

ORDINANCE NO. 58**AN ORDINANCE PRESCRIBING INITIATIVE AND REFERENDUM PROCEDURES, PROVIDING A PENALTY, AND REPEALING ORDINANCE NO. 1640; AS AMENDED BY ORDINANCE NO. 231 AND 238.**

The City of Coos Bay ordains as follows:

Section 1. Definitions. As used in this ordinance, the following mean:

City elections officer. The City Recorder for the City of Coos Bay or his or her designee.

Elector. A person who is qualified to vote in the city.

Emergency election. An election held as provided by ORS 221.230(2) when the Council finds that to avoid extraordinary hardship to the community it is necessary to hold an election sooner than the next available election date specified in ORS 221.230(1).

Initiative. A proposed law, which is then submitted to the electors for a direct vote on its enactment.

Measure. A legislative enactment by the Council that is 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. The term includes a municipal ordinance, a charter amendment, or any other legislative enactment within the power of the city to adopt.

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

Prospective petition. The information, except ballot title information, signatures, and other identification of petition signers, required to be contained in a completed petition.

Referendum. An enacted law, which is then submitted to the electors for a direct vote on its approval or repeal.

Regular election. A city election held at the same time as a primary or general biennial election for election of state and county officers.

Special election. An election held on a date specified in ORS 221.230(1) that is not a regular election.

Supermajority. A majority vote equal to one vote less than a unanimous vote of all sitting members of the City Council.

Write. To write, type or print.

[Amended by Ordinance No. 231, Section 1, passed July 2, 1996]

Section 2. Complete Procedure. This ordinance provides a complete procedure for the electors to exercise initiative and referendum powers.

Section 3. Initiative Procedure. An initiative shall be proposed by:

- (1) A qualified elector filing with the city elections officer a completed initiative petition that meets the requirements of this ordinance; or
- (2) The City Council authorizing the submission of the initiative upon supermajority vote of the Council.

[Amended by Ordinance No. 231, Section 2, passed July 2, 1996]

Section 4. Referendum Procedure. A measure shall be referred by:

- (1) Filing with the city elections officer a completed referendum petition that meets the requirements of this ordinance; or
- (2) Submission of the measure to the electors by the Council.

Section 5. Time for Referring Measure by Petition. A completed referendum petition for a measure, including the required signatures, must be filed with the city elections officer within 30 days after the Council enacts the measure.

Section 6. Time for Referral by Council. The Council may refer a measure only at the session at which it enacts the measure.

Section 7. Prospective Petition.

- (1) A prospective petition shall be in the form prescribed by the Secretary of State.
- (2) Prior to its circulation, a copy of the prospective petition shall be deposited

the city elections officer with a correct copy of the measure and a signed statement on the face of the petition stating 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 the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization.

Section 8. Elections officer Duties. When a copy of a prospective petition is deposited with the city elections officer, the officer shall:

- (1) Check the form for compliance with section 7;
- (2) Advise the person depositing it whether it complies with section 7 and, if it does not, how to make it comply;
- (3) Provide a sample petition form prescribed by the Secretary of State, if one has not already been obtained;
- (4) Stamp the date and time on the prospective petition, if it complies with section 7, and send a copy to the city attorney for preparation of the ballot title.

Section 9. Ballot Title Preparation.

- (1) The ballot title for a measure ordered by the Council or proposed to be ordered by petition shall be prepared and in the hands of the city elections officer within five working days after the Council orders the submission or after a copy of the prospective petition is deposited with the officer.
- (2) When the Council orders submission of a measure to electors or when a prospective petition is deposited with the city elections officer, the officer shall send a copy of the measure to the City Attorney, who shall prepare the ballot title and return it to the officer. If the city has no attorney or the City Attorney is unable to prepare the ballot title within the time required, the officer shall prepare the ballot title.

Section 10. Captions and Statements. The ballot title shall consist of:

- (1) A caption not exceeding 10 words which identifies the subject matter of the measure;
- (2) A question not exceeding 20 words that plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds

to an affirmative vote on the measure; and

- (3) A concise and impartial statement, not exceeding 75 words, that summarizes the measure.

Section 11. Ballot Title Appeals. An elector who is dissatisfied with the ballot title may, within five days after it is prepared and deposited with the city elections officer, appeal to the Council by a written appeal deposited with the officer asking for a different ballot title for the measure and stating why the title is unsatisfactory. Within seven business days after deposit of the appeal with the officer, the Council shall provide the appellant a hearing and either approve the title or prescribe another ballot title for the measure.

Section 12. Petition Requirements. Prior to circulation, a petition must:

- (1) Be in the form prescribed by the Secretary of State; a sample of the form is available in the office of the city elections officer;
- (2) Contain the name and address of the sponsor or sponsors of the petition; and
- (3) Have written in the foot margin of each signature sheet and on the cover:
 - (a) On an initiative petition, the caption that is part of the ballot title. The cover sheet shall contain the entire ballot title.
 - (b) On a referendum petition, the number and title, if any, of the measure to be referred and the date it was enacted by the Council.

Section 13. Number of Signatures.

