

ORDINANCE NO. 742

AN ORDINANCE AMENDING CHAPTER 2.48 OF THE TROUTDALE MUNICIPAL CODE REGARDING ELECTIONS

The Troutdale City Council finds:

1. Chapter 2.48 of the Troutdale Municipal Code, governing City elections, was adopted in 1982.
2. The Oregon Revised Statutes, governing state elections, has been amended since the City adopted Chapter 2.48. The Oregon Revised Statutes contain election provisions that the City may adopt.
3. It is easier to implement and enforce election provisions that are similar to state law. Except where expressly provided, the City is amending its code to mirror election provisions in state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:


Section 1:

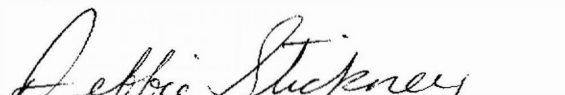
Chapter 2.48 of the Troutdale Municipal Code is hereby amended to read as set forth in the attached Exhibit A, which is incorporated herein by reference.

YEAS: 6

NAYS: 0

ABSTAINED: 0


Paul Thalhofer, Mayor
Dated: December 12, 2003


Debbie Stickney, City Recorder

Adopted: December 9, 2003

Chapter 2.48

ELECTIONS

Sections:

- 2.48.010** Definitions
- 2.48.020** Applicability of State Statutes
- 2.48.030** Nominations
- 2.48.040** Initiative and Referendum
- 2.48.050** Placement on Ballot
- 2.48.060** Unlawful Acts Designated
- 2.48.070** Violation - Penalty

2.48.010 – Definitions

As used in this chapter, unless the context requires otherwise:

- A.** "Completed petition" means a prospective initiative or referendum petition where the chief petitioners have submitted to the city elections official 100 percent of the signatures required for verification in accordance with ORS 250.305.
- B.** "Initiative petition" means a petition including complete text, cover and signature sheet, which has received written approval to circulate, from the city elections official but has not yet qualified for the ballot.
- C.** "Measure" means a question or proposed law submitted to the people for their approval or rejection at an election.
- D.** "Prospective petition" means the information and filing forms, except signatures and other identification of the petition signers, required to be contained in a completed petition.

E. "Qualified elector" means an individual qualified to vote under Section 2, Article II, Oregon Constitution.

F. "Referendum petition" means a petition by registered voters to reject legislation adopted by the governing body of the city.

G. "Regular election" means a city election held at the same time as a primary or general election.

H. "Special election" means an election held on a date specified in ORS 221.230(1) that is not a regular election.

2.48.020 – Applicability of State Statutes.

When the Charter of the City and this code do not provide a method of procedure regarding regular and special elections, state law shall apply.

2.48.030 – Nominations

A. Any qualified elector may be nominated to be a candidate for election to the position of either Mayor or City Councilor. An elector may not be a candidate for more than one city office during a single election. The nomination shall be by petition. The petition shall be signed by not fewer than twenty-five registered voters in the city at the time the petition is filed.

B. Requirements and forms for filing by petition shall follow those set by state law.

2.48.040 – Initiative and Referendum

The procedure for filing an initiative or referendum petition shall follow state law.

2.48.050 – Placement on Ballot

A. The City Recorder shall submit each measure or completed petition to the electors at the first regular election that is held more than ninety days after:

1. The Council orders that the measure be placed on the ballot; or
2. The City Recorder receives a completed petition and the signatures have been verified.

B. The Council may call a special election for voting on a measure or completed petition, which could be held sooner than provided in Subsection A. A special election shall not be held earlier than ninety days after:

1. The Council orders that the measure be placed on the ballot, unless there is an emergency; or
2. The City Recorder receives a completed petition and the signatures have been verified.

A violation of a provision of Section 2.48.060 shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment not to exceed thirty days, or by both fine and imprisonment. The maximum penalty for a violation shall not exceed the maximum penalty prescribed for violation of a substantially similar offense prescribed by state law.

2.48.060 – Unlawful Acts Designated

- 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.
- F.** No person shall make a statement which he knows to be false concerning a petition.
- G.** No person shall make a document for which this section provides which contains a false statement.
- H.** No person shall pay or receive a valuable consideration for procuring a signature to a petition.
- I.** No officer shall willfully violate a provision of this section.

2.48.070 – Violation-Penalty