

## CHAPTER 31: INITIATIVES AND REFERENDUMS

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### **GENERAL PROVISIONS**

#### **§ 31.01 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GENERAL ELECTION.** A general November election.

**MEASURE.** A legislative enactment by the City Council not necessary for the immediate preservation of the public peace, health, or safety; a part of such enactment; or a proposed legislative enactment for the city.

**PETITION.** An initiative or referendum petition for ordering a measure to be submitted to the voters.

**REFER.** To be subjected to the referendum.

**SPECIAL EDUCATION.** Any election not held on the date of the general election defined herein.

**VOTER.** A legal voter of the city.

**WRITE.** To write, type, or print.  
(Ord. 188, passed 7-11-1974)

#### **§ 31.02 LAWFUL SIGNATURES; UNLAWFUL ACTS.**

Legal voter of the city are qualified to sign a petition for the referendum or for the initiative for any measure which they are entitled to vote upon. Any person signing any name other than his or her own to a petition, or knowingly signing his or her name than once for the same measure at one election, or who is not at the time of signing the same a legal voter of the city, or any officer or other person violating any of the provisions of this chapter, shall be subject to penalties as provided in § 31.99  
(Ord. 108, passed 8-15-1946)

## Initiatives and Referendums

### *PETITIONS AND PROPOSALS*

#### § 31.15 NUMBER OF SIGNATURES REQUIRED

Initiatives petitions for any proposed ordinance, charter amendment, or measure shall be signed by a number of legal voters equal to 15% of the votes cast for Mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the City Council shall be signed by a number of legal voters equal to 10% of the votes cast for Mayor at the last regular preceding municipal election.

*(Ord. 108, passed 8-15-1946)*

#### § 31.16 CIRCULATION OF PETITIONS

Not more than 20 signatures shall be signed to one sheet of a petition; and a full and correct copy of the title and text of the measure demanded for submission by the initiative or referendum petition, as the case may be, shall be attached to each sheet circulated for signatures; and the full and correct copy of the title and text shall be shown to the voter before his or her signature is attached.

*(Ord. 108, passed 8-15-1946)* Penalty, see § 31.99

##### ***Cross-reference***

*Form of initiative petition, see Chapter 31, Appendix A*

*Form of referendum petition, see Chapter 31, Appendix B*

#### § 31.17 VERIFICATION OF SIGNATURES

Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the form as shown in Appendix C of this Chapter by the person who circulated that sheet of the petition by affidavit thereon as set forth in that Appendix C.

*(Ord. 108, passed 8-15-1946)* Penalty, see § 31.99

#### § 31.18 FORMS NOT MANDATORY

The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

*(Ord. 108, passed 8-15-1946)*

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### **§ 31.19 CERTIFICATION OF SIGNATURES**

The City Recorder shall accept for filing any petition for the initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the County Clerk; and if a sufficient number of qualified voters be found to have signed the petition, he or she shall file the same within ten days after the presentation thereof to him or her.

*(Ord. 108- Passed 8-15-1946)*

### **§ 31.20 CHARTER AMENDMENTS; PROPOSAL BY RESOLUTION**

(A) *Proposal by Resolution.* An amendment to the charter of the city may be proposed and submitted to the legal voters thereof by resolution of the City Council without an initiative petition; this resolution shall be filed with the Recorder for submission not later than 20 days before the election at which it is to be voted upon; and no amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the city.

(B) *Resolution content; call for election.* Where an amendment to the charter of the city may be proposed and submitted to the legal voters thereof by resolution of the Council without an initiative petition, that resolution shall therein state the date of the regular municipal election, or the date of a special election at which the resolution will be submitted to be voted on, and shall call and make provision for the holding of the election.

