

ORDINANCE NO. 1381-15

AN ORDINANCE RELATING TO ELECTIONS, INITIATIVES, REFERENDUMS, AND REFERRALS; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 1-24; AND ADDING NEW PROVISIONS.

WHEREAS, pursuant to Article XI, section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority over the civil affairs of its City; and

WHEREAS, pursuant to Chapter II, section 4, Chapter III, section 6, Chapter VI, section 23, and other relevant provisions of the Charter, the Council has the power to provide for the manner of elections and the process of initiatives, referendums, and referrals; and

WHEREAS, the Council wishes to regulate the manner of elections and the process of initiatives, referendums, and referrals in the City of Tualatin.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 1-24 is deleted and replaced with the following:

**1-24-010 Initiative and Referendum.** The initiative and referendum powers reserved to the legal voters of Tualatin by Article IV, section 1(5) and Article XI, section 2 of the Oregon Constitution must be exercised as provided by state law, except to the extent modified by the Charter and this Chapter.

**1-24-020 Council Referral of Measures.**

(1) The Council may submit a measure to amend the Charter or propose an ordinance to the legal voters of the City by resolution of the Council without an initiative petition.

(2) The Council may submit an advisory question or measure to the voters by resolution without an initiative petition. The vote on the advisory question or measure does not enact the matter into law and has no binding effect on the actions of the Council.

(3) A resolution of the Council to submit a measure to the voters must call for an election on the measure, state the specific date the election is to be held, and provide the full text of the measure to be considered by the voters. The date the election is held may be any general, primary, or special election as determined by the Council.

**1-24-030 Proposal of Initiative and Referendums by Elector.** Any elector qualified to vote in the City is authorized to propose an initiative or referendum. Initiatives or referendums proposed by persons who are not qualified to vote in the City will not be considered.

**1-24-040 Number of Signatures Required.**

- (1) Initiative petitions to propose a new Charter, Charter amendment, or ordinance must be signed by not less than 15 percent of the registered voters of the City.
- (2) Referendum petitions against any ordinance or measure must be signed by not less than 10 percent of the registered voters of the City.
- (3) Only registered voters of the City are qualified to sign a petition for initiative or referendum.
- (4) All signatures gathered must be original signatures.

**1-24-050 Filing Signatures.**

- (1) All signatures for an initiative must be filed with the City Recorder for signature verification within 180 days after the initiative petition is approved for circulation.
- (2) All signatures for a referendum must be filed with the City Recorder for signature verification within 30 days after adoption of the ordinance sought to be referred.
- (3) All signatures filed will be forwarded to the appropriate County elections official for verification of the number and authenticity of signatures.

**1-24-060 Adoption of Measures; Conflicting Provisions.**

- (1) A measure is not adopted unless it receives the affirmative majority of the total number of legal votes cast.
- (2) If, at the same election, voters approve two or more measures on the same subject matter, or where two or more measures contain conflicting provisions, the measure receiving the greater number of affirmative votes is the law adopted.

**1-24-070 Election Dates for Initiatives and Referendums.**

- (1) An initiative measure that qualifies for the ballot will be placed on the ballot at the next available statewide general election.
- (2) A referendum measure that qualifies for the ballot will be placed on the ballot at the next available statewide primary or general election, unless the Council finds that the public interest in a prompt resolution outweighs the costs associated with a special election. If the Council calls for a special election, the Council by resolution must specify the date upon which the special election is to be held.

**1-24-080 Ballot Title and Explanatory Statement.** The City Manager or City Attorney will prepare and submit the ballot title and explanatory statement for any municipal

legislation referred by Council, or initiated by petition, consistent with this Chapter and state law.

**1-24-090 Separate Vote Requirement for Charter Amendment.** Every amendment to the City Charter must be separately stated. Whenever two or more amendments are submitted to the electors at a single election, they must be separately voted upon, and the votes in favor and against must be cast separately. This requirement for a separate vote is to be interpreted to have the same meaning as the separate vote requirement set forth in the Oregon constitution, and cases interpreting it.

**Section 2.** Applicability. The provisions of this ordinance apply to any petition initiated or referred after the effective date of this ordinance and for which the City Manager has not approved the petition for circulation of signatures.

**Section 3.** Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

**Section 4.** Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

Adopted by the City Council this 11 Day of May, 2015.

CITY OF TUALATIN, OREGON

BY

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM

BY

  
\_\_\_\_\_  
City Attorney

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder