



## **ORDINANCE 2016-009**

### **REPEALING TITLE 1 GENERAL PROVISIONS, CHAPTER 1.08 INITIATIVE AND REFERENDUM; AND AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.04 ELECTIONS OF THE MUNICIPAL CODE; DECLARING EMERGENCY**

**WHEREAS**, the City of Sherwood in 2005 adopted a set of regulations for conduct of municipal elections which are found in Sherwood Municipal Code (SMC) Chapter 2.04; and

**WHEREAS**, the provisions found in SMC Chapter 1.08, which was adopted in 1998, are at odds with some of the provisions of SMC Chapter 2.04, and as a result of the adoption of SMC 2.04, are no longer necessary; and

**WHEREAS**, SMC Section 2.04.023 sets forth a schedule for candidate filings for city office which contradicts provisions of state law on the subject; and

**WHEREAS**, the City Attorney also believes it appropriate and advisable to amend SMC Sections 2.04.041 and 2.04.045 relating to the preparation of any explanatory statement for initiated and referred matters to better reflect the fact that explanatory statements for those matters need not be prepared until an election has been called by the Council; and

**WHEREAS**, for the purpose of providing clarity to candidates and potential petitioners in relation to the November 2016 elections, it is in the public interest to declare an emergency and provide that this ordinance is effective immediately upon its passage;

### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

#### **Section 1. Findings.**

After full and due consideration of the information presented, the Council finds that:

- A. SMC Chapter 1.08 should be repealed in its entirety; and
- B. The text of the Sherwood Municipal Code relating to elections in Chapter 2.04 in the Administration and Personnel title should be amended.

#### **Section 2. Approval.**

The repeal of SMC Chapter 1.08 in its entirety, and the proposed amendments to Sections 2.04.023, 2.04.041, and 2.04.045 of the Municipal Code identified in the attached Exhibit 1, are hereby



## EXHIBIT 1

### Title 2 - ADMINISTRATION AND PERSONNEL Chapter 2.04 - ELECTIONS

#### Article II. - Candidates

##### 2.04.023 - Filing.

- A. A nomination petition or declaration of candidacy must be filed with the recorder.
- B. The recorder will date and time stamp immediately upon filing a nominating petition, declaration of candidacy, withdrawal or other document required to be filed.
- C. A nomination petition or declaration of candidacy must be filed in accordance with the schedule established by state law.

#### Article IV. - Initiative and Referendum

##### 2.04.041 - Ballot title—Appeal.

- A. Prior to the end of the fifth business day after a prospective initiative petition is filed and meets all legal requirements, the recorder will review the text of the proposed initiative to determine if it complies with the single subject requirement and if it proposes city legislation.
- B. If the proposed text does not meet the requirements of subsection A of this section, the recorder will notify the chief petitioner by certified mail, return receipt requested, that the prospective petition does not meet the single subject or city legislation requirement.
- C. Any elector dissatisfied with the recorder's determination may file a petition for review in circuit court. The petition for review must be filed not later than the seventh business day after the written determination by the recorder.
- D. If the proposed initiative meets the requirements of subsection A of this section or a referendum petition is certified for circulation, the recorder will send two copies of the prospective petition to the city attorney. The city attorney has five (5) business days after receipt to prepare a ballot title for the proposed measure conforming to the requirements of state law. After preparing the ballot title, the city attorney will return one copy of the prospective petition and ballot title to the recorder and one copy to one of the chief petitioners.
- E. After receiving a ballot title from the city attorney, the recorder must publish in a newspaper of general circulation in the city a notice of receipt of the ballot title. The notice must state that a city elector may file a petition for review of the ballot title not later than the date referred to in subsection F of this section.
- F. After receiving the prospective petition and ballot title from the city attorney, the recorder must write the date of receipt on it. Within seven (7) business days after that date, any city elector may petition in circuit court to challenge the ballot title prepared by the city attorney. After the seven-day period, or following final adjudication of any review by the circuit court, the recorder must certify the ballot title as prepared by the city attorney or as prescribed by the court to one of the chief petitioners.
- G. Any city elector filing a petition of review with the circuit court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.
- H. The procedures in subsections A through G of this section also apply to referendum measures. However, the completion of these procedures is not a prerequisite to the circulation of petitions for referendum measures under Section 2.04.042. Ballot titles need not be stated on petitions circulated to propose referendum measures.

**2.04.045 - Withdrawal, adoption, preparation of explanatory statement and election.**

A. The chief petitioners may withdraw a verified petition at any time before council action to adopt the proposed legislation or submit it to the electors. Any withdrawal must be either by written declaration or oral declaration made at a council meeting and entered in the minutes of that meeting.

B. Unless a petition is withdrawn, after receiving a certification from the recorder that a petition has sufficient signatures to require the proposed city legislation to be submitted to the electors under Section 2.04.043(F), the council may either adopt the proposed legislation by ordinance, or call an election to submit the legislation to the electors. The council may also call an election to submit matters to the electors upon referral under Section 2.04.044 of this chapter.

C. The council shall submit an explanatory statement consisting of an impartial, simple, and understandable statement of no more than five hundred (500) words explaining the measure and its effect(s) for any initiative or referendum by petition or any referral by council. The city attorney shall prepare a draft for consideration by the council of any explanatory statement required by this subsection.

D. The council must call the election on the next election date available under state law that is not sooner than the ninetieth (90<sup>th</sup>) day after the date of the recorder's certificate of sufficient signatures. For a council referral, the election on the referendum of city legislation may be held on the next election date available under state law.