

BEFORE THE BOARD OF COUNTY COMMISSIONERS

for

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 57

An ordinance relating to the method by which the initiative and referendum powers may be exercised concerning county legislation, other matters pertaining thereto, and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Initiative and Referendum Ordinance, may be so pleaded, and shall be referred to herein as "this Ordinance".

Section 2. Definitions.

A. For the purposes of this Ordinance, unless the context requires otherwise, the following terms are defined as follows:

1. Board: Board of County Commissioners of Multnomah County, Oregon.
2. Director: Director of the Department of Records and Elections of Multnomah County, Oregon, or his authorized representative.

Section 3. Interpretation.

For the purposes of this Ordinance, words in the singular number include the plural, the words "shall" and "must" are mandatory and not directory, and the terms "this Ordinance" shall be deemed to include all amendments hereafter made.

Section 4. Policy.

The Board has determined the necessity, in the exercise of its home-rule authority, of providing the manner by which the powers of initiative and referendum of the voters of Multnomah County reserved by the Oregon Constitution, Oregon Statutes, and the Charter of Multnomah County, shall be exercised and, in accordance with this determination, hereby prescribes the manner by which the initiative and referendum shall be exercised.

Section 5. Preliminary Petition.

- A. Electors within Multnomah County shall submit petitions in the following manner:
1. Before commencement of circulation of any petition, the sponsors under whose authority the petition is to be circulated shall deliver one signed copy of the preliminary petition to the Director. The preliminary petition must state:
 - a. The names of the sponsors, their residence addresses and precinct numbers;
 - b. The names of not more than three chief petitioners and their mailing addresses;
 - c. Signed and notarized sponsor's affidavit; and
 - d. The date of the election, which must be the next succeeding state-wide primary or general election, whichever is sooner.
 2. If the petition is for an initiative measure, it must recite in full the county legislation proposed for adoption, or recite the title and number of the ordinance or charter provisions proposed for repeal.
 3. If the petition is for a referendum measure, it must recite the title and number of the ordinance proposed for referral.
 4. The Director shall file the copy in his office and may specify the form, kind and size of paper on which such petition shall be printed for circulation for signatures.
- B. The Director shall forthwith convey two copies of the petition to the District Attorney of Multnomah County. The District Attorney for Multnomah County shall, within five days after receiving the petition copies, provide a ballot title for the measure and return one copy of the petition together with the ballot title to the Director and return one copy, in person or by certified or registered mail, to one of the sponsors under whose authority the petition is to be circulated.
1. The ballot title shall consist of a caption not to exceed six words by which the measure contained in the petition may be commonly referred to or spoken of, followed by a statement of the purpose of the measure not to exceed 75 words; the caption and statement shall be impartial and not an argument for or against the measure.

Section 6. Ballot Title Appeal.

- A. Any elector dissatisfied with the ballot title provided by the District Attorney may, within five days from the date the title was prepared, petition the Circuit Court of Multnomah County praying for a different title and setting forth the reasons why the title does not conform to the requirements of this ordinance.
1. The review by the Circuit Court shall be determined expeditiously as may be appropriate for the orderly and timely circulation of petitions. The Court shall certify to the Director the title to be utilized in circulation of the petitions and to be utilized at the election.

Section 7. Circulation Procedure and Petition Context.

- A. Petitions meeting the requirements of Section 5 and 6, if applicable, may be circulated and shall consist of a cover page and signature sheets.
1. The cover page shall state:
 - a. the sponsors under whose authority the petition is being circulated, their names and addresses;
 - b. the measure for which the initiative or referendum is demanded;
 - c. the complete ballot title prepared by the District Attorney; and
 - d. the names and addresses of the chief petitioners.
 2. Each signature page shall contain:
 - a. the signature, printed name, address and precinct number, if known, of each person signing the petition;
 - b. the verification of the person who circulated the petition that every person who signed did so in the circulator's presence, was shown the cover page, and that the circulator believes that each signor stated his correct address and is a registered voter; and
 - c. the caption of the ballot title in the foot margin.
 3. No signature sheet shall contain more than 20 signatures.

Section 8. Verification of Signatures.

