

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 167

An ordinance relating to initiative and referendum procedures for county legislation; repealing Ordinance No. 57; and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Definitions.

As used in this ordinance, unless the context requires otherwise, the following terms shall have the following meanings:

- A. "Board" means the Board of County Commissioners of the county.
- B. "County" means Multnomah County, Oregon.
- C. "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; provided, however, that "county legislation" as used herein does not include any emergency ordinance adopted pursuant to Chapter V of the Multnomah County Home Rule Charter.
- D. "Director" means the Director of the county's Division of Records and Elections, or his designees, or any officer subsequently performing the present duties of the Director of said Division, or the designees of such officer.
- E. "Measure" means any county legislation proposed for adoption, amendment, revision, repeal or referral through the initiative or referendum procedures prescribed by this ordinance.
- F. "Regular election" means any election at which a measure is submitted to the electors on a regular biennial statewide primary or general election date.
- G. "Special election" means any election at which a measure is submitted to the electors on a date other than a regular election date.
- H. "Elector" means any legal voter of the county.

Section 2. Preliminary Petition.

A. Prior to circulating a petition proposing an initiative or referendum measure among the electors, the chief petitioners shall file a preliminary 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/or 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 and/or ordinance section numbers of the county legislation proposed for referral.

B. The Director shall inscribe the date of filing upon any preliminary petition filed in his office.

C. After a preliminary petition for a referendum measure has been filed with the Director, and the Director has determined that the preliminary petition complies with the requirements of this ordinance 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 petition may be circulated among the electors, in accordance with the procedures set forth in Section 3.

D. Prior to the conclusion of the business day next following the filing of a preliminary petition which proposes an initiative measure and which complies with the requirements of this ordinance and other applicable law, the Director

shall transmit two copies thereof to the District Attorney of the county, who shall, within five days after receiving the preliminary petition, prepare a ballot title for the measure proposed. The ballot title shall consist of a caption, not to exceed ten 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. 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 petition and title to the Director, and shall immediately transmit one copy of the preliminary petition and title to one of the chief petitioners.

E. Upon receiving the preliminary petition and title from the District Attorney, the Director shall inscribe the date of receipt thereon. Within five days after such date, any elector may bring suit in the Circuit Court for the county to challenge the ballot title prepared by the District Attorney. At the end of such 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.

F. The procedures set forth in subsections D and E of this section for preparation of and challenges to ballot titles for 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 pursuant to Section 3, and ballot titles need not be stated on petitions circulated to propose referendum measures.

Section 3. Petition and Circulation Procedure.

A. After the requirements of Section 2.C have been met in the case of referendum measures, and after the requirements of Section 2.E have been met in the case of initiative measures, the chief petitioners and any other persons eligible to circulate initiative and referendum petitions under state law may

circulate a petition for the measure among the electors. Each copy of the petition so circulated shall consist of a cover page and a signature sheet or sheets.

B. The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by Sections 2.A.2 or 2.A.3, and, in the case of petitions for initiative measures, shall state the ballot title certified by the Director pursuant to Section 2.E.

C. Each signature sheet shall contain space for the signatures of 20 electors. Each elector signing the petition shall do so by affixing his signature, and by printing his name, residence address and, if known, his precinct number.

D. Each signature sheet of an initiative petition shall contain the caption of the ballot title.

E. Each signature sheet of a referendum petition shall contain the title, ordinance number and/or ordinance section numbers of the county legislation proposed for referral.

F. No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such elector is a legal voter of the county and that the information placed on the sheet by each such elector is correct.

Section 4. Filing and Processing of Signed Petitions.

A. The Director shall accept for filing and further processing in accordance with this ordinance only petitions which comply with the requirements of this ordinance and other applicable law.

B. No petition shall be accepted for filing unless it contains at least the required number of signatures to submit the measure to the electors, as prescribed by subsections F, G or H of this section.

C. No initiative petition shall be accepted for filing more than six months after the date of the Director's certification pursuant to Section 2.E.

D. Any petition to refer legislation adopted by the Board must be filed not more than 90 days after the Board's adoption of such legislation.

E. Upon the acceptance for filing of a petition, the Director shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of State of Oregon in any case where the petition contains in excess of 15,000 signatures prior to verification. Within 15 days after his acceptance of a petition, the Director shall certify to the Board whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to the electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections F, G or H of this section to require the proposed measure to be submitted to the electors.

