ORDINANCE NO. 18380

AN ORDINANCE introduced pursuant to the provisions of KSA 12-3013, calling an election to be held on March 1, 2005, for the purpose of voting on an ordinance pertaining to the enactment, adoption, enforcement or administration of City of Topeka ordinances, regulations, rules or policies concerning homosexual, lesbian or bisexual orientation or gender identity or expression.

WHEREAS, KSA 12-3013 establishes an initiative and referendum process for the submission of an ordinance to the governing body of any city when the ordinance is accompanied by a duly signed and certified petition; and

WHEREAS, the following ordinance accompanied by a petition containing a number of signatures equal to at least 25% of the electors who voted in the last preceding regular city election of the City of Topeka, Kansas, has been submitted to and certified by the City Clerk as required by KSA 12-3013; and

WHEREAS, pursuant to KSA 12-3013, the governing body of the City of Topeka, Kansas is therefore required to either pass such ordinance within twenty (20) days of certification of the petition or, if not so adopted, submit the ordinance to a vote of the electors within ninety (90) days thereafter; and

WHEREAS, the City Council of the City of Topeka, Kansas, deems it advisable to submit the following ordinance to a vote of the electors of the City of Topeka as provided by KSA 12-3013.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:
Section 1. Pursuant to the provisions of KSA 12-3013, an election is hereby called to be held on the 1st day of March, 2005, for the purpose of voting on the ordinance set out in Section 2 of this ordinance.

Section 2. The proposition on the ballot shall be:

"Shall the following be adopted?

The City of Topeka, Kansas and its various Boards and Commissions may not enact, adopt, enforce or administer any ordinance regulation, rule or policy which provides that homosexual, lesbian or bisexual orientation or gender identity or expression; status, conduct or relationship; constitutes, entitles, or otherwise provides a person with the basis to have any claim of minority or protected status, quota preference, or other preferential treatment.

This provision of the City Code shall in all respects be self-executing. Any ordinance, regulation, rule or policy enacted before this provision is adopted that violates the foregoing prohibition shall be null and void and of no force or effect."

Said ordinance shall take effect if approved by a majority of the electors voting thereon.

Section 3. This ordinance calling for an election shall take effect and be in force after its passage, approval and publication in the official city newspaper. Following publication, the City Clerk is hereby directed to certify a copy of this Ordinance to the Election Commissioner of Shawnee County.

PASSED and APPROVED by the City Council JAN 25 2005

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk