

CHAPTER 9.02

BALLOT MEASURES, INITIATIVE AND REFERENDUM

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9.02.010 Application of State Laws; Definitions

- (a) The provisions of this Chapter shall supplement state law regarding special district elections, including ballot measures, initiatives, and referendums, and shall prevail over any conflicting provisions of state law to the maximum extent permissible under the Oregon Constitution and the laws of the State of Oregon.
- (b) Unless otherwise defined, terms used in this Chapter have the definitions given to them in ORS Chapter 255 or any successor statute, and references to ORS Chapter 255 shall be deemed references to ORS Chapter 255 or any successor statute.
- (c) In determining the number of words in a ballot title or explanatory statement, any combination of characters, including hyphens, abbreviations, and dollar amounts, that contain no spaces but are preceded and followed by a single space shall count as one word, except that bullet points shall not count as words. [Ord. 93-517B, Sec. 1; Ord. 02-977, Sec. 1; Ord. 17-1404.]

9.02.020 Referrals by the Metro Council

- (a) The Metro Council may directly refer any measure or any amendment of the Metro Charter to the electors for their approval or rejection.
- (b) The Metro Council shall act to refer any measure or Charter amendment by adoption of a resolution. The resolution shall include the full text of the measure or Charter amendment, the ballot title, and any other material required by law.
- (c) The Metro Attorney shall prepare the ballot title and explanatory statement for all referrals by the Metro Council. An explanatory statement shall be an impartial, simple and understandable statement of no more than 500 words, explaining the referral and its effect. The Metro Attorney shall file the explanatory statement with the elections officer at the same time as the ballot title.
- (d) The ballot title and explanatory statement may be challenged exclusively in accordance with the procedures set forth in ORS 255.155 for review of district ballot titles, except that any petition to the circuit court shall name the Office of Metro Attorney as respondent, and not the Metro Attorney personally. The circuit court shall give deference to the ballot title and explanatory statement prepared by the Metro Attorney. [Ord. 93-517B, Sec. 1; Ord. 02-977, Sec. 1; Ord. 17-1404.]

9.02.030 Initiatives and Referendums

- (a) The coversheet of any prospective initiative or referendum petition shall designate the name and residence address of three persons as chief petitioners. No petition for initiative or referendum shall be valid unless all chief petitioners are electors of the Metro area at the time of filing and remain electors of the Metro area throughout the initiative or referendum process, including the election.
- (b) The chief petitioners of any proposed referendum measure shall file with the prospective petition a full and correct copy of the Metro ordinance proposed for

referral, including the title and ordinance number. An ordinance in its entirety may be subject to referendum, but not any portions thereof.

- (c) The chief petitioners of any proposed initiative measure shall file with the prospective petition a full and correct copy of the ordinance to be initiated.
- (d) Upon filing of a prospective petition for initiative or referendum with the elections officer, the elections officer shall send a copy of it to the Metro Attorney (without making any determination whether it meets the requirements of the Oregon Constitution, the Metro Charter, or the Metro Code).
- (e) Not later than the tenth business day after receiving a prospective petition for an initiative or referendum from the elections officer, the Metro Attorney shall notify the elections officer in writing whether the initiative or referendum meets the applicable requirements of Section 1(2)(d) and Section 1(5), Article IV, of the Oregon Constitution, Sections 34, 38 and 39 of the Metro Charter, and Metro Code 9.02.030(l), below. The Metro Attorney's decision pursuant to this Section 9.02.030(e) may be challenged exclusively in accordance with the procedures set forth in ORS 255.140(4) and (5).
- (f) If the Metro Attorney determines that the initiative or referendum measure fails to meet the applicable requirements of the Oregon Constitution, the Metro Charter, and the Metro Code, the elections officer shall immediately notify at least one of the chief petitioners, in the manner required by law.
- (g) If the Metro Attorney determines that the initiative or referendum meets the applicable requirements of the Oregon Constitution, the Metro Charter, and the Metro Code, then not later than the fifteenth business day after providing written notice to the elections officer of this determination, the Metro Attorney shall prepare and send to the elections officer a ballot title and may, at the Metro Attorney's election, prepare and send an explanatory statement.
- (h) The elections officer shall furnish a copy of the ballot title and any explanatory statement to at least one of the chief petitioners and publish notice of receipt of the ballot title in accordance with ORS Chapter 255. Unless the circuit court certifies a different title or explanatory statement (if any), the ballot title prepared by the Metro Attorney shall be the title printed on the ballot and the explanatory statement prepared by the Metro Attorney shall be the explanatory statement printed in the voter's pamphlet. The circuit court shall give deference to the ballot title and any explanatory statement prepared by the Metro Attorney.
- (i) The elections officer shall accept no initiative petition for signature verification more than six (6) months after the date the prospective initiative was initially filed with the elections officer.
- (j) If an initiative petition contains the required number of verified signatures, the election on the measure shall be held on the first Tuesday following the first Monday of the next November for which the election deadlines set forth in ORS 255 are met.

- (k) If a referendum petition contains the required number of verified signatures, the election on the measure shall be held at the next scheduled regular district election for which the election deadlines set forth in ORS 255 are met.
- (l) Every amendment to the Metro Charter proposed by initiative (and not by the Metro Council) must be separately stated. When two or more amendments are proposed by initiative at a single election, they must be separately voted upon, and the votes in favor and against must be cast separately. The requirement in this Section 9.02.030(l) for a separate vote is to be interpreted to have the same meaning as the separate vote requirement set forth in the Oregon Constitution Section 1, Article XVII, and cases interpreting it. [Ord. 17-1404.]

9.02.040 Election Procedures

- (a) Measures referred by the Metro Council shall be designated on the ballot as “Referred to the People of the Metro region by the Metro Council.”
- (b) Measures proposed by referendum petition shall be designated on the ballot as “Referred by Petition of the People.”
- (c) Measures proposed by initiative petition shall be designated on the ballot as “Proposed by Initiative.”
- (d) Within 30 days following any election, the elections officer shall certify the election results to the Metro Council. The Metro Council shall thereafter proclaim the results in the records of the Metro Council. If the Metro Council finds that two or more approved measures contain conflicting provisions, the Metro Council shall determine in the proclamation which is effective.
- (e) Measures shall be effective upon the proclamation of the results, unless a measure expressly provides a later effective date. [Ord. 93-517B, Sec. 1; Ord. 02-977, Sec. 1; Ord. 17-1404.]