

ORDINANCE NO. 2

THE INITIATIVE AND REFERENDUM ORDINANCE OF THE TOWN OF TROUTDALE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE.

ARTICLE I.

INTRODUCTORY PROVISIONS

Section 1. DEFINITIONS. As used in this ordinance--

- (1) The term "measure" means--
  - (a) A legislative enactment by the council not necessary for the immediate preservation of the public peace, health, or safety;
  - (b) a part of such an enactment; or
  - (c) a proposed legislative enactment for the town;
- (2) the term "voter" means a legal voter of the town;
- (3) the term "general election" means a general November election.
- (4) the term "special election" means any special election authorized or ordered by the common council, either through petition to exercise the initiative or referendum or pursuant to a resolution of the common council.
- (5) the term "petition" means an initiative or referendum petition for ordering a measure to be submitted to the voters; and
- (6) the term "refer" means to be subjected to the referendum;
- (7) the term "write" means to write, type, or print.

Section 2. ORDINANCE PROVIDES COMPLETE PROCEDURE. This ordinance provides a complete procedure for the voters to exercise their initiative and referendum powers.

ARTICLE II.

INITIATIVE

Section 3. MANNER OF PROPOSING MEASURE. The manner of proposing a measure by the initiative shall be to deposit at the office of the recorder a duly prepared petition ordering the measure to be submitted to the voters.

Section 4. FORM OF PETITION. No initiative petition shall be deemed duly prepared unless it is in the following form:

WARNING

It is an offense for a person to sign this petition unless he is a legal voter of the town of Troutdale, or to sign it with a name not his own, or to sign his name to it knowingly more than once.

PETITION FOR INITIATIVE

To \_\_\_\_\_, recorder of the town of Troutdale:

We legal voters of the Town of Troutdale petition that the attached measure be submitted to the legal voters of the town for their approval. Each of us for himself says: I have signed this petition, I am a legal voter of the town, and my address is written correctly after my name.

Name	Address
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1. \_\_\_\_\_

(In drawing the petition provide twenty numbered lines such as this) (for signatures and addresses.)

Section 5. PRESENTATION OF MEASURE TO COUNCIL. At the next session of the council after the proposal of an initiative measure the recorder shall present the measure to the council.

Section 6. SUBMISSION OF MEASURE BY RESOLUTION. The common council may by resolution authorize the submission of a charter or charter amendment or other measure prepared under the direction of the common council, and such charter or charter amendment or measure may be submitted to the voters within twenty (20) days after the resolution authorizing the same, and the date such resolution appears on the minutes and records of the town recorder shall be prima facie evidence of the date said resolution was adopted.

Section 7. SUBMISSION OF MEASURE TO VOTERS. The recorder shall cause to be submitted to the voters at the time provided by this ordinance a charter or charter amendment proposed by the initiative and any other initiative measure either not enacted within 30 days after its proposal or enacted within that time but vetoed.

ARTICLE III.

REFERENDUM

Section 8. MANNER OF REFERRING MEASURE. The manner of referring a measure shall be--

- (1) for a person to deposit at the office of the recorder a duly prepared referendum petition for the measure or
- (2) for the council to order submission of the measure to the voters.

Section 9. FORM OF PETITION. No referendum petition shall be deemed duly prepared unless it is in the following form:

WARNING

It is an offense for a person to sign this petition unless he is a legal voter of the town of Troutdale, or to sign it with a name not his own, or to sign his name to it knowingly more than once.

PETITION FOR REFERENDUM

To \_\_\_\_\_, recorder of the town of Troutdale:

We legal voters of the town of Troutdale petition that the attached \_\_\_\_\_ no. \_\_\_\_\_ of the town, entitled \_\_\_\_\_ and passed \_\_\_\_\_, 19\_\_\_\_, be referred to the legal voters of the town for their approval. Each of us for himself says: I have signed this petition, I am a legal voter of the town, and my address is written correctly after my name.

Name	Address
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1. \_\_\_\_\_

(In drawing the petition provide twenty numbered lines such as this) (for signatures and addresses. \_\_\_\_\_)

Section 10. TIME FOR REFERRING MEASURE BY PETITION. No referendum petition shall be deemed duly prepared unless it and the signatures requisite to its being deemed duly prepared are deposited at the office of the recorder as follows:

- (1) for a measure enacted by the council and approved by the mayor, within 30 days after the approval;
- (2) for a measure passed over the mayor's veto, within 30 days after the passage; and
- (3) for a measure enacted by the council but neither approved nor vetoed by the mayor, within 30 days after the expiration of the time during which it is subject to veto.

Section 11. TIME FOR COUNCIL TO REFER MEASURE. The council may refer a measure only at the session at which it enacts the measure.

