

AN ORDINANCE PROVIDING FOR THE MANNER OF EXERCISING THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF THE CITY OF DETROIT, MARION COUNTY, OREGON, BY SECTIONS 1 AND 1a OF ARTICLE IV OF THE CONSTITUTION OF OREGON, AND TO PROVIDE THE MANNER WHEREBY SAID LEGAL VOTERS MAY ENACT AND AMEND THEIR MUNICIPAL CHARTER UNDER THE POWERS RESERVED TO THEM BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF OREGON.

The City of Detroit ordains as follows:

13-1 As used in this ordinance:

- (a) The term "measure" shall mean a charter or an amendment to a charter, and when of a legislative character, the term "measure" shall also include a motion or an order or a resolution or an ordinance. The term "measure" shall not include a motion or an order or a resolution or an ordinance the character of which is administrative and not legislative.
- (b) The Term "legal voter" shall mean a registered voter who resides within the boundaries of the City of Detroit.
- (c) The term "general election" shall mean the biennial election held throughout the State of Oregon on the first Tuesday after the first Monday in the month of November of each even numbered year.

13-2 A measure may be:

- (a) Proposed by the council and by order of the council referred to the legal voters for their approval or rejection; or
- (b) Enacted by the council and, through the exercise of the referendum power, referred to the legal voters for their approval or rejection; provided, however, that the referendum power shall not apply to any measure necessary for the immediate preservation of the public peace, health or safety; or
- (c) Proposed by a part of the legal voters, through the exercise of the initiative power, referred to the council for enactment, and, if not enacted by the council, shall be referred to all the legal voters for their approval or rejection.

13-3 For the purpose of invoking the referendum against any measure enacted by the council, a petition signed by not less than ten per cent of the legal voters computed on the basis of the number of votes cast for the candidate receiving the highest number of votes cast for the office of councilman at the last election of council members next preceding the invoking of such referendum, shall be filed with the Recorder within thirty days from the date of the approval of such measure by the Mayor, or in the event that such measure need not be approved by the Mayor, then within thirty

days from the date of the enactment of such measure by the council. The filing of such a petition as required by this ordinance shall have the effect of suspending the operation of such measure until the measure shall have been submitted to the legal voters at either a general election or at a special election. Any measure necessary for the immediate preservation of the public peace, health or safety shall not be subject to the referendum herein provided for if such measure contains an emergency clause. Such emergency clause shall be sufficient if it recites generally that the measure is necessary for the immediate preservation of the public peace, health or safety of the city. It shall be sufficient if a majority of the total Membership of the council concur in the enactment of an emergency measure.

13-4 A referendum petition shall be in substantially the following form:

W A R N I N G

It is a misdemeanor for anyone to sign a referendum petition with any name other than his own, or knowingly to sign his or her name more than once for the same measure, or to sign such petition when he or she is not a legal voter.

PETITION FOR REFERENDUM

To the Honorable _____, Recorder for the City of Detroit, Marion County, Oregon:

We, the undersigned citizens and legal voters of the State of Oregon and City of Detroit, respectfully order that (here describe measure against which referendum is invoked) enacted by the council on _____ and approved by the Mayor on _____ be referred to the legal voters of Detroit, Oregon, at a general election or at a special election; and each for himself and herself says: I have personally signed this petition; I am a legal voter of the State of Oregon and the City of Detroit; my residence and post office address are correctly written after my name.

Name _____	Residence _____	Post Office _____
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(here follow twenty numbered lines for signatures)

A full, true and correct copy of the measure against which the referendum petition is invoked shall be attached to every sheet of petitioners' signatures prior to the signing thereof by any petitioner. Not more than twenty signatures on one sheet may be counted.

Each and every sheet of every such petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, and as a part thereof:

STATE OF OREGON)
COUNTY OF MARION) SS.
City of Detroit)

I, _____, being first duly sworn, say: That every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name, post office address and residence correctly, and that each signer is a legal voter of the State of Oregon, the County of Marion and the City of Detroit.

Signature of Affiant

Post Office Address of Affiant

Subscribed and sworn to before me this _____ day of _____, a.d. 19__
(Notary Seal)

Notary Public of Oregon

My Commission Expires: _____.

In addition to said affidavit, the County Clerk for Marion County, Oregon, shall compare the signatures of the electors signing said petition with the signatures of the registration cards, books and blanks on file in his office, shall carefully examine said petition and shall attach to the sheets of said petition containing such signatures, his certificate to the Recorder, substantially as follows:

STATE OF OREGON)
: SS.

COUNTY OF MARION)

To the Honorable _____, Recorder for the City of Detroit:
I, _____, County Clerk for Marion County, Oregon, hereby certify that I have compared the signatures on (number of sheets of the referendum petition attached hereto) with the signatures of said electors as they appear on the registration cards books and blanks in my office, and from such information as I have been able to obtain, I believe that the signatures of (names of signers) numbering (number of genuine signatures) are genuine.

