

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 212

An ordinance relating to Initiative and Referendum procedures for county legislation; amending MCC 4.51.010, 4.51.020, 4.51.030, 4.51.560.

Multnomah County ordains as follows:

Section 1. MCC 4.51.010 is amended to read:

4.51.010 Definitions. As used in this chapter, unless the context requires otherwise:

(A) "County legislation" means any legislation which has been or lawfully may be enacted by the county, and includes any amendment, revision or repeal of the Multnomah County Home Rule Charter, but does not include any emergency ordinance adopted under Chapter V of the Multnomah County Home Rule Charter.

(B) "Director" means the director of the county's Division of [Records and] Elections, or the director's designees, or any officer subsequently performing the present duties of the director, or the designees of that officer.

(C) "Elector" means any legal voter of the county.

(D) "Measure" means any county legislation proposed for adoption, amendment, revision, repeal or referral through the initiative or referendum procedures prescribed by this chapter.

(E) "Regular election" means any election at which a measure is submitted to the electors on a regular biennial statewide primary or general election date.

(F) "Special election" means any election at which a measure is submitted to the electors on a date other than a regular election date. [Ord. 167 s. 1 (1978)] (brackets are in original text, reference is not to be deleted)

Section 2. MCC 4.51.020 is amended to read:

4.51.020 [Preliminary] Prospective petition.

(A) Prior to circulating a petition proposing an initiative or referendum measure among the electors, the chief petitioners shall file a [preliminary] prospective petition with the director, in such form as the director shall prescribe or provide, showing:

(1) The signatures, printed names and mailing addresses of not less than one and not more than three chief petitioners, all of whom must be electors of the county;

(2) In the case of initiative measures, the text of the county legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal;

(3) In the case of referendum measures, the text of the county legislation proposed for referral, and, where applicable, the title, ordinance number or ordinance section numbers of the county legislation proposed for referral.

(B) The director shall inscribe the date of filing upon any [preliminary] prospective petition filed in the director's office.

(C) After a [preliminary] prospective petition for a referendum measure has been filed with the director, and the director has determined that the [preliminary] prospective petition complies with the requirements of this chapter, and other applicable law, the director shall forthwith certify to one of the chief petitioners that petitions for the referendum measure proposed by the [preliminary] prospective petition may be circulated among the electors, in accordance with the procedures set forth in MCC 4.51.040. [Ord. 167 s. 2 A, B, and C (1978)] (brackets are in original text, reference is not to be deleted)

Section 3. MCC 4.51.030 is amended to read:

4.51.030 Ballot title; appeal.

(A) Prior to the conclusion of the business day next following the filing of a [preliminary] prospective petition which proposes an initiative measure and which complies with the requirements of this chapter and other applicable law, the director shall transmit two copies to the District Attorney of the county, who shall, within five days after receiving the [preliminary] prospective petition, prepare a ballot title for the measure proposed. The ballot title shall consist of: [a caption, not to exceed 10 words, by which the measure may be commonly referred to or known, and a statement of the purpose of the measure, not to exceed 75 words.]

(1) A caption of not more than 10 words by which the measure is commonly referred to;

(2) A question of not more than 20 words which plainly states the purpose of the measure, and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

(3) A concise and impartial statement of not more than 75 words of the chief purpose of the measure.

[The caption and statement shall be impartial and shall not contain arguments for or against the measure.] After preparing the ballot title, the District Attorney shall immediately return one copy of the [preliminary] prospective petition and title to the director

and shall immediately transmit one copy of the [preliminary] pro-  
spective petition and title to one of the chief petitioners.

(B) Upon receiving the [preliminary] prospective petition and title from the District Attorney, the director shall inscribe the date of receipt on it. Within five days after that date, any elector may [bring suit in] petition the Circuit Court for the county to challenge the ballot title prepared by the District Attorney. At the end of the five day period, or following the final adjudication of any challenge, the director shall certify the ballot title as prepared by the District Attorney or as prescribed by the court, as the case may be, to one of the chief petitioners.

(C) The procedures set forth in subsections (A) and (B) of this section for preparation of, and challenges to, ballot titles of initiative measures shall also apply to referendum measures. However, the completion of such procedures shall not be a prerequisite to the circulation of petitions for referendum measures under MCC 4.51.040, and ballot titles need not be stated on petitions circulated to propose referendum measures. [Ord. 167 s. 2 D, E, and F (1978)] (brackets are in original text, reference is not to be deleted)

Section 4. MCC 4.51.060 is amended to read:

4.51.060 Measures referred by board.

(A) The board may directly refer to the electors any county legislation adopted by it, and may directly refer to the electors proposed amendments, or revisions or the repeal of the Multnomah County Home Rule Charter or parts thereof.

(B) In lieu of the procedures for preparation of a ballot title by the District Attorney set forth in MCC 4.51.020 and 4.51.030, in the case of measures the board refers under subsection (A) of this section, the board shall prepare a ballot title complying with the requirements of subsection (A) of MCC 4.51.030, and shall certify such ballot title to the director. Any elector may [bring suit in] petition the Circuit Court within five days of such certification to challenge the ballot title prepared by the board.

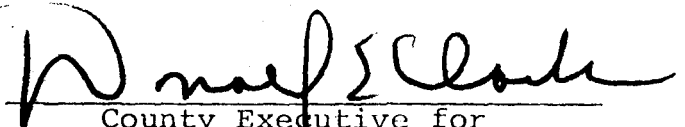
(C) A measure shall be considered referred under this section as of the date the board certifies its ballot title to the director [Ord. 167 s. 5 (1978)] (brackets are in original text, reference is not to be deleted)

ADOPTED this 29th day of November, 1979, being the date of its second reading before the Board of County Commisisoners of Multnomah County, Oregon.

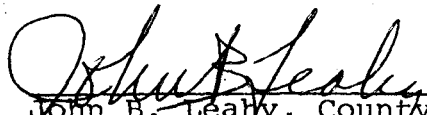
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By Earl Blumenau  
Presiding Officer

Authenticated by the County Executive on the 30 day of  
November, 1979.

  
County Executive for  
Multnomah County, Oregon.

APPROVED AS TO FORM:

  
John B. Leahy, County Counsel  
for Multnomah County, Oregon.