

AN ORDINANCE PROVIDING FOR THE MANNER OF EXERCISING THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF MUNICIPALITIES BY SECTION 1a OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF OREGON, AND TO PROVIDE THE MANNER WHEREBY SAID LEGAL VOTERS MAY ENACT AND AMEND THEIR MUNICIPAL CHARTER UNDER THE POWERS RESERVED TO THEM BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON.

The Town of Stayton do ordain as follows:

Section 1. For the purpose of invoking the referendum against any ordinance, resolution, or other measure passed by the council of the town of Stayton, a petition signed by at least 10 per cent of the legal voters of said town computed on the basis of the total number of votes cast for the office of mayor at the last mayoralty election next preceding the invoking of such referendum, shall be filed with the recorder of the town of Stayton, within 30 days from the date of the approval of such measure by the mayor, or, in case the same shall have been passed over the veto of the mayor, within 30 days after the date of the passage of such measure, or in case the same shall become effective without the signature of the mayor, then within 30 days from the date on which such measure shall have become effective and no action shall be taken or anything done to carry out the provisions of any such measure until the time for the filing of such petition shall have elapsed and the filing of such petition shall have the effect of suspending the operation of such measure until the matter shall have been submitted to the people at the next general biennial election and their verdict shall have been determined and proclaimed as provided in section 14 of this ordinance. Measures necessary for the immediate preservation of the peace, health, safety, or general welfare of the town and the inhabitants thereof shall not be subject to the referendum herein provided for if there shall be in any such measure a separate section setting forth the reasons why such measure should become operative immediately; and any such emergency measure shall be approved by the affirmative vote of three-fourths of the members of the common council, and shall also be approved by the mayor.

Section 2. For the purpose of proposing any ordinance, charter, or charter amendment by the initiative, a petition signed by at least 15 per cent of the legal voters of the town of Stayton, computed on the basis of the total number of votes cast for the office of mayor at the last mayoralty election next preceding the invoking of such initiative, shall be filed with the recorder at least 60 days before the next succeeding general biennial election at which such proposed measure is to be submitted to a vote of the people; provided, however, that any such initiative petition filed with the recorder more than 90 days before the next general biennial election, may pray for a special election for the adoption or rejection of such proposed measure, the date of which said special election shall be set out in such petition and shall not be less than 30 nor more than 60 days from the date of filing of such petition.

Section 3. The following shall be substantially the form of petition for the referendum to the people on any ordinance, resolution or measure passed by the common council of the town of Stayton:

Warning

It is a misdemeanor for anyone to sign a referendum petition with any name other than his own, or knowingly to sign his name more than once for the same measure, to be voted upon at the same election, or to sign such petition when he is not a legal voter.

PETITION FOR REFERENDUM

To the honorable _____, recorder of the town of Stayton:

We, the undersigned legal voters of the town of Stayton, respectfully order that ordinance (resolution or measure) no. _____ of the town of Stayton entitled (title of ordinance, resolution or measure, or if the petition is against less than the whole ordinance, resolution or measure, then set forth here in full the part or parts on which the referendum is sought), passed by the common council of the town of Stayton on the _____ day of _____ 19____, shall be referred to the legal voters of the town of Stayton for their approval or rejection, at the regular election of said town to be held on the _____ day of _____ 19____, and each for himself says: I have personally signed this petition. I am a legal voter of the state of Oregon and of the town of Stayton, and my address is correctly written after my name.

Name _____ Residence _____

(Here follow 20 numbered lines for signatures.)

Section 4. The following shall be substantially the form of petition for any ordinance, charter, or charter amendment proposed by the initiative:

Warning

It is a misdemeanor for anyone to sign an initiative petition with any name other than his own, or knowingly to sign his name more than once for the same measure, to be voted upon at the same election, or to sign such petition when he is not a legal voter.

INITIATIVE PETITION

To the honorable _____, recorder of the town of Stayton:

We, the undersigned legal voters of the town of Stayton, respectfully demand that the following proposed ordinance (charter, or amendment to the town charter, as the case may be) shall be submitted to the legal voters of the town of Stayton, for their approval or rejection at the next regular or special town election to be held on the _____ day of _____ 19____, and each for himself says: I have personally signed this petition; I am a legal voter of the town of Stayton, and my residence and address are correctly written after my name.