Section 12. NO VETO OR REFERRED MEASURE. The mayor shall have no power to veto a measure which the council refers.

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1. In drawing the petition insert a term indicating what is being referred, for instance, ordinance or provisions of ordinance.

Section 13. SUBMISSION OF MEASURE TO VOTERS. The recorder shall cause a referred measure to be submitted to the voters at the time fixed by this ordinance.

ARTICLE IV.

PETITION

Section 14. PROCEDURE PRIOR TO CIRCULATION OF PETITION.

(1) Presentation for Checking, Specifications, and Preparation of Titles.

No petition shall be deemed duly prepared unless--

- (a) prior to its circulation a copy of it is deposited at the office of the recorder and
- (b) as circulated it complies with the specifications listed below which he makes concerning it and contains the ballot title, either that prepared initially or that approved or prescribed on appeal, required by this ordinance for the measure for which it is being circulated.

(2) Checking, Specifications, and Preparation of Titles.

When a copy of a petition to be circulated is deposited at the office of the recorder he shall immediately--

- (a) check it for the legal sufficiency of the form in which it appears;
- (b) advise the person depositing it whether it is legally sufficient in form and, if it is not so, how to make it so;
- (c) specify the mode of writing the petition and the size and kind of paper on which to write it; and
- (d) if he is not responsible for preparing the titles required by this ordinance for the measure to which the petition relates, transmit the copy to the town attorney.

Section 15. REQUISITE NUMBER OF SIGNATURES. The number of signatures on a petition requisite to its being deemed duly prepared shall be, for an initiative petition, 15 per cent and for a referendum petition, 10 per cent of the number of votes cast for the office of mayor at the mayoralty election last preceding the deposit of the petition at the office of the recorder after its circulation.

Section 16. ATTACHMENT OF MEASURE TO SHEETS FOR SIGNATURES. No signature on a petition sheet shall be counted unless attached to it at the time of the signing of the signature is a copy of the measure to which the petition refers.

Section 17. VERIFICATION OF SIGNATURES. No signature on a petition sheet shall be counted unless the person who circulates the sheet verifies it by an affidavit in the following form:

State of Oregon            )  
County of Multnomah     )   ss.  
Town of Troutdale        )

I, \_\_\_\_\_, being first duly sworn, state that each signer of this sheet signed it in my presence, and that I believe that he stated his name and address correctly on the sheet and is a legal voter of the town of Troutdale.

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Signature of affiant:

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Address of affiant

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

\_\_\_\_\_  
Notary Public for Oregon

My commission expires \_\_\_\_\_, 19\_\_\_\_.

Section 18. CERTIFICATION OF SIGNATURES.

- (1) Certification by Recorder. Within five days after a duly prepared petition is deposited at his office the recorder shall--
  - (a) compare the signatures on it with the signatures on the registration records in the office of the clerk of Multnomah County, Oregon, and
  - (b) attach to the petition a certificate in the following form--

State of Oregon            )  
 County of Multnomah     ) ss.  
 Town of Troutdale        )

I, \_\_\_\_\_, recorder of the town of Troutdale, certify that I have compared the signatures on the attached petition with the signatures on the registration records in the office of the clerk of Multnomah County, Oregon, and on the basis of these records I certify that the signatures of the following persons, in the number of \_\_\_\_\_ are genuine:

\_\_\_\_\_  
 \_\_\_\_\_

and that the signatures of the following persons, in the number of \_\_\_\_\_, are not genuine:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Recorder

- (2) Certification by Notary. Within five days after the recorder attaches to a petition his certificate concerning the genuineness of the signatures on the petition a voter may attach to it a certificate in the following form by a notary public resident in the town--

State of Oregon            )  
 County of Multnomah     ) ss.  
 Town of Troutdale        )

I, \_\_\_\_\_, a duly qualified and acting notary public resident in the town of Troutdale certify that I am personally acquainted with the following named voters whose signatures are affixed to the attached petition, that I know of my own knowledge that they are legal voters of the town of Troutdale, that their addresses are correctly stated in the petition, and that their signatures on the petition are genuine:

\_\_\_\_\_  
 \_\_\_\_\_

In testimony whereof I have set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My commission expires \_\_\_\_\_, 19\_\_\_\_.

- (3) Effect of Certificate. A certificate provided by this section shall be prima facie evidence of the qualifications of the voters whose signatures it certifies to be genuine.

Section 19. SIGNATURES TO BE COUNTED. In determining whether a petition contains the number of signatures requisite to its being deemed duly prepared, the recorder shall count, except signatures forbidden by this ordinance to be counted, all signatures on the petition which he certifies to be genuine.

ARTICLE V.

BALLOT TITLE

Section 20. PREPARATION OF BALLOT TITLE.

- (1) Time for Preparation. The ballot title for a measure ordered by the council, or proposed to be ordered by a petition, to be submitted to the voters shall be prepared and in the hands of the recorder within five days after the council orders the submission or after a copy of the petition is first deposited at the office of the recorder.
- (2) Initial Preparation. When the council orders submission of a measure to the voters or when a petition for ordering submission of a measure to the voters is first deposited at the office of the recorder--
- (a) if the town has an attorney and the attorney is not prevented by reason of absence from the town or physical disability from preparing the ballot title within the time in which this section requires preparation of the title, then the recorder, immediately upon the making of the order by the council or upon receiving the copy of the petition, shall transmit to the attorney a copy of the measure and the attorney, within the time in which this section requires preparation of the title, shall prepare it and transmit it to the recorder, or
- (b) if the town has no attorney or its attorney is prevented by reason of absence from the town or physical disability from preparing the ballot title within the time in which this section requires preparation of the title, then the recorder, within that time, shall prepare the title.
- (3) Appeal to Council. A voter dissatisfied with the title may, within five days after it is prepared and in the hands of the recorder, appeal to the council by a written appeal deposited at the office of the recorder asking for a different ballot title for the measure and stating why the title prepared is unsatisfactory.
- (4) Action on appeal. Within three days after deposit of the appeal at the office of the recorder the council shall afford the appellant a hearing and either approve the title or prescribe another ballot title for the measure. The title thus adopted shall be the ballot title for the measure.

Section 21. REQUISITES OF BALLOT TITLE.

- (1) Parts. The ballot title for a measure shall consist of a short title and a long title.
- (2) Short title. The short title shall be the title by which the measure is commonly spoken of or a title for commonly referring to the measure, and shall contain not more than ten words.
- (3) Long title. The long title shall state the purpose of the measure and shall contain not more than 100 words.

that time, shall prepare the title.

- (3) Appeal to Council. A voter dissatisfied with the title may, within five days after it is prepared and in the hands of the recorder, appeal to the council by a written appeal deposited at the office of the recorder asking for a different ballot title for the measure and stating why the title prepared is unsatisfactory.
- (4) Action on appeal. Within three days after deposit of the appeal at the office of the recorder the council shall afford the appellant a hearing and either approve the title or prescribe another ballot title for the measure. The title thus adopted shall be the ballot title for the measure.

SECTION 21. REQUISITES OF BALLOT TITLE.

- (1) Parts. The ballot title for a measure shall consist of a short title and a long title.
- (2) Short title. The short title shall be the title by which the measure is commonly spoken of or a title for commonly referring to the measure, and shall contain not more than ten words.
- (3) Long title. The long title shall state the purpose of the measure and shall contain not more than 100 words.
- (4) Accuracy and Fairness. The ballot title for a measure--
  - (a) shall state truly and impartially the purpose of the measure in language which is not an argument and does not tend to create prejudice concerning the measure, and
  - (b) shall not resemble, so far as probably to create confusion, the ballot title for another measure to be submitted to the voters at the same election.

ARTICLE VI.

ELECTION

SECTION 22. TIME TO VOTE ON MEASURE. Except for a measure on which the voters have voted at a special election subsequent to the latest time that the measure has been proposed or referred, the time for voting on a measure required to be submitted to the voters shall be the first general election held more than 60 days after the latest time that the measure has been proposed or referred.

SECTION 23. TITLES AND NUMBERS OF MEASURES ON BALLOT.

- (1) Titles. On a ballot a measure shall appear by ballot title only.
- (2) Order. On a ballot for an election the sequence of measures to be voted upon shall be the sequence in which the respective measures are ordered to be submitted to the voters.
- (3) Measures to be Distinguished. On a ballot initiative measures shall be distinguished from referred measures.
- (4) Numbers. On a ballot the spaces for votes on the first measure shall be designated "100 yes" and "101 no", and the spaces for votes on the succeeding measures shall be numbered consecutively "102 yes" and "103 no", and "104 yes", and "105 no" and so on.

SECTION 24. NOTICE OF SPECIAL ELECTION.

- (1) Publishing or Posting. In case of a special election on a measure the recorder, not earlier than 20 and not later than 10 days before the election, shall issue, under the seal of the town, a notice of the election and cause it to be--
  - (a) published in two consecutive issues of a newspaper of general circulation in the town, or
  - (b) posted in five public places in the town, including the town hall.
- (2) Form. The form of the notices shall be as follows--

NOTICE OF SPECIAL ELECTION

On \_\_\_\_\_, 19\_\_\_\_, in the Town of Troutdale, from \_\_\_\_\_ a.m. till \_\_\_\_\_ p.m., a special election will be held at which the following \_\_\_\_\_ will be submitted to the voters for their approval:

(In drawing the notice, insert in this blank the number (and ballot title of each measure to be voted upon at the election.)