- A. All petitions shall be submitted to the Director within the time required. The Director shall examine the petitions filed, compare the signatures of registered electors with the signatures on the petitions and, on the face of each signature page, make his certificate stating the number of signatures found to be qualified.
1. All petitions must be submitted to the Director by five o'clock p.m. of the last day allowed by this Ordinance. The Director shall have an additional ten days from the final filing date in which to compare signatures and make his certificate as to qualification.
 2. The Director shall, upon completion of examination of all petitions filed within the required time, certify to the Board the number of qualified signatures submitted by petition and the number of signatures required by this Ordinance to initiate or refer a measure.
 3. The Director shall, after making certification to the Board of County Commissioners, return all signature sheets to one of the chief petitioners or his representatives designated in writing.
 4. The Director shall reject any petitions which are not submitted in accordance with this ordinance.

Section 9. Required Percentages and Filing Requirements.

- A. A referendum election shall be required in response to a petition signed by a number of electors equal to 4% of the total number of votes cast in Multnomah County for all candidates for Governor at the election at which the Governor was elected for a term of four years next preceding the filing of the petition.
1. Referendum petitions must be filed within 30 days after the Ordinance proposed for referral is adopted by the Board.
- B. An initiative election shall be required in response to a petition signed by a number of electors equal to 8% of the total number of votes cast in Multnomah County for all candidates for Governor at the election at which the Governor was elected for a term of four years next preceding the filing of the petition.
1. Initiative petitions must be filed with the Director not less than 90 days prior to any state-wide primary or general election.

2. No petition shall be accepted for filing unless the signatures thereon have been secured within six months of the date on which the first signature on the petition was affixed.

Section 10. Measures Referred by Board.

- A. The Board may, by ordinance, refer measures to a vote of the people at any special or state-wide primary or general election. The Board may provide the ballot title for the measure so submitted and, in such event, the provisions of this Ordinance relating to preparation of ballot title by the District Attorney and the appeal to the Circuit Court therefrom shall not apply.
- B. Ordinances to refer a measure or charter amendment or repeal shall be adopted at least 60 days before the election at which the measure is to be submitted to the voters.

Section 11. Elections.

- A. The Board may, in response to receipt of certification of the Director that a qualified petition has been filed, or by its own action, call a special election at which time a measure would be submitted to a vote of the people.
 1. The Board shall cause notice of any such special election by publication in two newspapers of general circulation within the county once each week for three consecutive weeks prior to the election. The notice shall contain the date of the election, the hours the polls will be open, the polling places at which voters may register their vote, and the ballot title of the measure.
 2. The Board may call a special election in the same Ordinance in which it refers a measure to the voters.
 3. Notice for measures submitted at state-wide primary or general elections shall be given in accordance with state law.
- B. Any petition for which an election is not specially called by the Board, shall be submitted at the next state-wide primary or general election, whichever is sooner.
- C. The Director shall appoint clerks and judges for any special election and may combine precincts in accordance with state law.
- D. Measures referred by the Board shall be designated "Referred

to the People by the Board of County Commissioners of Multnomah County."

- E. Measures submitted by referendum petition shall be designated "Referendum by Petition of the Electors."
- F. Measures submitted by initiative petition shall be designated "Proposed by Initiative Petition."
- G. The votes cast at any election for or against a measure shall be counted as votes for candidates are counted and canvassed. The Director shall canvass the vote within 30 days after the election and submit his certificate of election results to the Board.
- H. The Board shall, upon receipt of the certificate of election results of the Director, enter its proclamation of election results in the journal of the Board.

Section 12. Voters Pamphlets.

Publication of voters pamphlets are not required for elections at which initiative or referendum measures relating to county legislation are to be approved or rejected.

Section 13. Conformance with Law.

This Ordinance shall not be a substitute for or eliminate the necessity of conforming with any and all laws of the State of Oregon not in conflict with the provisions of this Ordinance; including, but not limited to, those laws prohibiting fraud, misrepresentation, and false statements and affidavits in the circulation and filing of initiative and referendum petitions; defining election offenses, and providing for penalties for the violation thereof.

Section 14. Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 15. Adoption.

The Board finds and determines that certain ambiguities exist relating to the manner by which the initiative and referendum powers of the people may be exercised; that it has now and will have pending ordinances which may be adopted; that the voters of Multnomah County must have a clear and non-ambiguous method by which it may exercise their powers of initiative and referendum; now, therefore, an emergency is declared to exist and this Ordinance shall take effect immediately upon being adopted.

ADOPTED this 27th day of July, 1972, being the date of its introduction, first reading, and final passage by unanimous consent of all Board members present.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By M. James Heasler
Chairman