

TITLE 1
CHAPTER 5

INITIATIVE AND REFERENDUM

SECTION:

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1-5-1: PROPOSAL BY PETITION OR RESOLUTION:

- A. Definitions: For purpose of this chapter, the following words have their assigned meaning:

"Elector" shall mean a legal voter of the City.

"Measure" shall mean a legislative enactment by the Council which is not necessary for the immediate preservation of the public peace, health or safety; any part of such an enactment; or a proposed legislative enactment for the City. The term includes a municipal ordinance, a charter amendment, or any other legislative enactment within the power of the City to adopt.

"Petition" shall mean in initiative or referendum petition requesting that a proposed measure be submitted to the electors of the City for approval.

"Regular election" shall mean those City elections held at the same times and places as biennial primary and general state elections.

"Special election" shall mean an election called by the Council other than a regular election.

- B. Complete Procedure: The initiative and referendum powers of the City and its electors with respect to proposed measures shall be exercised in accordance with the provisions of this chapter, and not otherwise. State statutes governing the exercise of the initiative and referendum power do not apply to exercise of these powers by the City or its electors.

- C. Initiative and Referendum Power:

1. An elector may initiate a measure by filing a complete and proper initiative petition proposing the measure and requesting that it be submitted to the electors of the City for approval.
2. An elector may refer a measure passed by the Council by filing a complete and proper referendum petition within thirty (30) days after the measure has been ordained requesting that it be submitted to the electors of the City for approval.
3. At the session in which any proposed measure is approved by Council, the Council may order its submission to the electors of the City for approval. Such a submission does not require compliance with the provisions set forth in this chapter relating to petitions or special election dates except as otherwise expressly provided.

- D. Requisite Number of Signatures: The number of verified signatures required for an initiative petition is fifteen percent (15%), and for a referendum petition ten percent (10%), of the total number of votes cast for all candidates for Mayor at the last regular preceding municipal election when circulation of the petition begins.

1-5-2: FILING OF PROSPECTIVE PETITION:

- A. The Initial Filing: Prior to circulation for signatures of any petition, a prospective petition shall be filed with the City Recorder, together with a copy of the measure that it seeks to have submitted to the

electors. In addition, the petition's proponent shall submit the names and addresses of not more than three electors under whose sponsorship the petition has been prepared and is to be circulated; or, if the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization.

- B. Form Verification: When a copy of a prospective petition is filed in accordance with subsection A, the City Recorder shall immediately review it for the legal sufficiency of the form in which it appears. If the petition is in improper form, the City Recorder shall immediately advise the petition's proponent of the defects in the form and how to make it proper. If the prospective petition is in proper form, the City Recorder shall immediately transmit a copy to the City Attorney for preparation of a ballot title; the original shall remain on file with the City Recorder.

1-5-3: BALLOT TITLE PREPARATION:

A. Time for Preparation: The City Attorney shall prepare the ballot title according to state law for the proposed measure within five (5) business days after the Council orders the submission of a measure to the electors for approval or after a prospective petition is first filed with the City Recorder and verified as to form.

B. Ballot Title: The ballot title shall meet the following requirements:

1. The ballot title for a measure shall state truly and impartially the purpose of the measure in language that is not argumentative and does not tend to create prejudice concerning the measure. The title shall not resemble, so far as to create confusion, the ballot title for any other measure to be submitted to the electors at the same election.

2. In addition to the ballot title, measures proposed by initiative petitions shall bear the designation "Proposed by Initiative Petition"; measures referred to the electors by petition shall be designated "Referendum Ordered by Petition of the People"; and, measures submitted to the electors by the Council without petition shall be designated "Submitted to the Voters by the Council".

3. Upon completion of the ballot title, the City Attorney shall transmit the same to the City Recorder for filing. A copy of the ballot title shall immediately thereafter be furnished to the proponent of the petition.

C. Appeals: Any elector dissatisfied with the ballot title prepared by the City Attorney may appeal to the Council by a written appeal deposited with the City Recorder within five (5) business days after the ballot title is returned to the City Recorder for filing. The appeal shall ask for a different ballot title for the measure and state why the ballot title prepared and filed is unsatisfactory. Within three (3) business days after filing of the appeal, the Council shall, either in regular or special session, afford the appellant a hearing and either approve the title as prepared or prescribe another ballot title for the measure. The title thus adopted shall be the ballot title for the measure.

1-5-4: PETITIONS, SIGNATURE VERIFICATION:

A. Petition Circulation: After the ballot title for a measure has been determined, the petition may be circulated by the proponent among the electors of the City for their signatures. No signature upon a petition may be counted unless a completed petition is filed with the City Recorder within one hundred (100) days of the date of the signature.

