

**CHAPTER 2.04 ~~INITIATIVE AND~~  
REFERENDUM ~~PETITION AND MEASURE~~  
PROCEDURES**

**2.04.010 Definitions.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

**2.04.020 Applicability of State Law; Limitations.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

**2.04.030 Pre-election Publication.**

No City ~~voters~~voters' pamphlet ~~shall~~will be required for an election subject to this chapter unless the Council directs it specifically.

**2.04.040 Submission of Measures to Voters.**

**A.** Council ~~Submission~~submission of ~~Measures~~measures

1. A measure may be submitted to the legal voters of the City by resolution of the Council. No petition is required.
2. An advisory question, advisory measure or advisory proposition may be submitted to the voters by resolution of the Council. No petition is required. The vote ~~shall~~will not enact the matter into law, preclude the Council from adopting an ordinance enacting the matter into law, or require the Council to enact the measure into law.

**B.** ~~Elector's~~Eligible ~~elector's~~ ~~Submission~~submission of ~~Petition~~petition on ~~Legislation~~legislation

1. ~~A petition initiating or referring~~Eligible electors may submit ~~city~~City legislation ~~may be submitted~~to the legal voters of the City by ~~electors.~~initiative petition or referendum petition. The petition ~~shall~~must comply with the requirements of Section 2.04.050 and meet the signature requirements of Section 2.04.090.

**C.** Charter Commission ~~Measures~~measures

1. A measure proposing a Charter~~charter~~ amendment that is supported by an affirmative vote of at least 15 members of the Charter Commission after a public hearing process prescribed by the Council ~~shall~~will be submitted to the legal voters of the City in conformance with the Charter and this Chapter.

**2.04.050 Prospective Petition.**

- A. The chief petitioner(s) ~~shall~~must file a prospective petition with the Auditor prior to circulating the petition. The petition ~~shall~~must be in a form required by the Auditor.
- B. State law with regard to the form of the petition ~~shall~~will apply except that the City ~~shall provide on the form a place for~~will require the chief petitioners to state at a designated place on the form which election date the measure is to be placed on the ballot.
1. In the case of an initiative petition:
    - a. The chief petitioners ~~shall~~must specify the date at which the measure ~~shall~~will be submitted to the voters. The specified election date ~~shall~~must be a ~~regular~~general or primary election date within two years and four months of the time the prospective petition is filed with the Auditor.
    - b. Each signature sheet ~~shall~~must contain the caption of the ballot title.
    - c. A full and correct copy of the legislation to be initiated must also be submitted with the prospective petition.
  2. In the case of a referendum petition:
    - a. Each signature sheet ~~shall~~must contain the title, and ~~Charter~~charter section or ordinance number or section numbers proposed for referral and the date it was adopted by Council.
    - b. A full and correct copy of the legislation to be referred must also be submitted with the prospective petition.
  3. If one or more persons will be paid for obtaining signatures of eligible electors on the petition, each signature sheet ~~shall~~must contain a notice stating: ~~“Some Circulators For This Petition Are Being Paid.”~~“Some Circulators For This Petition Are Being Paid.”
- C. The Auditor ~~shall~~will provide each chief petitioner with a “Statement of Understanding” and with a copy or digitally accessible location of each of the forms and requirements listed on the Statement. A Statement of Understanding signed by each chief petitioner ~~shall be~~is a prerequisite to acceptance of the petition.
- D. Prospective petitions which meet the requirements of Subsections 2.04.050 A., B., and C. ~~shall~~will be accepted by the Auditor. The Auditor ~~shall~~will inscribe the date of filing upon the petition. The Auditor ~~shall~~will forward ~~two copies~~one copy to the City Attorney for the preparation of a ballot title not later than the sixth business day after the prospective petition is filed with the Auditor.

- A. The Auditor ~~shall~~will determine in writing no later than the fifth business day after receiving a prospective initiative petition whether the petition meets the requirements of ~~Section~~Subsections 1(2)(D) and (5), Article IV, Section 1 of the Oregon Constitution.
- B. If the Auditor determines that the prospective initiative petition meets the requirements, the Auditor ~~shall publish~~will inform the ~~ballot title as~~chief petitioner and initiate the publication required in Section 2.04.060, ~~including a statement that the petition has been determined to meet the requirements of Section 1(2)(D), Article IV of the Oregon Constitution.~~
- C. If the Auditor determines that the prospective initiative petition does not meet the requirements, the Auditor ~~shall~~will immediately notify the chief petitioner of the determination in writing by certified mail, return receipt requested.
- D. Any eligible elector dissatisfied with a determination of the Auditor under Subsection 2.04.055 A. may petition the circuit court to overturn the determination as provided by state law.

#### **2.04.060 Ballot Title; Publication; Legal Effect.**

- A. The City Attorney ~~shall~~will prepare a ballot title within five business days after receiving the prospective petition from the Auditor, or in the case of measures referred by Council, within five business days of the request. The ballot title ~~shall~~will comply with the requirements of state law. The purpose of the ballot title is to accurately describe the proposed measure, and does not constitute an opinion as to whether the proposed measure is free of legal defects.
- B. The ballot title ~~shall consist of:~~will consist of a caption, question and statement in the manner proscribed by state law.
  - ~~1. A caption of not more than 10 words which reasonably identifies the subject matter of the petition.~~
  - ~~2. A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote; and~~
  - ~~3. A concise and impartial statement of not more than 175 words summarizing the measure and its major effects.~~
- C. In the case of a prospective petition, the City Attorney ~~shall~~will transmit the ballot title to the Auditor who ~~shall~~will inscribe the date of receipt on it and ~~shall~~will:
  - 1. Transmit a copy of the petition and the ballot title to one of the chief petitioners; and,

2. Publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed. In the case of an initiative petition, the publication notice must also include a statement that the petition has been determined to meet the requirements of Subsections (2)(d) and (5), Article IV, Section 1 of the Oregon Constitution.

- D. Ballot titles for measures referred by Council ~~shall~~will be published by the Auditor as provided in Subsection 2.04.120 B.

#### 2.04.070 Legal Challenge to Ballot Title.

A ballot title filed with the Auditor by the City Attorney or adopted by the City Council may be challenged as provided by state law.

#### 2.04.080 Circulation of Petition.

- ~~A.~~ ~~The Auditor shall certify the petition to one of the chief petitioners for circulation.~~  
An initiative petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated after the ballot title is finalized (either at the conclusion of the seventh business day after the ballot title is received from the City Attorney or immediately upon final adjudication as prescribed by the court, ~~except a referendum petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated prior to the preparation of the ballot title.) and after the Auditor has approved the proposed signature sheet in writing.~~
- ~~B.~~ ~~The Auditor shall~~B. A referendum petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated after the proposed signature sheet has been approved in writing and prior to the preparation of the ballot title.
- C. The Auditor will advise the chief petitioner in writing that the preparation of the ballot title by the City Attorney and ~~certification~~provision of the ~~petition by the Auditor~~official signature sheet template does not certify that the proposed measure is a proper matter for the initiative or referendum process or that it is legal or free of legal defects.
- ~~E~~D. Each copy of the petition which is circulated ~~shall~~will consist of a cover page including the ballot title and the text of the legislation being initiated or referred backed with the signature sheet. If the text of the legislation is too lengthy to fit on the cover sheet, each person obtaining signatures on the petition ~~shall~~must carry at least one full and correct copy of the measure to be initiated or referred and ~~shall~~must allow any person to review a copy upon request.
- ~~D~~E. Submission of an electronic signature sheet (e-sheet) for circulation must be filed with the Auditor on a form designated by state law. The Auditor must grant approval in writing to a chief petitioner prior to circulation.

- F.** Each eligible elector signing the petition ~~shall~~must do so by affixing the eligible elector's signature to the signature sheet. Space ~~shall~~must also be available on the signature sheet for the eligible elector's, printed name, residence address, ~~precinct number,~~ and date of signing.
- E.G.** No signature sheet ~~shall~~may be circulated by more than one person. Each signature sheet ~~shall~~must contain a certification, to the extent required by state law, signed by the circulator that each eligible elector who signed the sheet did so in the circulator's presence and to the best of the circulator's knowledge, each eligible elector signing the sheet is a legal voter of the City and that compensation received by the circulator, if any, was not based on the number of signatures obtained for this petition.