County Clerk

(Seal of Office)

By _____
Deputy

It shall be the duty of the Recorder to deliver said petition to the County Clerk in order to obtain the foregoing certificate of

said Clerk within five days from the date of the filing of the petition in the office of the Recorder.

13-5 When a referendum petition which, in all respects, complies with the requirements of this ordinance, is filed with the Recorder not less than ninety days previous to the date of the general election next ensuing, the measure against which the referendum was invoked shall be submitted to the legal voters at said general elections; provided, however, that the council in its discretion, may call a special election to be held on a date previous to the date of the next general election for the purpose of submitting said measure to the legal voters for their approval or rejection. In the event that the referendum petition is filed less than ninety days prior to the next general election, the council shall call a special election to be held not later than ninety days after the date of the next general election for the purpose of submitting to the legal voters for their approval or rejection the measure against which the referendum has been invoked.

13-6 For the purpose of proposing a measure an initiative petition, in the form required by this ordinance, signed by not less than fifteen per cent of the legal voters computed on the basis of the number of votes cast for the candidate receiving the highest number of council votes for the office of councilman at the last election of council members shall be filed with the Recorder not less than 120 days previous to the date of the general election next ensuing. The Recorder shall, not later than the next regular meeting of the council after said petition is filed, advise the council that said petition has been filed. If the measure proposed by the initiative petition is not a charter or an amendment to a charter, the council may within forty-five days, enact the measure as proposed without alteration, in which case it shall not be necessary to refer said measure to the legal voters for their approval or rejection; but the enactment by the council of a measure proposed by the initiative petition shall not impair the right of the people to invoke the referendum against said measure. If said measure is not enacted by the council within forty-five days, or if the measure is a charter or an amendment to a charter, the measure shall be referred to the legal voters for their approval or rejection at the next general election; provided, however, that the council, in its discretion may call a special election to be held on a date previous to the date of the next general election for the purpose of submitting said measure to the legal voters for their approval or rejection.

13-7 An initiative petition shall be in substantially the following form:

W A R N I N G

It is a misdemeanor for any one to sign an initiative petition with any name other than his own, or knowingly to sign his or her name more than once for the same measure, or to sign such petition when he or she is not a legal voter.

In addition to said affidavit, the County Clerk for Marion County, Oregon, shall compare the signatures of the electors signing said petition with the signatures of the registration cards, books and blanks on file in his office, shall carefully examine said petition and shall attach to the sheets of said petition containing such signatures, his certificate to the Recorder, substantially as follows:

STATE OF OREGON)
) :SS
County of Marion)

To the Honorable _____, Recorder for the City of
Detroit:

I, _____, County Clerk for Marion County, Oregon hereby certify that I have compared the signatures on (number of sheets) of the initiative petition attached hereto, with the signatures of said electors as they appear on the registration cards, books, and blanks in my office, and from such information as I have been able to obtain, I believe that the signatures of (name of signers) numbering (number of genuine signatures) are genuine.

County Clerk

(Seal of Office)

By _____

It shall be the duty of the Recorder to deliver said petitions to the County Clerk in order to obtain the foregoing certificate of said Clerk within five days from the date of the filing of the petition in the office of the Recorder.

13-8 When the Council proposes a measure and orders that same be referred to the legal voters for their approval or rejection, or when a referendum petition which in all respects complies with the requirements of this ordinance, is filed with the Recorder, or when an initiative petition which in all respects complies with the requirements of this ordinance is filed with the Recorder a copy of such measure shall be furnished by the Recorder to the City Attorney. Within ten days after receiving such copy, the City Attorney shall furnish the Recorder with a ballot title for said measure. The ballot title as prepared by the City Attorney shall be printed on the ballots, shall contain not more than one hundred words, and shall contain a true and impartial statement of the purpose of the measure.

13-9 In each general election at which one or more measures are to be voted upon in the City of Detroit, the city council shall, not less than ten days prior to such election, appoint election officials to handle the election on such measures, and the election on such measures shall be conducted by such election officials in the same manner and as a part of the general election. If one or

more measures are voted upon at any general election, the Recorder shall, not less than ten days before the date of such general election, post in four public places in the City of Detroit a notice of election, which notice shall be in substantially the following form:

NOTICE OF ELECTION ON MEASURES

Notice is hereby given that at the general election to be held on November ____, 19 ____, the following measures will be submitted to the legal voters residing within the boundaries of the City of Detroit, Marion County, Oregon, for their approval or rejection:

Measures Referred to the People by the City Council

(insert here ballot titles of such measures)

Referendum Ordered by Petition of the People

(insert here ballot titles of such measures)

Proposed by Initiative Petition

(insert here ballot titles of such measures)

which election will be held at 8:00 o'clock in the morning and will continue until 8:00 o'clock in the afternoon of said day.

