

TITLE 1. GENERAL PROVISIONS

CHAPTER 1.28

INITIATIVE AND REFERENDUM

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1.28.810                    AUTHORITY

The power of initiative and referendum reserved to the citizens of municipalities by the state constitution shall be exercised in the manner set forth in this chapter. (Ord. 658, section 1[part], 1989: prior code section 2.180)

1.28.820                    APPLICABILITY OF STATE LAW

State laws providing for carrying into effect the initiative and referendum in respect to municipal legislation shall be followed in the city in every particular except as provided differently in this chapter. (Ord. 658, section 1[part], 1989: prior code section 2.196)

1.28.830                    INITIATIVE PETITION: FORM

The form of a petition for any ordinance, charter, or charter amendment by the initiative shall follow the requirements of state law. (Ord. 658, section 1[part], 1989: prior code section 2.181)

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### 1.28.840 REFERENDUM PETITION: FORM

The form or referendum to the people on any ordinance, resolution, or other measure passed by the council shall be as required by state law. (Ord. 658, section 1 [part], 1989: prior code section 2.182)

### 1.28.850 PETITION: PROPOSED MEASURE TO BE ATTACHED

A full 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. (Ord. 658, section 1[part], 1989: prior code section 2.183)

### 1.28.860 PETITION: AFFIDAVITS

Each and every sheet of every initiative or referendum petition containing signatures shall be verified on its face by the person who circulated such sheet of said petition by affidavit using the form required by state law. (Ord. 658, section 1[part], 1989: prior code section 2.184)

### 1.28.870 PETITION: SIGNATURE REQUIREMENTS

1. A referendum petition against any ordinance, resolution, or other measure passed by the council shall be signed by at least ten percent (10%) of the qualified electors registered in the city.
2. An initiative petition to propose any ordinance, charter, or charter amendment shall be signed by at least fifteen percent (15%) of the qualified electors registered in the city.
3. The number of qualified electors registered in the city shall be computed on the basis of the total number of votes cast for the office of mayor at the mayoral election most recently preceding the invoking of such initiative or referendum petition.
4. Any person who is a qualified elector registered in the city may sign a petition for the initiative or referendum, and it is unlawful of any person who is not a qualified elector to sign any such petition.
5. It is 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.

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6. It is 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 chapter.
7. Not more than twenty (20) signatures shall be signed to one sheet of a petition. (Ord. 658, section 1[part], 1989; prior code section 2.186)

### 1.28.880 INITIATIVE PETITION: FILING

1. Initiative petitions shall be filed with the administrator at least ninety (90) days before the next succeeding general election at which such proposed measure is to be submitted to a vote.
2. The proposed date of such election referenced above shall be on the next available election date, pursuant to ORS 221.230, held not sooner than 90 days after the measure was filed with the City of Stayton. (Ord. 658, section 1 [part], 1989; prior code section 2.187; Ord. 874, section 3, 2004)

### 1.28.890 REFERENDUM PETITION: FILING

1. Referendum petitions shall be filed with the administrator within thirty (30) days of approval of the measure in question by the mayor, or, if the measure was passed over the mayor's veto, within thirty (30) days after enactment of such measure.
2. Nothing shall be done to carry out the provisions of any ordinance passed over the mayor's veto until the time for filing of such a petition will have the effect of suspending the operation of such measure until the matter is submitted for a vote at the next general election, and the verdict determined and proclaimed as provided in section 1.28.930 of this chapter. (Ord. 658, section 1[part], 1989; prior code section 2.188)

### 1.28.900 EXEMPTIONS FROM REFERENDUM POWERS

Measures necessary for the immediate preservation of the peace, health, safety, or general welfare of the city and its inhabitants are not subject to the referendum. In any such emergency measure, there shall be a separate section setting forth the reasons why such measure should become operative immediately, and any such measure shall be approved by the affirmative vote of three-fourths of the members of the council and shall also be approved by the mayor. (Ord. 658, section 1[part], 1989; prior code section 2.189)

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1.28.910 PETITION: CERTIFICATION

- 1. Upon the filing of any initiative or referendum petition, the city administrator shall, within five (5) days of such filing, compare the signatures of the electors signing the petition with the signatures on file in the voting records of the county clerk, and shall attach to said petition his certificate, substantially as follows:

STATE OF OREGON            )  
 County of Marion            )  
 City of Stayton             )

I, \_\_\_\_\_, City Administrator for the City 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, and based upon such record, I hereby certify that the signatures of (names of signers) are genuine. I further certify that the signatures of (names of signers) numbering (number of signatures not genuine) are not genuine.

City Administrator

Subscribed and sworn before me this \_\_\_ day of \_\_\_\_\_, 19\_\_.

- 2. Every such certificate is prima facie evidence of the facts stated therein and of the qualifications of the electors whose signatures are certified genuine. The city administrator shall consider and count only those signatures which he is able to certify as genuine.
- 3. The certification of signatures on petitions may be performed by the county clerk in lieu of the city administrator, provided the certification complies with subsections 1. and 2. of this section and is performed at the request of the city administrator. (Ord. 658, section 1[part], 1989: prior code section 2.190)

1.28.920 BALLOT TITLES AND NUMBERS

- 1. When any petition for initiative or referendum is filed with the city administrator and the city administrator has certified the sufficiency of the petition and signatures as provided in section 1.28.900 of this chapter, he shall submit to the city attorney a copy of such measure.
- 2. Within five (5) days the city attorney shall provide and return to the city administrator a ballot title for such measure and a copy to chief petitioner. In making the ballot title, the city attorney shall to the best of his ability give a true and impartial

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statement of the purpose of the measure and use such language that the ballot title shall not be argument for or be liable to create prejudice against such measure.

3. Any qualified voter dissatisfied with the ballot title prepared by the city attorney may appeal within five (5) days after the ballot title is returned to the city administrator. Such appeal shall be in writing to the council, asking a different title and stating why the title prepared by the city attorney is improper.
4. At its next regular or special meeting, the council shall afford any person protesting the ballot title a hearing, and shall by resolution either approve the title prepared by the city attorney or shall prescribe another ballot title.
5. Should the next regular or special meeting of the council occur more than three (3) days after the filing of any appeal, the mayor shall call a special council meeting to consider the matter, to be held within five (5) days of the filing of the appeal.
6. The title as approved or prescribed by the council shall be the title placed on the ballot. Such title shall in no case exceed one hundred words and, as far as possible, shall not resemble any other ballot title filed for any measure. (Ord. 658, section 1[part], 1989: prior code section 2.191)

### 1.28.930 ELECTION NOTICES

1. If any of the measures provided for in this chapter will be voted on at a general primary election, the notice of such election shall, in addition to other required information, give notice of the submission of any pending, proposed, or referred measures, listing the numbers and titles thereof.
2. Whenever any initiative or referendum measure is submitted to the voters at any general election, the notice of such election shall, in addition to other required information, give notice of the submission of any pending, proposed, or referred measures, listing the numbers and titles thereof.
3. Whenever any initiative or referendum measure is submitted to the voters at any general election, the city administrator shall publish such measure in full, together with the ballot title and number, in a newspaper of general circulation within the city for two (2) consecutive publications. Such publications shall not be made less than ten (10) days nor more than thirty (30) days prior to such election. (Ord. 658, section 1[part], 1989: prior code section 2.192)

### 1.28.940 CANVASS OF VOTERS

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In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election, the returns therefore shall be filed with the recorder on or before noon of the day following, and upon receipt of election results the council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate so made to him within one (1) day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained therein. (Ord. 658, section 1[part], 1989: prior code section 2.194)

### 1.28.950 COUNCIL POWERS RESERVED

Nothing in this chapter prohibits the council from adopting an ordinance and submitting it to the qualified electors registered in the city, by ordinance or resolution, at any special or general election, nor from so submitting any charter or charter amendment. If such submitting ordinance or resolution does not fully prescribe the time, place, and manner of conducting any such election, the provisions of this chapter, insofar as not in conflict with such submitting ordinance or resolution, shall govern. (Ord. 658, section 1[part], 1989: prior code section 2.197)