

**CHAPTER 9.02**  
**REFERRALS, INITIATIVES, AND REFERENDUMS**

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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; Ord. 25-1528.]

**9.02.020 Referrals by the Metro Council**

- (a) The Metro Council may directly refer any measure or any proposed Metro Charter amendment to the electors for approval or rejection.
- (b) The Metro Council must adopt a resolution to refer any measure or Metro Charter amendment. The resolution must include the measure or Charter amendment, the ballot title, and any other material required by law.
- (c) The Metro Attorney must prepare the ballot title and explanatory statement for a referral by Metro Council. The explanatory statement must be an impartial, simple, and understandable statement of no more than 500 words, explaining the referral and its effect. The Metro Attorney must file the explanatory statement with the elections officer at the same time the Metro Attorney files the ballot title.
- (d) An elector who wishes to challenge the ballot title or explanatory statement must do so in Multnomah County Circuit Court under the procedures set forth in ORS 255.155 for review of district ballot titles. However, any petition to the circuit court must name the Office of Metro Attorney as respondent, and not the Metro Attorney personally. The circuit court must 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; Ord. 25-1528.]

### **9.02.030 Initiatives and Referendums**

- (a) A petitioner must file a prospective initiative or referendum petition with the Multnomah County elections officer. The coversheet of any prospective initiative or referendum petition must designate the name and residence address of not more than three persons as chief petitioners. No petition for initiative or referendum is 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 must file a full and correct copy of the Metro ordinance proposed for referral with the prospective petition, including the title and ordinance number. An ordinance in its entirety is subject to referendum, but not any portions of the ordinance.
- (c) The chief petitioners of any proposed initiative measure must file a full and correct copy of the ordinance to be initiated with the prospective petition.
- (d) Upon filing a prospective petition for initiative or referendum with the elections officer, the elections officer must send a copy of it to the Metro Attorney (without determining 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 will notify the elections officer in writing whether the initiative or referendum complies with the applicable requirements of Section 1(2)(d) and Section 1(5), Article IV, of the Oregon Constitution, Metro Charter Sections 34, 38 and 39, and Metro Code Section 9.02.030(l). An elector dissatisfied with the Metro Attorney's decision pursuant to this subsection may only challenge that determination as set forth in ORS 255.140(4) and (5).
- (f) If the Metro Attorney determines that the initiative or referendum measure does not comply with the applicable requirements of the Oregon Constitution, the Metro Charter, and the Metro Code, the elections officer must 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 complies with the applicable requirements of the Oregon Constitution, the Metro Charter, and the Metro Code, then the Metro Attorney will prepare and send the elections officer a ballot title not later than the fifteenth business day after providing written notice to the elections officer of this determination. The Metro Attorney may, at the Metro Attorney's sole discretion, also prepare and send an explanatory statement to the county elections officer.
- (h) The elections officer must 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 as set forth in ORS Chapter 255. Unless the circuit court certifies a different title or explanatory statement (if any), the ballot title prepared by the Metro Attorney will be the title printed on the ballot and the explanatory statement

prepared by the Metro Attorney will be the explanatory statement printed in the voter's pamphlet. The circuit court must give deference to the ballot title and any explanatory statement prepared by the Metro Attorney.

- (i) The elections officer may not accept an initiative petition for signature verification more than six months after the initial date that a petitioner filed the prospective initiative with the elections officer.
- (j) If an initiative petition contains the required number of verified signatures, the election on the measure will occur 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 will occur 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 separate vote requirement of this subsection has 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; Ord. 25-1528.]

#### **9.02.040 Election Procedures; Certification; Effective Date**

- (a) Measures referred by the Metro Council will be designated on the ballot as "Referred to the People of the Metro region by the Metro Council."
- (b) Measures proposed by referendum petition will be designated on the ballot as "Referred by Petition of the People."
- (c) Measures proposed by initiative petition will be designated on the ballot as "Proposed by Initiative."
- (d) Not more than 30 days following any election, the elections officer must certify the election results to the Metro Council. The Metro Council will proclaim the results in the records of the Metro Council. If two or more approved measures on the same subject contain conflicting provisions, the measure receiving the greatest number of affirmative votes becomes the adopted measure. The Metro Council will proclaim which of the conflicting measures is effective.
- (e) A measure is effective upon the Metro Council's 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; Ord. 25-1528.]