*(Ord. 108, passed 8-15-1946)*

## **ELECTIONS; RESULTS**

### **§ 31.30 BALLOT TITLES AND NUMBERS**

(A) When any measure for initiative or referendum legislation shall be filed by the City Recorder after the number and genuineness of signature thereto, as provided by § 31.19 above, have been ascertained, or when any resolution of the Council shall be filed with the Recorder as provided in §31.20 (A) above, the Recorder shall forthwith transmit to the City Attorney a copy of the measure, who shall within five days provide and return to the Recorder a ballot title for the measure. The ballot title shall be printed with the number of the measure of the official ballot. In making the ballot title the Attorney shall to the best of his or her ability give a true and impartial statement of the purpose of the measure and in language so that the

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ballot title shall not be an argument for, or liable to create prejudice against, the measure. Any person who is dissatisfied with the ballot title provided by the Attorney for any measure may, within five days after the ballot title is returned to the Recorder, appeal to the Council asking a different title and giving the reasons therefor, stating why the title prepared by the Attorney is improper, and the Council shall by resolution approve the ballot title prepared by the Attorney or shall by resolution prescribe another ballot title therefor, and the ballot title so approved or so prescribed by the Council shall be the title placed upon the ballot. The ballot title shall in no case exceed 100 words and shall not resemble, insofar as possible, any other ballot title filed for any measure. The title thus adopted shall be the ballot title for the measure.

### (B) Requisites of the ballot title:

- 1) The ballot title for a measure shall consist of a short title and a long title;
- 2) The short title shall be likely by which the measure is commonly spoken of, or a title for commonly referring to the measure, and shall contain not more than ten words; and
- 3) The long title shall state the purpose of the measure and shall contain no more than 100 words.

(C) The Recorder shall number the measure and ballot titles in the most convenient and consecutive manner. The affirmative of the first measure shall be numbered 100 and the negative 101 in numerals, and the succeeding measures shall be numbered 102, 103, 104, 105, and so on. It shall be the duty of the Recorder to print the ballot titles and numbers upon the official ballot. Measures referred to the voters by petition shall be designated "referendum ordered by petition of the people." Measures proposed by the initiative petition shall be designated "proposed by initiative petition." Charter amendments submitted by the Council without initiative petition shall be designated "charter amendments submitted to the voters by the Council."

(D) Provided, however that when charter amendments are to be submitted to the voters by resolution of the Council as in this chapter provided, the Council may in that resolution provide for a ballot title for the measure so to be submitted; and in the event of such a provision begin made by the Council, the hereinabove provisions of this section relative to the filing of the measure with the City Attorney, the preparation by the Attorney of a ballot title therefor, and the appeal to the Council from the ballot title so prepared, shall not apply. *(Ord. 108, passed 8-15-1946; Am. Ord. 188, passed 7-11-1974)*

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### § 31.31 POSTING OF MEASURES.

Where a special election is called either for proposed ordinances or charter amendments by the initiative, or for submitting ordinances by the referendum, or on charter amendments proposed by resolution of the Council the Recorder shall post the proposed ordinance, referendum measure, or charter amendment in three public and conspicuous places in the city at least ten days before the special election at which the proposed ordinance, referendum measure, or charter amendment is to be voted on. A like rule shall be observed where proposed ordinances, referendum measures, or charter amendments are to be submitted at the regular election.

*(Ord. 108, passed 8-15-1946)*

### § 31.32 ADOPTION OF MEASURES; CONFLICTING MEASURES.

The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on that measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

*(Ord. 108, passed 8-15-1946)*

### § 31.33 CANVASS OF RETURNS

The votes on measure and charter amendments shall be counted, canvassed, and returned as votes for candidates are counted, canvassed, and returned.