#### **2.04.090 Filing Deadlines, Percentage Requirements and Signature Verification.**

- A.** The Auditor ~~shall~~will not accept a petition for signature verification which does not satisfy the requirements of this chapter and other applicable law. Petitions ~~shall~~will be verified in the order in which they are filed with the Auditor.
- B.** A petition ~~shall~~will not be accepted for signature verification unless it contains at least 100 percent of the required number of signatures.
- C.** In computing the required number of signatures, the required number ~~shall~~will be a percentage, as provided in this section, of the number of eligible electors registered in the ~~city~~City on the date of the primary ~~municipal~~ election immediately preceding the date the prospective petition is filed.
- D.** An initiative petition ~~shall~~must:
1. Be filed with the Auditor for signature verification no less than four months before the election date specified on the petition. Failure to meet this filing deadline ~~shall~~will render the petition void.
  2. Be signed by a number of eligible electors equal to or greater than 9 percent of the number of eligible electors registered in the ~~city~~City on the date of the primary ~~municipal~~ election immediately preceding the date the prospective petition is filed.
- E.** A referendum petition ~~shall~~must:
1. Be filed with the Auditor for signature verification no later than 30 days after passage of the ordinance sought to be referred; however, it must be submitted to the Auditor at least four months before an election date in order to be placed on the ballot for that election. The four months submission requirement may be waived if the Auditor can complete the signature verification process and meet the counties' elections filing deadlines, and the provisions of Subsection 2.04.130 B. are satisfied.

2. Be signed by a number of legal voters equal to or greater than 6 percent of the number of eligible electors registered in the ~~city~~City on the date of the primary ~~municipal~~ election immediately preceding the date the prospective petition is filed, except that a petition signed by 2,000 registered voters shall will be sufficient to call a referendum upon any franchise ordinance.
- F. Upon acceptance of the petition, the Auditor shall will arrange for verification of the validity of the signatures with the ~~County Elections Officers~~county elections officers. Verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.
  - G. The Auditor shall will complete the verification process within 30 days after receipt of the petition and shall will advise a chief petitioner on whether the petition qualifies to be submitted to the voters.
  - H. A date shall will be placed on the petition or on a certificate attached to the petition which shows the date the verification process was completed. Measures which qualify for placement on the ballot shall will be certified by the Auditor as meeting the requirements of this chapter and shall will be submitted to the Council for action as provided by Section 2.04.100. The Auditor shall will certify to the ~~County Elections Officers~~county elections offices each measure which qualifies for placement on the ballot, unless the measure has been enacted by the Council.

#### **2.04.100 Council Action; Competing Measure and Certification.**

- A. The Auditor shall will file with the Council each initiative and referendum measure submitted by the eligible electors which qualifies for placement on the ballot for action by the Council as follows:
  1. The Council may adopt an ordinance which codifies an initiative measure proposing a change to the City ~~Code~~code. The Council shall will act by a non-emergency ordinance not later than the 30th day after the measure has been certified by the Auditor for Council action and not later than the date the measure must be certified to the ~~County~~counties for placement on the ballot. Approval of the ordinance shall will void the initiative petition.
  2. The Council may repeal an ordinance provision which is the subject of a referendum petition. The Council shall will act by a non-emergency ordinance not later than the 30th day after the measure has been certified by the Auditor for Council action and not later than the date the measure must be certified to the ~~County~~counties for placement on the ballot. Repeal of the referred ordinance provision shall will void the referendum petition.
- B. All measures involving ~~Charter~~charter language ~~which~~that qualify for placement on the ballot shall will be submitted to the voters.

- C. The Council may refer a competing measure; however, it ~~shall~~will prepare the measure not later than the 30th day after the measure has been filed with the Auditor for signature verification.