- (1) The number of signatures required for an initiative petition is 15 percent of the number of votes cast for all candidates for Mayor at the election for the office of Mayor immediately preceding the deposit of the prospective petition with the city elections officer.
- (2) The number of signatures required for a referendum petition is 10 percent of the number of votes cast for all candidates for Mayor at the election for the office of Mayor immediately preceding the deposit of the prospective petition with the city elections officer.

Section 14. Attachment of Measure to Sheets. A signature on a petition sheet shall not be counted unless a copy of the measure to which the petition refers is attached to the sheet at the time of signing and filing.

Section 15. Signature Limits. Only the first 20 names on a page of a petition shall be considered in computing the number of valid signatures on the petition.

Section 16. Verification of Signatures.

(1) A signature on a petition sheet shall not be counted unless the person who circulated the sheet verifies by a signed statement on its face that the individuals signed the sheet in the presence of the circulator and the circulator believes that each individual who signed is a qualified elector.

(2) No signature upon an initiative petition shall be counted unless a completed petition is offered for filing with the city elections officer within 100 days of the date of the signature.

(3) After a petition is submitted for signature verification, no elector who signed the petition may remove the signature of the elector from the petition.

Section 17. Certification of Signatures. Within 10 days after a petition is offered for filing with the city elections officer, the officer shall verify the number and genuineness of the signatures and the voting qualifications of the persons who signed the petition by reference to the registration books in the office of the Coos County Clerk. If a sufficient number of electors signed the petition, the officer shall certify and file the petition. If the officer determines that there is an insufficient number of signatures, the petition shall be returned to the person who offered the petition for filing.

Section 18. Presentation to Council. At the next regular meeting of the Council after the proposal of a completed initiative measure, the city elections officer shall present the measure to the Council.

Section 19. Submissions to Electors.

(1) The city elections officer shall cause a charter or charter amendment proposed by the initiative, and any other initiative measure not adopted within 30 days after its filing, to be submitted to the electors at the time provided by section 20.

(2) The city elections officer shall cause a referred measure to be submitted to the electors at the time fixed by section 20.

Section 20. Voting on Measures.

(1) Except as provided by subsection (2) or unless an earlier special election is approved by the Council, the time for voting on a measure shall be the next May or November regular or special election date more than 60 days after the measure qualifies for the ballot. A measure qualifies for the ballot when properly certified according to Section 17, or when the City Council has voted to submit an initiative or referendum to the electors under Section 3 or Section 4.

[Amended by Ordinance No. 238, Section 1, enacted March 18, 1997]

(2) The Council may call an emergency election for a measure and set the date for it as provided by ORS 221.230.

[Amended by Ordinance No. 231, Section 3, enacted July 2, 1996]

Section 21. Designating and Numbering Measures. Measures shall appear on a ballot by ballot title only, and initiative measures shall be distinguished from referred measures. The sequence of measures to be voted on shall be the sequence in which the respective measures are ordered to be submitted to the electors, with the first measure to be numbered "51" in numerals, and the succeeding measures to be numbered consecutively "52", "53", "54", and so on.

Section 22. Election Notice. The city elections officer shall give notice of all elections in accordance with the requirements of state law.

Section 23. Information to County Clerks. When a measure is to be voted on at an election, the city elections officer shall furnish a certified copy of the ballot titled and the number of each measure to be voted on to the Coos County Clerk in accordance with the time limits established by state law.

Section 24. Election Returns. The votes on a measure shall be counted, canvassed and returned by the county clerk as provided by law.

Section 25. Proclamation of Election Results.

(1) Immediately after completion of the canvass of the votes on a measure, the Mayor shall issue a proclamation:

(a) Stating the vote on the measure;

(b) Declaring whether the vote shows a majority to be in favor of it; and

(c) If a majority of electors favor the measure, declaring it to be effective from the date of the vote.

(2) The proclamation shall be filed with the measure.

Section 26. Effective Date of Measures.

(1) A measure submitted to the electors shall take effect when approved by a majority of the electors voting on it, unless it specifies a later effective date.

(2) A measure adopted by the Council but subject to a pending referendum for which a completed petition has been timely filed shall have no effect unless and until it is approved by a majority of the electors voting on it.

Section 27. Conflicting Measures. When conflicting measures are approved by the electors at an election, the one receiving the greater number of affirmative votes shall be paramount.

Section 28. Unlawful Acts.

(1) No person other than a registered elector shall sign a petition.

(2) No person shall sign a petition with a name not his or her own.

(3) No person shall knowingly sign a petition more than once.

(4) No person shall knowingly circulate, file or attempt to file with the elections officer a petition that contains a signature signed in violation of this ordinance.

(5) No person shall procure or attempt to procure a signature on a petition by fraud.

(6) No person shall knowingly make a false statement concerning a petition.

(7) No person shall make a document required or provided for by this ordinance that contains a false statement.

(8) No officer shall wilfully violate a provision of this ordinance.

Section 29. Penalties. Violation of a provision of section 28 is punishable by fine not to exceed \$500.

Section 30. Repeal. Ordinance No. 1640, enacted February 13, 1947, as amended by Ordinance No. 2028, enacted August 24, 1959, Ordinance No. 2527, enacted August 28, 1972, and Ordinance No. 2761, enacted June 26, 1978, is repealed.

Passed by the Council and approved by the Mayor January 27, 1986.