

ORDINANCE NO. 563

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE SECTIONS 2.400 AND 2.420 CONCERNING INITIATIVE AND REFERENDUM PROCEDURE.**

WHEREAS, ORS 250.255 provides that the Initiative and Referendum law of the state applies to city measures unless the city charter or ordinance provides otherwise; and,

WHEREAS, city ordinances provide state law variants to the form of initiative and referendum petitions, ballot title preparation and the canvassing of votes. In the administration of the Code, these provisions have proven confusing, ineffective or unworkable; and,

WHEREAS, the local elections process would be improved by the increased likelihood that those signing petitions for local measures are able to vote on the measure in reasonably short order; and,

WHEREAS, adding a reasonable time restriction for petition circulation and conforming the aforementioned requirements to state law is in the public interest;

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. That Wilsonville Code section 2.400 is hereby amended as follows:

2.400 Initiative & Referendum Form

(1) The initiative and referendum powers reserved to legal voters of municipalities by Section 1-a(5) of Article IV of the constitution of the State of Oregon and the power to enact and amend municipal charters reserved to legal voters of municipalities and towns by Section 2 of Article XI of the Constitution of the State of Oregon shall be exercised as provided by sections 2.400 to 2.420 of this Code.

(2) **The form of initiatives and referendums and the content of ballot titles shall be as provided by law.**

~~The following shall be substantially the form of a petition for any ordinance or charter amendment proposed by the initiative:~~

~~“Warning”~~

~~"It is a felony for any(one) to sign many initiative or referendum petition with any other name other than his own, or to knowingly sign his name more than one for the same measure or to sign such petition when he is not a legal voter."~~

#### Initiative Petition

To the Honorable  
Recorder for the City of Wilsonville  
Clackamas County, Oregon

~~We, the undersigned, citizens and legal voters of the City of Wilsonville, Clackamas County, Oregon, respectfully demand that the following proposed ordinance (or amendment to the City charter) shall be submitted to the legal voters of the City of Wilsonville, Clackamas County, Oregon, for their approval or rejection at the regular (or special) City election to be held on the \_\_\_ day of \_\_\_ 19\_\_\_, and each for himself says: I have personally signed this petition: I am a legal voter for the City of Wilsonville, Clackamas, County, Oregon, and my residence and street number are correctly written after my name.~~

Name \_\_\_ Residence \_\_\_ Street number

~~(Here follow 20 numbered lines for signatures.)~~

~~(3) The following shall be substantially the form of petition for referendum to the people on any ordinance passed by the council:~~

#### ~~"Warning"~~

~~"It is a felony for anyone to sign any initiative or referendum petition with any other name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter."~~

#### Referendum Petition

To the Honorable  
Recorder for the City of Wilsonville  
Clackamas County, Oregon

~~We, the undersigned citizens and legal voters of the City, Clackamas County, Oregon, respectfully demand that Ordinance No. \_\_\_ entitled (the title of the ordinance on which referendum is sought), passed by the council of the City of Wilsonville at its meeting on the \_\_\_ day of \_\_\_, 19\_\_\_, shall be submitted to the legal voters of the City of Wilsonville, for their approval or rejection at the regular (or special) City election to be held on the \_\_\_ day of \_\_\_, 19\_\_\_, and each for himself says: I have personally signed this petition; I am a legal voter for the City of Wilsonville, Clackamas county, Oregon, and my residence and street number are correctly written after my name.~~

Name \_\_\_\_\_ Residence \_\_\_\_\_ Street Number \_\_\_\_\_

(Here follow 20 numbered lines for signatures.)

~~(4) Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition by affidavit thereon as follows:~~

State of Oregon \_\_\_\_\_ )  
County of Clackamas ) \_\_\_\_\_ ss.  
City of Wilsonville \_\_\_\_\_ )

~~I, \_\_\_\_\_, being first duly sworn, say that all of the persons who signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence: I believe that each has stated his name, residence and street number correctly and that each signed is a legal voter of the City of Wilsonville.~~

~~Subscribed and sworn to before me this \_\_\_ day of \_\_\_, 19\_\_\_, A. D.~~

~~(Signature and title of officer and his residence)~~

~~(5) The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.~~

~~(6) Not more than 20 signature shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the initiative and referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be shown to the voter before his signature is attached.~~

~~(7) The City Recorder shall accept for filing any petition for the initiative or for the referendum subject to the verification of the number and genuineness of the signature and voting qualifications of the persons signing in the office of the County Clerk of Clackamas County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within ten (10) days after presentation to him.~~

Section 2. That Wilsonville Code section 2.420 is hereby amended as follows:

(1) When any measure for initiative or referendum legislation is filed with the Recorder, ~~and after the number and genuineness of signature thereto have been ascertained as provided by Section 2.400 (7) and following the Recorder's determination that the city has jurisdiction over the petition under state law,~~ or when any resolution of the Council is filed with the Recorder as provided by Section 2.410 (1), the Recorder shall forthwith transmit to the City Attorney a

copy of such measure and he or she shall within 5 **business** days provide and return to the recorder a ballot title for such measure. The ballot title shall be printed on the **petition and** on the official ballot. In making such ballot title said Attorney shall to the best of his or her ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not create an argument for, or be liable to create prejudice against such measure. Such ballot title shall in no case exceed ~~100~~**150** words, and shall not resemble insofar as possible any other ballot title filed for any measure.

\* \* \*

(5) **Not later than the 100<sup>th</sup> 180<sup>th</sup> day after the initiative is approved for circulation, an initiative petition relating to a city measure or Charter amendment shall be deposited with the City Recorder for signature verification.**

~~(5)~~(6) Where a special election is called either on petition for proposed ordinances or charter amendments by the initiative or for submitting ordinances by the referendum or a charter or charter amendments proposed by the Council, the Recorder shall publish such proposed ordinances, referendum measure, new charter or charter amendments with ballot title and number in full by posting it in three public, conspicuous and widely separated places in the City for a period of at least two weeks prior to the election at which said proposed ordinance, referendum measure, charter or charter amendment is to be voted on.

~~(6)~~(7) The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of the legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

~~(7)~~(8) The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned. ~~(8) The Mayor shall, within 15 days from the time of such election, proclaim, by posting printed or typewritten copies of such proclamation in at least three conspicuous places in said municipality, The City Recorder, as the city elections officer, shall, within 30 days of an election, determine which the adoption of such city measures and Charter amendments which shall have received the affirmative majority of the total number of votes cast hereon, and upon such determination proclamation, report the results to the Mayor and City Council. Such such measures and amendments shall become in full force and effect 30 days from the election date, except in cases provided for in Section 2.420~~~~(6)~~(7) with reference to two or more laws on the same subjects or containing provisions that are conflicting. In case of ordinances which have been passed by

the Council and voted upon by referendum, ~~proclamation~~ **determination** of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect, according to such result from the time of such ~~proclamation~~ **determination**.

(9) Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the Council, the same shall be filed with the Recorder within 30 days after the passage and approval of the ordinance in question.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 15th day of March, 2004, at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon; and scheduled for second reading on the 5th day of April, 2004, commencing at the hour of 7 p.m. at the Wilsonville Community Center.

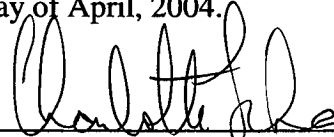
  
SANDRA C. KING, CMC, City Recorder

ENACTED by the City Council on the 5th day of April, 2004, by the following votes:

Yes: -4- No: -0-

  
SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 7<sup>th</sup> day of April, 2004.

  
CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Council President Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Excused</u>
Councilor Knapp	<u>Yes</u>