#### 2.04.110 Measures Proposed by the Charter Commission.

- A. Preparation of ~~Ballet~~ballot ~~Title~~title
1. When a measure proposing a ~~Charter~~charter amendment is supported by an affirmative vote of at least 15 members of the Charter Commission after a public hearing process prescribed by the Council:
    - a. The Commission ~~shall~~will notify the Auditor and submit to the Auditor the text of a proposed measure.
    - b. Within seven business days after submission of the proposed measure to the Auditor, the Auditor ~~shall~~will file the measure as a report from the Charter Commission to the Council and place it on the Council agenda.
    - c. Within two business days after the Charter Commission presents the measure to the Council at a Council meeting, the Auditor ~~shall~~will forward the measure to the City Attorney for preparation of a ballot title and explanatory statement in conformance with the requirements of state law.
    - d. Within five business days after receiving the measure from the Auditor, the City Attorney ~~shall~~will prepare and transmit to the Auditor the ballot title and explanatory statement.
    - e. After receiving the ballot title, the Auditor ~~shall~~will publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.
    - f. Following completion of the ballot title challenge process, the Auditor ~~shall~~will file the measure, ballot title and explanatory statement with county elections officers.
    - g. A measure ~~shall~~will be considered referred under this Section as soon as the measure is certified to the ballot. The measure ~~shall~~will be placed on the next primary or general election ballot that is at least 120 days after the date the Charter Commission presents the measure to Council. As part of its affirmative vote supporting a measure, the Charter Commission may specify whether the measure ~~shall~~will be submitted to the voters at the primary election or at the general election.



**2.04.120 Measures Referred by the Council.**

**A.** Preparation of ~~Ballot~~ballot ~~Title~~title, explanatory statement and ~~Resolution~~resolution; ~~Effective~~effective ~~Date~~date.

1. Prior to final Council action on a measure to be referred to the eligible electors, an elected City official ~~shall~~or committee of the Council will submit a resolution~~and~~, ballot title and explanatory statement to the ~~Council Clerk for placement on the Council agenda.~~Auditor in accordance with Section 3.02.020. The ballot title and explanatory statement may be prepared by:

- a. the City Attorney at the request of the Council, a committee of the Council, or elected official;
- b. the Council or a committee of the Council; or
- c. an elected City official.

If the City Attorney is asked by the Council, a committee of the Council, or an elected official to prepare the ballot title, explanatory statement and resolution, ~~the ballot title and resolution shall~~these items will be transmitted to the Council, committee of the Council, or elected official within five business days of the request, unless a longer time period is specified by the Council, committee of the Council, or elected official.

2. The ballot title ~~shall~~must comply with the requirements of Subsection 2.04.060 B.

3. The explanatory statement must comply with the requirements of state law.

4. A measure ~~shall~~will be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.

45. A measure ~~shall~~will be considered referred under this section as of the date the Council adopts the resolution directing placement of the measure on the ballot.

**B.** Publication. Upon referral of the measure as outlined in Subsection 2.04.120 A., the Auditor ~~shall~~will publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.

~~C. Legal Challenge to Ballot Title. A ballot title adopted by Council may be challenged as provided by state law.~~



**2.04.125 Advisory Questions Referred by Council.**

A. Preparation of ~~Ballot~~ballot ~~Title~~title and ~~Resolution~~resolution; ~~Effective~~effective ~~Date~~date.

1. Prior to final Council action on an advisory question to be referred to the eligible electors, an elected City official ~~shall~~or committee of the Council will submit a ~~resolution and~~ ballot title, explanatory statement and resolution to the ~~Council Clerk for placement on the Council agenda.~~Auditor in accordance with Section 3.02.020 The ballot title may be prepared by:

- a. the City Attorney at the request of the Council, a committee of the Council, or elected official;
- b. the Council or a committee of the Council; or
- c. an elected City official.

If the City Attorney is asked by the Council, a committee of the Council, or an elected official to prepare the ballot title and resolution, the ballot title and resolution ~~shall~~will be transmitted to the Council, committee of the Council, or elected official within five business days of the request, unless a longer time period is specified by the Council, committee of the Council, or elected official.

