
9 no sooner than sixty (60) days after certification of the petition and no later than three (3) months
10 following certification; and

11 WHEREAS, municipal elections and ballot-question placement are coordinated
12 through the Palm Beach County Supervisor of Elections, an independent constitutional officer
13 under the Florida Constitution, and the current timing requirements contained in the City Charter
14 may conflict with election scheduling procedures, ballot-placement timelines, and other election-
15 administration matters that are controlled and administered by the Supervisor of Elections rather
16 than the City; and

17 WHEREAS, the City Council therefore finds it necessary and appropriate to update the
18 timing requirements contained in the City Charter in a manner that preserves the initiative,
19 referendum, and charter-amendment rights reserved to the voters while aligning the Charter with
20 current election-administration practices and governmental realities; and

21 WHEREAS, Section 6.05(a) of the City Charter currently requires that initiative and
22 referendum petitions be signed by qualified voters equal in number to at least fifteen (15) percent
23 of the "total number of votes cast in the last regular city election"; and

24 WHEREAS, at the time this language was originally adopted, City Council elections
25 were conducted through a single at-large election system in which voters participated in one
26 citywide election for multiple open seats; and

1 WHEREAS, amendments to the City Charter adopted in 2004 changed City elections
2 from a single citywide at-large election system to separate seat-specific City Council contests,
3 resulting in multiple separate contests appearing on the same municipal ballot; and

4 WHEREAS, the phrase “total number of votes cast” measures aggregate votes
5 recorded in an election, while the phrase “total number of ballots cast” measures the number of
6 voters participating in the election, and depending upon the number of seats or contests
7 appearing on the ballot, the total number of votes cast may substantially exceed the total number
8 of ballots cast by participating voters; and

9 WHEREAS, the City Council therefore finds that replacing the phrase “total number of
10 votes cast” with “total number of ballots cast” will clarify and modernize the City Charter, create a
11 more consistent standard for calculating petition-signature thresholds, reduce the likelihood of
12 future disputes or inconsistent interpretations, and more accurately tie such thresholds to voter
13 participation in the last regular City election; and

14 WHEREAS, unlike referendum petitions under Section 6.07 of the City Charter, which
15 temporarily suspend certain ordinances or resolutions pending a vote of the electorate, the
16 Charter presently contains no similar status quo preservation mechanism applicable to certified
17 initiative petitions or certified Charter-amendment petitions pending voter determination; and

18 WHEREAS, the City Council finds that preservation of the status quo pending voter
19 determination protects the integrity and effectiveness of the initiative rights reserved to the citizens
20 and helps ensure meaningful electoral choice before potentially conflicting governmental action
21 becomes irrevocably implemented or legally committed; and

22 WHEREAS, the City Council therefore finds that the creation of a status quo
23 preservation mechanism applicable to certified initiative petitions or certified Charter-amendment
24 petitions pending voter determination appropriately balances the electorate’s reserved powers of
25 direct democratic participation, the orderly administration of City government, and the democratic
26 principles embodied throughout the City Charter; and

1 WHEREAS, the City Council desires to place the proposed Charter amendments
2 before the voters; now, therefore

3
4 THE CITY OF BOCA RATON HEREBY ORDAINS:
5

6 Section 1. Article VI, "Initiative, Referendum and Recall Petitions," Section 6.05,
7 "Petition procedure," City Charter, is hereby amended to read as follows:

8 (a) *Number of signatures.* Initiative and referendum petitions must be signed by
9 qualified voters of the city equal in number to at least fifteen (15) percent of the total number of
10 ballots votes cast in the last regular city election.

11 * * *

12 Section 2. Article VI, "Initiative, Referendum and Recall Petitions," Section 6.07A,
13 "Preservation of status quo pending election on certified initiative petition," City Charter, is hereby
14 created to read as follows:

15 Section 6.07A. – Preservation of status quo pending election on certified initiative
16 petition.

17 (a) Applicability. This section shall apply when:

18 (1) an initiative petition proposing an ordinance pursuant to this Article has received a
19 final determination of sufficiency under the procedures established by this Charter; and

20 (2) the proposed initiative ordinance would, if approved by the electorate, prohibit,
21 invalidate, or preclude the governmental action described in subsection (b).

22 (b) Temporary limitation on governmental action. Upon final determination of
23 sufficiency of the petition, the City shall not irrevocably approve, authorize, execute, convey,
24 implement, or otherwise legally commit the City to governmental action that would be prohibited,
25 invalidated, or precluded if the proposed initiative ordinance were thereafter approved by the
26 electorate.