B. Signature Sheets:

1. Each sheet of signatures for a petition shall contain the complete ballot title for the measure, and there shall be attached thereto a full, correct and legible copy of the proposed measure.

2. Each sheet of signatures for a referendum petition shall in addition contain the number of the ordinance or resolution to be referred, if any, and the date upon which it was adopted by the Council.

3. Each sheet of signatures for a petition shall list the name and residence address of not

more than three (3) persons designated as chief petitioners.

4. Not more than twenty (20) signatures on each signature sheet may be counted. Each elector signing a petition shall date the signature and also provide, legibly, his or her full name and residence address.
5. Each signature sheet shall be verified on its face by the signed statement of the person circulating the petition that the individuals who signed the petition did so in the presence of the circulator and that the circulator believes that each individual is an elector registered in the City.

- C. Petition Filing: When the requisite number of signatures have been obtained, the completed petition may be filed with the City Recorder. Substantial compliance with the requirements of this section shall be sufficient and a petition shall not be rejected as improper or incomplete for reasons of technical or clerical errors as to form which do not call into question the genuineness of the signatures or the consent of the electors signing.

1-5-5: ELECTION:

A. Election Date:

1. Within ten (10) business days after a completed petition is filed with the City Recorder, the Recorder shall verify the number and genuineness of the signatures and voting qualifications of the persons signing the petition by reference to the registration books in the office of the county clerk of Lane County. If a sufficient number of qualified electors have signed the petition, the Recorder shall so certify and accept the petition. If, however, the Recorder determines that an insufficient number of qualified electors signed the petition, the petition shall be returned to the proponent as incomplete.
2. The election date for a measure required to be submitted to the electors by a proper and complete petition shall be the first regular or special election held more than ninety (90) days after the date on which the City Recorder certified the petition as complete.
3. The election date for a measure submitted by the Council to the electors for approval shall be on the first regular election held more than sixty (60) days after the date the ballot title is filed with the City Recorder; provided, however, the Council may call a special election and place the measure on the ballot. Such special election shall be not less than fifteen (15) days from the filing of the ballot title.

B. Notice of Election:

1. The City Recorder, pursuant to directions from the Council, shall give notice of each regular or special election with respect to a proposed measure by publishing a notice thereof once each week, for two successive weeks immediately preceding the election, in a newspaper of general circulation in the City, and also by posting the notice, at least ten (10) days prior to such election, in a conspicuous place in the City Hall and in one public place in each voting precinct of the City. The notices of election shall state the time, place and purposes of the election, and the ballot title and number of each measure to be voted upon at the election.
2. The City Recorder shall furnish the elections officer of Lane County a certified copy of the ballot title and number of the measure to be voted upon at the election in conformity with the time limits and other requirements established by the laws of this state.

C. Voting Procedure:

1. On a ballot, a measure shall appear by ballot title only, with the prescribed language indicating whether the measure is by initiative petition, referendum petition, or submission from the Council. The sequence of measures to be voted upon shall be the sequence in which the respective measures were filed with the City Recorder.
2. The manner of voting upon measures submitted shall be the same as now is or may

hereafter be provided by law. No measure shall be adopted unless it receives the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon.

3. If measures relating to the same subject matter or containing provisions that are conflicting are submitted to the electors at the same election and two or more of them are approved by the electors, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.
- D. Canvass of Votes: The votes on measures shall be counted, canvassed and returned in the manner prescribed by charter for state and county special elections, whichever is applicable.
- E. Effect of Measures:
1. A measure submitted to the electors pursuant to this chapter shall take effect upon approval by the electors and canvass of their returns by the Council, unless the measure by its terms specifies a later date of effect.
 2. A measure adopted by the Council but subject to a pending referendum for which a proper and complete petition has been timely filed with the City Recorder shall have no effect unless and until it is approved by a majority of the electors voting upon it.
 3. Where conflicting measures are approved by the electors at an election, only the paramount measure shall take effect.
- F. Unlawful Acts: No person shall: circulate or file with the City Recorder a petition which he or she knows contains a false or invalid signatures; procure or attempt to procure a signature to a petition by fraud or false statement; make or file a document provided for by this chapter which he or she knows contains a false statement; or, pay or receive valuable consideration for procuring a signature to a petition. Each violation of this section shall be punishable by a fine of not more than \$300.00 or imprisonment in the City jail for not more than 150 days, or both. (Ord. 10 Series 1985)