2. The ballot title ~~shall~~must comply with the requirements of Subsection 2.04.060 B.

3. The explanatory statement must comply with the requirements of state law.

4. An advisory question ~~shall~~will be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.

45. An advisory question ~~shall~~will be considered- referred under this Section as of the date the Council adopts the resolution directing placement of the question on the ballot.

B. Publication. Upon referral of the measure as outlined in Subsection 2.04.125 A, the Auditor ~~shall~~will publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of ballot title, that an eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.

~~C. Legal Challenge to Ballot Title. A ballot title adopted by Council may be challenged as provided by state law.~~

**2.04.130 Election Dates; Special Election.**

- A. An initiative measure ~~shall~~will be placed on the ballot at the primary or general election date specified on the petition.
- B. A referendum measure ~~shall~~will be placed on the ballot at the next primary or general election unless the Council finds that the public interest in a prompt resolution of the question outweighs the costs associated with a special election. If the Council chooses not to place the matter on the ballot at the next primary or general election, the Council may call for a special election at the next available date or call for a special election at an election date when other measures are on the ballot thus reducing the cost.
- C. A measure or advisory question referred by Council ~~shall~~will be placed on the election ballot specified in the resolution directing the measure or question to be referred to the voters. This ~~shall~~will be a primary or general election date, unless the Council finds that the public interest in a prompt resolution of the question outweighs the costs associated with a special election. If the Council chooses not to place the matter on the ballot at the next primary or general election, the Council may call for a special election at the next available date or call for a special election at an election date when other measures are on the ballot thus reducing the cost. If no date is specified in the Council resolution, the measure ~~shall~~will be placed on the ballot at the next available primary or general election.

**2.04.140**      Designation Language Required on the Ballot ~~Designations.~~

- A. Measures referred by the Council ~~shall~~will be designated on the ballot “Referred to the People by the City Council.”
- B. Advisory questions referred by the Council ~~shall~~will be designated on the ballot ~~“Advisory Question Referred to the People by the City of Portland.”~~
- C. Measures proposed by referendum petition ~~shall~~will be designated on the ballot “Referred by Petition of the People.”
- D. Measures proposed by initiative petition ~~shall~~will be designated on the ballot “Proposed by Initiative Petition.”
- E. Measures proposed by the Charter Commission supported by an affirmative vote of at least 15 members of the Charter Commission ~~shall~~will be designated on the ballot “Referred to the People by the Charter Commission.”

**2.04.150**      **Computation of the Vote.**

- A. No measure ~~shall~~will be adopted unless it receives an affirmative majority of the total number of votes.
- B. A measure that falls under the requirements of Article ~~11~~XI, Section 11-(8) of the Oregon Constitution ~~shall, and is not excepted by Article XI, Section 11k, will~~ be

adopted only if it receives an affirmative majority of the total number of votes and at least 50 percent of registered voters of the City cast a ballot.

~~1. At least 50 percent of registered voters of the City cast a ballot; or~~

~~2. The election is a general election in an even-numbered year.~~

- C. If there are two or more measures on the ballot on the same subject or containing conflicting provisions, the measure receiving the greatest number of affirmative votes ~~shall~~will be the measure adopted.

#### **2.04.160 Effective Date.**

- A. The Auditor ~~shall~~will submit the abstract of votes for each measure from the ~~County Elections Office~~county elections office to the Council within 12 business days after receipt of the abstract from the ~~County.~~county. The ~~Mayor shall~~Council President will issue a proclamation giving the number of votes cast for or against a measure and if the measure is approved by the voters, declare the approved measure as the law ~~on~~as of the effective date of the measure. If two or more approved measures contain conflicting provisions, the ~~Mayor shall~~Council President will proclaim which is paramount, as provided by Subsection 2.04.150 C.
- B. An initiative or referendum measure adopted by the eligible electors ~~shall~~will take effect ~~upon proclamation by~~as of the ~~Mayor unless~~date specified in Charter Section 3-202. ~~The day of the adoption of a measure expressly provides a different effective date,~~ as that term is used in Charter Section 3-202, will be the date the Auditor certifies the results of any election on that measure.

#### **2.04.170 Computation of Dates.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)