Dated this _____ day of _____, 19__.

City Recorder

13-10 When the council in compliance with the provisions of this ordinance orders a special election to be held for the purpose of referring to the legal voters for their approval or rejection:

- (a) one or more measures referred by order of the council, or
- (b) one or more measures demanded by referendum petition, or
- (c) one or more measures proposed by initiative petition.

the order calling such special election shall name the persons who are to serve on the special board or boards for such special election. Such Election board or boards shall each consist of five persons, one of whom shall be named as chairman by the council, and the council shall in such order specify the compensation that such persons shall receive and shall also specify the

the place within the City of Detroit, Oregon, where the election is to be held and the hours of the day during which the election shall be held, provided that the polls shall be open not later than 5 o'clock in the afternoon and close not later than 8 o'clock in the evening of the same day. A special election shall be held not less than fifteen days and not more than forty-five days after the date of the order calling the same. For such special election the Recorder shall procure poll books or other necessary records from the County Clerk of Marion County, Oregon, to enable a check to be made as to the qualifications of persons seeking to vote at such election, and the Recorder shall furnish the election board or boards with such election supplies as may be required. The Recorder shall, not less than ten days prior to the date of the election, post in four public places in the City a notice of election, which notice shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

Notice is hereby given that on the _____ day of _____, 19____, a special election will be held in the City of Detroit, Marion County, Oregon, the voting place at _____ for the purpose of submitting to the legal voters residing within the boundaries of said city for their approval or rejection the following measures:

Measures Referred to the People by the City Council

(insert here ballot titles of such measures)

Referendum Ordered by Petition of the People

(insert here ballot titles of such measures)

Proposed by Initiative Petition

(insert here ballot titles of such measures)

which election will be held between the hours of _____ and 8 o'clock in the afternoon of said day, and the polls will be open between these hours.

Dated this _____ day of _____, 19____.

City Recorder

13-11 At each general election and at each special election at which one or more measures are submitted to the legal voters of the City of Detroit for their approval or rejection:

- (a) The Recorder shall furnish to the election board or boards handling said election all ballots and all other supplies as may be required for said election, which materials shall be delivered to

the election board or boards by the City Recorder previous to the time of opening the polls on said election day and shall be picked up by the Recorder after the election is over.

(b) The judges and clerks conducting said election shall conduct same in the manner provided for by the election laws of the State of Oregon except as in this ordinance otherwise provided.

(c) The council shall, not later than the next regular council meeting following the date on which either a general election or a special election is held, canvass the election returns and by order declare which measures, if any, have been approved by the legal voters: provided, however, that the council may canvass said election returns and by order declare which measures, if any, have been approved by the people at a special meeting of the council if such special meeting is held after election day and before the next regular meeting of the council. Those measures which have been approved by a majority of the legal voters voting thereon shall be in full force and effect on and after the date on which the council canvasses the election returns and by order declares which measures, if any, have been approved by the legal voters.

13-12. The ballot for an election on measures shall be in substantially the following form:

Stub	:	Stub
To Be Torn Off by Chairman	:	To Be Torn Off by First Clerk
	:	

OFFICIAL BALLOT

For the City of Detroit, Marion County, Oregon

(Here insert date of election)

Mark (X) between the number and the answer voted for.)

Measures Referred to the People by the City Council

(insert here ballot title for each measure)

(Numbers for Measure) Yes, I vote for the measure.

No, I vote against the measure.

13-16 Insofar as there may be a conflict between the provisions of this ordinance and the provisions of general law of the State of Oregon relative to the exercise of the initiative and referendum powers by the legal voters resident within incorporated cities and towns, the provisions of this ordinance shall be paramount to the provisions of general law.

13-17 Any person who is a legal voter may sign an initiative petition or a referendum petition. It shall be unlawful for any person who is not a legal voter, as defined by this ordinance, to sign any such petition. It shall be unlawful for any person to sign any name other than his or her own to any such petition or knowingly to sign his or her name more than once to the same petition for any measure to be referred to the legal voters at the same election. It shall be unlawful for any person to procure signatures to any petition by fraud or misrepresentation or falsely to make any affidavit, certification or written statement required by this ordinance. Any person violating the provisions of this ordinance, as in this section defined, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days, or in the discretion of the court, by both fine and imprisonment.

13-18 Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Detroit, and an emergency is hereby declared to exist, and this ordinance shall take effect, and be in full force and effect when signed by the mayor.

Read by title and in full this 20 day of January, 1954

Read a second time by title this 20 day of January, 1954

Passed by the council this 20 day of January, 1954

Ellen S. Humphrey
Recorder

Approved this 20 day
of January, 1954

Archie Mattoon
Mayor