Name _____ Residence _____

(Here follow 20 numbered lines for signatures.)

Section 5. A full, true, and correct copy of any measure proposed to be submitted to a vote either by initiative or referendum petition shall be attached to every sheet of petitioners' signatures prior to the signing thereof by any petitioner.

Section 6. Each and every sheet of any such petition containing signatures shall be verified on the face thereof in substantially the following form by the person who circulated said sheet of said petition, by his affidavit thereon, and as a part thereof:

STATE OF OREGON)
County of _____) ss.
Town of _____)

I, _____, being first duly sworn on oath, depose and say that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, and that each signer is a legal voter of the town of Stayton.

Signature

Address of Affiant

Subscribed and sworn to before me this _____ day of _____
19____.

Notary Public for Oregon

My commission expires _____

Such petition when so verified and filed with the recorder shall be considered as prima facie correct.

Section 7. Upon the filing of any petition provided for in this ordinance the recorder shall, within five days of the filing of such petition, compare the signatures of the electors signing the same with the signatures on the registration cards, books, and blanks on file in the office of the county clerk of Marion County, Oregon, and shall attach to said petition his certificate substantially as follows:

STATE OF OREGON)
County of _____) ss.
Town of _____)

I, _____, recorder of the town of Stayton, hereby certify that I have compared the signatures on (number of sheets) sheets of the referendum (initiative) petition attached hereto with the signatures of said electors as they appear on the registration cards, books, and blanks on file in the office of the county clerk of Marion County, Oregon, and based upon such record I hereby certify that the signatures of (names of signers) numbering (number of genuine signatures) are genuine. I further certify that the signatures of (names of signers) numbering (number of signatures not genuine) are not genuine.

Recorder

Subscribed and sworn to before me this _____ day of _____
19____.

Notary Public for Oregon

My commission expires _____

Every such certificate shall be prima facie evidence of the facts stated therein, and of the qualification of the electors whose signatures are there certified to be genuine, and the recorder shall consider and count only such signatures on such petition as he shall be able to certify as genuine.

Section 8. When any petition for initiative or referendum legislation shall have been filed with the recorder and the recorder shall have determined that such petition is sufficient as provided in section 7, he shall forthwith transmit to the attorney of said municipality a copy of such measure. Said attorney shall within 5 days provide and return to the recorder a ballot title for such measure. In making such ballot title said attorney shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument for or liable to create prejudice either for or against such measure. Any qualified elector dissatisfied with the ballot title provided by the town attorney for any such measure may within 5 days after the said ballot title is returned to the recorder appeal in writing to the common council asking a different title and stating why the title prepared by said attorney is improper. The town council shall at its next regular or special meeting afford such person a hearing and shall by resolution either approve the title prepared by said attorney or shall prescribe another ballot title and in either event the title as approved or prescribed by the council shall be the title placed on the ballot. Should the next regular, adjourned, or special meeting of the council occur more than 10 days subsequent to the filing of such appeal, it shall be the duty of the mayor to call a special meeting of the council to consider the matter and such special meeting shall be held within 10 days of the filing of such appeal.

Such ballot title shall in no case exceed one hundred words and shall not resemble insofar as possible any other ballot title filed for any measure. Titles and numbers of petitions shall be printed upon the official ballot of the town of Stayton in the order in which said petitions are filed with the recorder and measures proposed by the initiative shall be designated and distinguished from measures that are referred to the people by referendum. The affirmative of the first measure shall be numbered 300 and the negative 301, in numerals, and the succeeding measures shall be numbered consecutively, affirmative 302 and negative 303, affirmative 304 and negative 305 and so on at each election.

Section 9. In all cases where an initiative petition is filed with the recorder more than 90 days before any regular election and such petition shall demand a special election, the recorder shall immediately notify the mayor. At the next regular or special meeting of the council the mayor shall call the attention of the council to such demand for a special election and the council shall at such meeting provide for such special election and shall appoint judges and clerks to act thereat.

