

ORDINANCE NO. 369-0

AN ORDINANCE ADOPTING CODIFIED ORDINANCES AS ELECTION CODE TITLE III AND REPEALING CERTAIN ORDINANCES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Purpose. The purpose of this ordinance is to adopt the attached codification of ordinances as the Election Code of the City of Troutdale.

Section 2. Adoption. The attached Title III ELECTION CODE comprised of Chapters 3.10 and 3.50 is adopted.

Section 3. Severability. It is hereby declared to be the intention of the Council that the sections, sub-sections, paragraphs, provisions, clauses, phrases and words of this code are severable; and if any section, sub-section paragraph, provision, clause, phrase or word of this Code is adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect the validity of the remaining portions of this code; and it is hereby expressly declared that every other section, sub-section, paragraph, provision, clause, phrase or word of this Code enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid is valid.

Section 4. Repeal of Ordinances. The following ordinances are repealed: 2, 36, 45, 55, 56, 57, 92, 93, 233 and 335.

Section 5. Effect of Repeal. The repeal of an ordinance shall not revive an ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed ordinance.

Section 6. Non-Exclusive Effect. The codification of ordinances in Title III shall not be interpreted or deemed to be exclusive. Ordinances not codified shall remain in force and effect.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 23 DAY OF February, 1982.

YEAS: 6

NAYS: 0

  
\_\_\_\_\_  
Mayor

ATTESTED:

  
\_\_\_\_\_  
NANCY B. NIXON  
FINANCE DIRECTOR/CITY RECORDER

NOMINATIONS

COUNCILORS AND MANAGER

3.50.010 Eligibility for City Offices: A qualified voter who has resided in the city during the 6 months immediately preceding the election may be nominated for an elective city position. A person may be a candidate for only one office to be filled during a single election.

3.30.015 Nomination Petitions: Nomination shall be by petition specifying the position sought in a form substantially as follows:

CERTIFICATE OF NOMINATIONS

We, the undersigned legal voters of Troutdale, Oregon, certify that we nominate \_\_\_\_\_ for the election to the office of \_\_\_\_\_ of the City of Troutdale at the election to be held \_\_\_\_\_, 19\_\_.

We certify that said person is a qualified voter under the meaning of the Constitution of Oregon and has resided in the City of Troutdale for at least six months immediately preceding the election.

Name

Address

\_\_\_\_\_

(numbered lines for signature)

The petition shall be signed by not fewer than 25 voters. The signatures to a nomination petition need not all be attached to one paper, but each separate paper of the petition shall be attached to an affidavit of the circulator, indicating the number of signers of the paper and stating that each signature on it is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description.

3.50.020 Filing: All nomination papers comprising a petition shall be filed with the recorder as one instrument not earlier than 90 nor later than 75 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall keep the name and address of the person by whom it is filed.

3.50.025 Verification: The City Recorder shall verify the number and genuineness of the signatures and voting qualifications of the persons signing every Certificate of Nomination so filed by reference to the registration books in the office of the Administrator of Elections in Multnomah County, and if a sufficient number of qualified voters is found to have signed a Certificate of Nomination, the Recorder shall place the name of the nominee on the ballot.

3.50.030 Deficient Petitions: If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient for any other reason, the recorder shall return it immediately to the person who filed, certifying in writing how the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed within the regular time for filing nomination petitions only.

3.50.035 Acceptance: The recorder shall notify an eligible person of his nomination, and the person shall file with the recorder his written acceptance of nomination, in a form substantially as follows:

ACCEPTANCE OF NOMINATION

I, \_\_\_\_\_, hereby accept the nomination for the election of the office of \_\_\_\_\_ of the City of Troutdale at the election to be held \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Nominee

\_\_\_\_\_  
Date

within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

3.50.040 Certificate of Nomination: The recorder shall certify the nominations to the elections director of Multnomah County at least 65 days prior to the date of the general election, stating the offices and the terms of office for which the candidates are nominated.

3.50.045 Applicability of State Law: When the city charter and this code do not provide a method of procedure regarding regular and special elections, state law shall apply.

## INITIATIVE AND REFERENDUM

### DEFINITIONS

#### 3.10.010 Definitions:

A. As used in sections 3.10.010 to 3.10.155, the following terms shall mean:

1. Measure. A legislative enactment by the council not necessary for the immediate preservation of the public peace, health and safety; a part of such enactment; or a proposed legislative enactment for the city.

2. Petition. An initiative or referendum petition for ordering a measure to be submitted to the voters.

3. Refer. To subject a measure to the referendum.

4. Regular Elections. The regular city elections held at the same time as primary and general biennial elections for electing state and county officers.