F. An initiative measure proposing the amendment, revision or repeal of the Multnomah County Home Rule Charter, or parts thereof, shall be submitted to the electors if the number of qualified signatures on the petition therefor equals or exceeds eight percent of the total number of votes cast in Multnomah County for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

G. An initiative measure proposing the adoption, amendment or repeal of any other county legislation, or parts thereof, shall be submitted to the electors if the number of qualified signatures on the petition therefor equals or exceeds six percent of the total number of votes cast in Multnomah County for all candidates for Governor at the most recent previous general election at which the office of Governor was filled for a four-year term.

H. A referendum measure shall be submitted to the electors if the number of qualified signatures on the petition therefor equals or exceeds four percent of the total number of votes cast in Multnomah County for all candidates for

Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

Section 5. 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 Section 2, in the case of measures the Board refers pursuant to subsection A of this section, the Board shall prepare a ballot title complying with the requirements of Section 2.D., and shall certify such ballot title to the Director. Any elector may bring suit in the Circuit Court within 5 days of such certification to challenge the ballot title prepared by the Board.

C. A measure shall be deemed referred pursuant to this section as of the date the Board certifies its ballot title to the Director.

Section 6. Elections.

A. Upon receiving the Director's certificate that a petition has been filed with sufficient qualified signatures to require the proposed measure to be submitted to the electors pursuant to Section 4.E., or upon referring the measure on its own motion pursuant to Section 5, the Board shall call an election for submission of the measure to the electors. The Board shall determine the date of the election, subject to the following requirements:

1. No election shall be held on a referendum measure less than 45 days after the Board's receipt of the Director's certificate pursuant to Section 4.E, or less than 60 days after the Board's referral of the measure pursuant to Section 5, or less than 45 days after the Board's order calling the election.
2. An election on an initiative measure shall not occur less than 90 days after the petition proposing it has

been certified by the Director to the Board pursuant to Section 4.E, or less than 45 days after the Board's order calling the election.

3. No election shall be held on a measure on a date later than the regular election date which next occurs 90 or more days after the petition proposing the measure is certified by the Director to the Board pursuant to Section 4.E or the measure is referred by the Board pursuant to Section 5. In the event the Board does not call a special election for an earlier date, the election on the measure shall be held on such regular election date.

B. In the case of special elections, the Board shall cause notice thereof 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, and the ballot title of the measure. In addition, on the day preceding or the day of the election, the Director shall cause the polling places at which electors may register their votes to be published in at least two newspapers of general circulation within the county. The Director shall appoint clerks for any special election and may combine precincts in accordance with state law.

C. Notice of elections on measures to be submitted to the electors on regular election dates shall be given in accordance with state law, and such elections shall be conducted in conjunction with the elections on offices and other measures to be submitted to the electors on said election dates.

D. The notice procedures set forth in subsections B and C are in lieu of a county voters' pamphlet, and no county voters' pamphlet shall be required for elections subject to this ordinance unless the Board otherwise specifically directs.

E. Measures referred by the Board shall be designated on the ballot "Referred to the People by the Board of County Commissioners."

F. Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

G. Measures proposed by initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

H. Within 20 days following any election, the Director shall certify the election results to the Board. The Board shall thereupon canvass the vote and enter its proclamation of the results in its journal.

I. A measure adopted by the electors shall take effect 30 days after the election, unless such measure expressly provides a later effective date.

Section 7. Applicability of State Law.

Applicable provisions of state law, dealing with any initiative and referendum procedures or other election matters not regulated by this ordinance, shall apply to initiative and referendum procedures on county legislation, together with this ordinance; provided, however, that the provisions of this ordinance shall prevail over any conflicting provisions of state law relating to matters subject to regulation and legislation by the county.

Section 8. Effective Date.

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

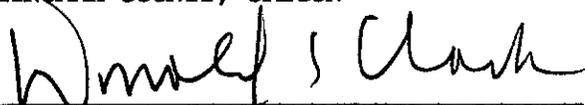
Section 9. Repeal of Ordinance No. 57.

Ordinance No. 57 is repealed.

ADOPTED this 6th day of July, 1978, being the date of its second reading before the Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By



Chairman