*(Ord. 108, passed 8-15-1946)*

### § 31.34 PROCLAMATION OF ELECTION RESULTS

The mayor shall within 15 days from the time of the election proclaim, by posting printed or typewritten copies of the proclamation in at least two conspicuous places in the municipality, the adoption of such measure and amendment which shall have received the affirmative majority of the total number of votes cast thereon; and upon the proclamation such measures and amendments shall become in full force and effect, except in cases provided for in §31.32 of this code with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases or ordinances which have been passed by the Council and voted upon by referendum, proclamation of the result of that vote shall also

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be made; and the ordinance shall continue in effect or cease to be in effect, according to the result, from the time of the proclamation. *(Ord. 108, passed 8-15-1946)*

### § 31.35 TIME TO FILE REFERENDUM PETITIONS; EFFECTIVE DATE OF ADOPTED MEASURES.

(A) Where referendum petitions shall be signed by the required number of legal votes against any ordinance passed by the Council, the same shall be filed with the recorder within 30 days after the passage and approval of the ordinance in question.

(B) No ordinance shall take effect and become operative until 30 days after its passage by the Council and approval by the Mayor, or passage by a two-third vote over the veto of the Mayor, except emergency measures necessary for the immediate preservation of the peace, health, or safety of the city; and no such emergency shall become immediately operative until the same is passed by a two-thirds majority of all the members of the Council and also approved by the Mayor.

*(Ord. 2018, passed 8-15-1946)*

### § 31.99 PENALTY

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction, be subject to penalties as set forth in §10.99 of this code.

(B) Any person violating any of the provisions of this chapter, as provided in §31.02, shall upon conviction thereof be punished by a fine not exceeding \$500.

*(Ord. 108, passed 8-15-1964)*

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**APPENDIX A: FORM OF INITIATIVE PETITION**

The following shall be substantially the form of a petition for any ordinance or amendment to the charter proposed by the initiative.

Warning

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

Petition for Initiative

To \_\_\_\_\_, Recorder of the City of Merrill, Oregon

We, legal voters of the City of Merrill, Oregon, petition that the attached measure be submitted to the legal voters of the city for their approval. Each of us for him- or herself says: I have signed this petition; I am a legal voter of the city; and my address is written correctly after my name.

Name

Address

1. \_\_\_\_\_

(The above petition to be drawn upon one sheet of paper containing 20 lines identical with the above, numbered 1 to 20, inclusive, and spaced so as to allow sufficient space for a signature upon each of the 20 lines.)

*(Ord. 108, passed 8-15-1946; Am. Ord. 188, passed 7-11-1974)*



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**APPENDIX B: FORM OF REFERENDUM PETITION**

The following shall be substantially the form of petition for referendum to the people on any ordinance passed by the City Council.

Warning

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

Petition for Referendum

To \_\_\_\_\_, Recorder of the City of Merrill, Oregon.

We, legal voters of the City of Merrill, Oregon, petition that the attached \_\_\_\_\_,\* No. \_\_\_\_, entitled \_\_\_\_\_ and passed \_\_\_\_\_, 20 \_\_\_\_, be referred to the legal voters of the city for their approval. Each of us for him- or herself says: I have signed the petition; I am a legal voter of the city; and my address is written correctly after my name.

Name	Address
1. _____	_____

(The above petition to be drawn upon a sheet of paper containing 20 lines identical with the above numbered from 1 to 20 inclusive and spaced so as to allow sufficient space for a signature upon each of the 20 lines.)

\*Insert in this blank a term indicating what is being referred, for instance, "ordinance" or "provisions of ordinance."  
(Ord. 108, passed 8-15-1946; Am. Ord. 188, passed 7-11-1974)

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**APPENDIX C: PETITION SIGNATURE VERIFICATION; FORM OF AFFIDAVIT**

Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated that sheet of the petition by affidavit thereon as follows.

**State of Oregon**

**County of Klamath**

**City of Merrill**

I, \_\_\_\_\_, begin first duly sworn, say that every person who signed this sheet of the foregoing petition, and each of them, signed his or her name thereto in my presence; I believe that each has stated his or her name, residence, and street number correctly, and that each signer is a legal voter of the City of Merrill.

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

\_\_\_\_\_  
(Signature and title of officer and his or her residence)

*(Ord. 108, passed 8-15-1946)*