1 (c) Termination. The limitation imposed pursuant to subsection (b) shall terminate
2 upon the occurrence of any of the following:

3 (1) withdrawal of the petition;

4 (2) judicial invalidation of the final determination of sufficiency of the petition or judicial
5 invalidation of the proposed initiative ordinance; or

6 (3) certification of the election results for the proposed initiative ordinance, after which
7 this section shall no longer apply and the subject matter thereof shall be governed either by the
8 resulting ordinance adopted by the electorate or, if rejected by the electorate, by otherwise
9 applicable law.

10 Section 3. Article VI, "Initiative, Referendum and Recall Petitions," Section 6.08, "Action
11 on petitions," City Charter, is hereby amended to read as follows:

12 (a) *Action by council.* When an initiative or referendum petition has been finally
13 determined sufficient, the council shall promptly consider the proposed initiative ordinance in the
14 manner provided in Article III for nonemergency ordinances, or reconsider the referred ordinance
15 or resolution by voting its repeal. If the council fails to adopt a proposed initiative ordinance without
16 any change in substance within sixty (60) days or fails to repeal the referred ordinance or
17 resolution within thirty (30) days, or if the council sooner takes final action having the same effect,
18 the council shall submit the proposed or referred ordinance or resolution to the voters of the city.

19 (b) *Submission to voters.* When subsection (a) requires submission of a proposed or
20 referred ordinance or resolution to the voters of the city, the matter shall be placed on the ballot
21 at the next election made available by the Palm Beach County Supervisor of Elections. The vote
22 of the city on a proposed or referred ordinance or resolution shall be held not less than thirty (30)
23 days and not later than sixty (60) days after the time provided in subsection (a) of this section for
24 action by council has expired, or after the council sooner takes final action having the same effect,
25 whichever occurs first. If no regular city election is to be held within the period prescribed by this
26 subsection, the council shall provide for a special election. The council may, in its discretion,

1 ~~provide for a special election within the prescribed period at a date earlier than a regular election.~~

2 Copies of the proposed or referred ordinance or resolution shall be made available at the polls.

3 Section 4. Article VII, "General Provisions," Section 7.01, "Charter Amendment," City
4 Charter, is hereby amended to read as follows:

5 This Charter may be amended in either of two (2) ways:

6 * * *

7 (b) *Initiation by petition.* The electors of the city may propose amendments to this
8 Charter by petition signed by qualified voters of the city equal in number to at least ten (10) percent
9 of the total number of qualified voters registered to vote in the last regular city election.

10 * * *

11 (3) *Certification of petition.* Upon certification of the petition by the city clerk in
12 accordance with the procedures established in section 6.06 for initiative petitions, the proposed
13 charter amendment shall be placed on the ballot at the next election made available by the Palm
14 Beach County Supervisor of Elections ~~the council shall place the proposed amendments to a vote~~
15 ~~of the electors not less than sixty (60) days after certification at the next regularly scheduled~~
16 ~~election or at a special election called for such purpose. In no event shall the charter amendment~~
17 ~~be voted upon later than three (3) months from the date of certification.~~

18 (4) *Preservation of status quo pending election on certified charter-amendment*
19 *petition.* The provisions of Section 6.07A shall apply to certified charter-amendment petitions
20 under this subsection in the same manner as such provisions apply to certified initiative petitions
21 under Article VI.

22 Section 5. If any section, subsection, clause or provision of this ordinance is held
23 invalid, the remainder shall not be affected by such invalidity.

24 Section 6. All ordinances and resolutions or parts of ordinances and resolutions and
25 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

1 Section 7. Codification of this ordinance in the City Charter is hereby authorized and
2 directed.

3 Section 8. This ordinance shall take effect upon certification of the election results of
4 the referendum election at which a majority of the qualified electors voting on this measure vote
5 in favor of its adoption, in accordance with Section 166.031(2), Florida Statutes.

6 ***[if approved]*** AUTHENTICATED, pursuant to Section 7.02(a) of the Charter of the
7 City of Boca Raton, this ____ day of _____, to reflect approval of the foregoing
8 Charter amendment by the electorate.

CITY OF BOCA RATON, FLORIDA

9
10
11 ATTEST:

12
13
14 _____
15 Andy Thomson, Mayor

16 _____
17 Mary Siddons, City Clerk

18 Approved as to form:



19
20 _____
21 Joshua Pariente Koehler
22 City Attorney