5. Residence. The residence of a person shall be considered to be where he regularly sleeps.

6. Special Elections. Any special election authorized or ordered by the council, either through petition to exercise the initiative or referendum or pursuant to a resolution of the council.

7. Voter. A legal voter of the city.

8. Write. To write, type or print.

3.10.020 Complete Procedure: Sections 3.10.025 to 3.10.150 provide a complete procedure for the voters to exercise their initiative and referendum powers.

3.10.025 Initiative Proposal of 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.

#### 3.10.030 Form of Petition:

A. No initiative petition shall be considered duly prepared unless it is substantially in the following form:

WARNING

It is a felony for anyone to sign any Initiative or Referendum petition with any name other than their own, or knowingly sign their name more than once for the same measure, or to sign such petition where they are not a legal voter.

INITIATIVE PETITION

TO:  
RECORDER OF THE CITY OF TROUTDALE  
Multnomah County, Oregon

We, the undersigned, citizens and legal voters of the City of Troutdale, Multnomah County, Oregon, respectfully demand that the following proposed (ordinance, measure, or amendment to the City Charter) be submitted to the legal voters of the City of Troutdale for their approval or rejection at the regular (or special) city election to be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and we each say: I have personally signed this petition; I am a legal voter of the City of Troutdale; and my address is correctly written after my name.

Name

Address

(followed by twenty (20) numbered lines for signature)

B. Only the first 20 names appearing on any page of a petition shall be considered in computing the number of valid signatures to such petition.

C. The caption which is part of the ballot title as prepared by the city attorney shall be printed in the foot margin of each signature sheet of the initiative petition.

3.10.035 Presentation to Council: The recorder shall present the measure at the next regular council meeting after the duly prepared initiative measure is received.

3.10.040 Submission to Voters: The recorder shall cause to be submitted to the voters at the time provided by section 3.10.115 a charter or charter amendment proposed by the initiative and any other initiative measure not enacted within 30 days after its proposal.

3.10.045 Referendum Procedure: The manner of referring a measure shall be:

A. For a person to deposit at the office of the recorder a duly prepared referendum petition for the measure; or

B. For the council to order submission of the measure to the voters.

3.10.050 Form of Petition:

A. No referendum petition shall be considered duly prepared unless it is substantially in the following form:

WARNING

It is a felony for anyone to sign any Initiative or Referendum petition with any name other than their own, or to knowingly sign their name more than once for the same measure, or to sign such petition when they are not a legal voter.

REFERENDUM PETITION

TO:  
RECORDER OF THE CITY OF TROUTDALE  
Multnomah County, Oregon

We, the undersigned, legal voters of the City of Troutdale, Multnomah County, Oregon, respectfully demand that Ordinance No. \_\_\_\_\_ entitled (title of ordinance ) \_\_\_\_\_, passed by the City Council of the City of Troutdale at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, be submitted to the legal voters of the City of Troutdale for their approval or rejection at the regular (or special) city election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and we each say: I have personally signed this petition; I am a legal voter of the City of Troutdale; and my address is correctly written after my name:

Name

Address

(followed by twenty (20) numbered lines for signature)

B. Only the first 20 names appearing on any page of a petition shall be considered in computing the number of valid signatures to such petition.

C. The caption which is part of the ballot title prepared by the city attorney shall be printed in the foot margin of each signature sheet of the referendum petition.

3.10.055 Time for Referring Measure by Petition: No referendum petition for a measure shall be considered duly prepared unless the petition and the required signatures are deposited at the office of the recorder within 60 days after the council enacts the measure.

3.10.060 Time for Referral by Council: The council may refer a measure only at the session at which it enacts the measure.

3.10.065 Submission to Voters: The recorder shall cause a referred measure to be submitted to the voters at the time fixed by section 3.10.115.

3.10.070 Preparation of Petitions. No petition shall be considered duly prepared unless:

A. Prior to its circulation, a copy of it is deposited at the office of the recorder, together with a full and correct copy of the measure and a signed statement on the face of the petition of the name and address of the person or persons, not to exceed three, under whose authority and sponsorship the petition was prepared and is to be circulated; or, if it is an organization, its name and address and the name and address of each of the principal officers of each organization; and

B. As circulated, it complies with the specifications listed below which the recorder makes concerning it; 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; and it contains the name and address of the sponsor of the petition.

3.10.075 Specifications: 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 as to 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. Transmit the copy of the city attorney for preparation of the ballot title.

3.10.080 Number of Signatures: The number of signatures on a petition requisite to its being considered duly prepared shall be, for an initiative petition, 15 percent, and for a referendum petition, 10 percent, of the number of votes cast for the office of mayor at the regular election last preceding the deposit of the petition at the office of the recorder after its circulation.

3.10.085 Attachment of Measure to Sheets: A full and correct copy of the measure demanded for submission must be attached to each sheet circulated for signature and shown to the voter before he signs the petition. No signature on a petition sheet shall be counted unless a copy of the measure to which the petition refers it attached to it at the time of signing.

3.10.090 Verification of Signatures: No signature on a petition sheet shall be counted unless the person who circulated the sheet verifies it by an affidavit in substantially the following form:

STATE OF OREGON )  
County of Multnomah ) ss.  
City 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 City of Troutdale.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Address of Affiant

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

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission expires: \_\_\_\_\_

3.10.095 Certification of Signatures: Within 10 days after a duly prepared petition is deposited at his office, 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 Multnomah County and attach to the petition a certificate in substantially the following form:

STATE OF OREGON )  
County of Multnomah ) ss.  
City of Troutdale )

I, \_\_\_\_\_, recorder of the City 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 county 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.

\_\_\_\_\_  
(names of verified signatures) \_\_\_\_\_

and that the signatures of the following persons in the number of \_\_\_\_ are not genuine or not recorded in the registration records.

\_\_\_\_\_  
(names of signatures not verified) \_\_\_\_\_

\_\_\_\_\_  
Recorder

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

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission expires: \_\_\_\_\_



If a sufficient number of voters signed the petition, he shall so certify and file the petition. If the recorder determines that there is an insufficient number of signatures, he shall return the petition to the sponsor or person offering the petition for filing. The sponsor may verify the signatures of the unregistered signing voters by attaching to the returned petition a certificate in substantially the following form made by a resident notary public:

STATE OF OREGON                    )  
County of Multnomah            ) ss.  
City of Troutdale                )

I, \_\_\_\_\_, a duly qualified and acting notary public resident in the City 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 City of Troutdale, that their addresses are correctly stated in the petition and that their signatures on the petition are genuine.

\_\_\_\_\_ (names of verified signatures) \_\_\_\_\_

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

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission expires: \_\_\_\_\_

A certificate provided by this section shall be prima facie evidence of the qualifications of the voter whose signature it certifies to be genuine.

3.10.100 Ballot Title Preparation:

A. 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.

B. When the council orders submission of a measure to the voters or when a petition is first deposited at the office of the recorder, the recorder shall transmit to the city attorney a copy of the measure; and the city attorney, within the time in which this section requires preparation of the title, shall prepare it and transmit it to the recorder.

3.10.110 Captions and Statements: The ballot title shall consist of a caption not exceeding 10 words in length by which the measure is commonly referred to or spoken of, followed by a question of not more than 20 words which states the purpose of the measure, and an abbreviated statement to exceeding 75 words in length summarizing the measure. The ballot title shall be a concise and impartial statement of the purpose of the measure.

3.10.115 Voting on Measures: The time for voting on a measure required to be submitted to the voters shall be the next election held more than 75 days after the verification and filing of a duly prepared petition by the recorder.

3.10.120 Designation and Number of Measures: On a ballot, measures shall appear by ballot title only, and initiative measures shall be distinguished from referred measures. 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 with the first measure to be numbered "51" in numerals and the succeeding measures to be numbered consecutively "52", "53", "54", and so on.

3.10.125 Election Notice: The recorder shall give notice of all special elections in accordance with the requirements of the city charter. Similar notice shall be given for measures to be voted on at a regular election.

3.10.130 Information to County: When a measure is to be voted upon at a regular election, the recorder shall furnish to the registrar of elections of Multnomah County a certified copy of the ballot title and number of each measure to be voted upon at the election, in accordance with the time limits established by the laws of this stated.

3.10.140 Effective Date of Measures. A measure submitted to the voters pursuant to sections 3.10.010 to 3.10.150 shall take effect only when approved by a majority of the voters voting upon it. A measure, so long as it is subject to the referendum, shall have no effect.

3.10.145 Conflicting Measures: Of conflicting measures approved by the voters at an election, the one receiving the greater number of affirmative votes shall be paramount.

3.10.150 Unlawful Acts:

- A. No person other than a voter shall sign his name to a petition.
- B. No person shall sign a petition with a name not his own.
- C. No person shall sign his name to a petition with knowledge that he has previously signed his name to the same petition.
- D. 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 section.
- E. No person shall procure or attempt to procure a signature to a petition by fraud.