Section 10. As soon as said recorder shall have assigned the numbers to the various measures to be voted upon, as in section 8 of this ordinance provided, and at least 10 days before any special election at which such measures are to be voted upon, he shall issue and post, under the hand of the mayor and the seal of said town, five notices of special election. Such notices shall be posted in five conspicuous places in the town of Stayton, one of which places shall be the bulletin board at the town hall. Such notices shall state the date of the election, the precincts and polling places, and the opening and closing hours of the polls, and shall contain the number and title of each measure to be voted upon. Notices may be substantially as follows:

NOTICE OF SPECIAL ELECTION

Notice is hereby given that on _____, the _____, day of

_____ 19____, in the town of Stayton, Marion County, Oregon, a

special election will be held at which there will be submitted to the legal voters for their adoption or rejection the following measures: (Copy in the number and title of each measure to be voted upon). The election will be held at 8 a.m. and will continue until 8 p.m. on said date. The precincts and polling places are hereby designated as follows: (Insert precinct numbers and polling places of each precinct).

Witness the hands of the recorder and mayor of the town of Stayton together with the seal of said town, upon the _____ day of _____, 19____.

Recorder

(Seal)

Mayor

Section 11. In the event that any of the measures herein provided for shall be voted upon at a general biennial election, the notice thereof shall, in addition to other matters contained therein, give notice of the fact that at such general biennial election there will be submitted to the legal voters of the town of Stayton, for their acceptance or rejection, any pending, proposed, or referred measures, giving the number and title thereof.

Section 12. Whenever any measure shall be submitted to the legal voters pursuant to initiative petition at any special or general biennial election and whenever any measure shall be submitted to the legal voters pursuant to referendum petition at any general biennial election, the recorder shall publish such measure in full together with the ballot title and number in some newspaper of general circulation in the town of Stayton for two consecutive publications, such publications to be made not less than 10 days nor more than 30 days prior to such election.

Section 13. The forms of petitions and notices given in this ordinance are not mandatory and if substantially followed, shall be sufficient disregarding clerical and technical errors.

Section 14. The votes on measures voted upon under the terms of this ordinance shall be counted, canvassed, and returned in the same manner as votes cast at the general biennial elections held in the town of Stayton are counted, canvassed, and returned; provided, however, that votes on measures submitted at any special election shall be counted, canvassed, and returned in the manner provided by the charter and ordinances of the town of Stayton. It shall be the duty of the mayor within 10 days of the election date, or sooner, if the returns be all received, to recapitulate the votes cast on each measure and forthwith to issue his proclamation giving the number of votes cast for and against each measure and declaring such measures as are approved by a majority of those voting thereon to be in full force and effect from the date of such proclamation, which said proclamation shall be published at least once in a newspaper of general circulation in the town of Stayton and shall also be filed with the measure so approved.

Section 15. The Constitution and laws of the state of Oregon governing the time and place of holding elections shall govern all general biennial elections provided for in this ordinance, and except as herein otherwise specifically prescribed, the laws of the state of Oregon governing the manner of conducting elections shall govern.

Section 16. The laws of the state of Oregon providing for carrying into effect the initiative and referendum in respect to municipal legislation shall

be followed in the town of Stayton, Oregon, in every other particular except as in this ordinance provided.

Section 17. Nothing in this ordinance shall be deemed to prohibit the council from adopting an ordinance and submitting it to the legal voters, by ordinance or resolution, at any special or general biennial election nor from so submitting any charter or charter amendment; provided, however, that if such submitting ordinance or resolution does not fully prescribe the time, place, and manner of conducting any such election, the provisions of this ordinance insofar as not in conflict with such submitting ordinance or resolution shall govern.

Section 18. Any person who is a qualified elector of the state of Oregon and the town of Stayton may sign a petition for the initiative or referendum. It shall be unlawful for any person who is not a qualified elector to sign any such petition. It shall be unlawful for any person to sign any name other than his own to any such petition or knowingly to sign his name more than once to the same petition for any measure to be submitted at the same election. It shall be unlawful for any person to procure signatures to any petition by fraud or misrepresentation or falsely to make any affidavit, certification, or written statement required by this ordinance. Any person violating the provisions of this ordinance as in this section defined shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$50 or by imprisonment in the town jail for a term of not less than 5 days nor more than 20 days or by both such fine and imprisonment in the discretion of the court.

Passed by the common council April 20, 1942.

Signed and approved by the mayor April 20, 1942.

J. L. Siegmund
Mayor

Attest:

Lev R. Duncan
Recorder