The polling places for the election will be as follows:

Precinct	Polling Place
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Witness my hand and the seal of the Town of Troutdale this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Recorder

SECTION 25. NOTICE AT GENERAL ELECTION. Where a measure is to be voted upon at a general election the notice of the election shall state that fact and the ballot title and number of each measure to be voted upon at the election.

SECTION 26. ADVERTISING MEASURE. In case of the submission of a measure to the voters the recorder, not earlier than 20 and not later than 10 days prior to the election at which the measure is to be voted upon, shall cause it to be--

- (1) published in two consecutive issues of a newspaper of general circulation in the town or
- (2) posted in five public places in the town, including the town hall.

SECTION 27. ELECTION RETURNS. The votes on a measure shall be counted, canvassed, and returned as follows--

- (1) in case of general elections, in the same manner as other votes cast at general elections in the town, and
- (2) in case of special elections, in the manner provided by the town charter and ordinances.

ARTICLE VII.

EFFECT OF MEASURES

SECTION 28. PROCLAMATION OF MAYOR.

- (1) Time and Content. Immediately upon the completion of the canvass of the votes on a measure submitted to the

voters pursuant to this Ordinance the mayor shall issue a proclamation--

- (a) recapitulating the vote on the measure.
  - (b) declaring whether the vote shows a majority of those who voted on the measure to be in favor of it, and
  - (c) in case the vote shows a majority of them to be in favor of the measure, announcing it to be effective from the date of the vote.
- (2) Publication or Posting. The recorder shall give public notice of the proclamation by--
- (a) publishing it once in a newspaper of general circulation in the town, or
  - (b) posting copies of it in five public places in the town, including the town hall.
- (3) Filing with Measure. The proclamation shall be filed with the measure.

SECTION 29. EFFECTIVE DATE OF MEASURE. A measure submitted to the voters pursuant to this ordinance shall take effect only when approved by a majority of the voters voting upon it.

SECTION 30. MEASURES SUBJECT TO REFERENDUM. A measure, so long as it is subject to the referendum, shall have no effect.

SECTION 31. CONFLICTING MEASURES. Of conflicting measures approved by the voters at an election, the one receiving the greater number of affirmative votes shall be paramount.

SECTION 32. UNLAWFUL ACTS.

- (1) Signing by One Not a Voter. No person other than a voter shall sign his name to a petition.
- (2) Signing Another's name. No person shall sign a petition with a name not his own.
- (3) Signing Petition More Than Once. No person shall sign his name to a petition with knowledge that he has previously signed his name to the petition.
- (4) Circulating or Filing Petition With Unlawful Signature. No person shall knowingly circulate or deposit at the office of the recorder a petition which to his knowledge contains a signature signed in violation of this Ordinance.
- (5) Procuring Signature by Fraud. No person shall procure or attempt to procure a signature to a petition by fraud.
- (6) Making False Statement. No person shall make a statement which he knows to be false concerning a petition.
- (7) Making False Document. No person shall make a document for which this ordinance provides which contains a false statement.
- (8) Paying or Receiving Consideration for Signatures. No person shall pay or receive a valuable consideration for procuring a signature to a petition.
- (9) Officer Violating Ordinance. No officer shall willfully violate a provision of this Ordinance.

SECTION 33. PENALTY. A person who violates a provision of this shall be punished by--

- (1) A fine of not more than \$100.00 or
- (2) imprisonment in jail not more than 100 days or by
- (3) such fine and imprisonment.

Passed by the council January 20th, 1942.

Signed and approved by the mayor January 20, 1942.

Attest:

/s/ Jessie Overstad  
Recorder.

/s/ Arthur H. Matches  
Mayor



a petition which to his knowledge contains a signature signed in violation of this ordinance.

- (5) Procuring Signature by Fraud. No person shall procure or attempt to procure a signature to a petition by fraud.
- (6) Making False Statement. No person shall make a statement which he knows to be false concerning a petition.
- (7) Making False Document. No person shall make a document for which this ordinance provides which contains a false statement.
- (8) Paying or Receiving Consideration for Signatures. No person shall pay or receive a valuable consideration for procuring a signature to a petition.
- (9) Officer Violating Ordinance. No officer shall willfully violate a provision of this ordinance.

Section 33. PENALTY. A person who violates a provision of this shall be punished by--

- (1) a fine of not more than \$100.00 or
- (2) imprisonment in jail not more than 100 days or by
- (3) such fine and imprisonment.

Passed by the council January 20th, 1942.

Signed and approved by the mayor January 20, 1942.

ARTHUR H. MATCHES

\_\_\_\_\_  
Mayor

Attest:

JESSIE OVERSTAD

\_\_\_\_\_  
Recorder.