

BEFORE THE METRO COUNCIL

AN ORDINANCE FOR THE PURPOSE )      ORDINANCE NO. 93-517-B  
OF ADOPTING A NEW TITLE )  
TO THE METRO CODE PERTAINING TO )      Introduced by Governmental  
ELECTIONS )      Affairs Committee

THE METRO COUNCIL HEREBY ORDAINS:

Section 1.      The following title is added to the Metro Code:

TITLE IX

ELECTIONS

CHAPTERS:

- 9.01      Vacancies in Office
- 9.02      Ballot Measures, Initiative and Referendum

## CHAPTER 9.01

### VACANCIES IN OFFICE

#### SECTIONS:

9.01.010	Definitions
9.01.020	Vacancy in Office
9.01.030	Declaration of Vacancy
9.01.040	Filling of Vacancy; Election to Fill a Vacancy
9.01.050	Appointments to Fill Vacancy
9.01.060	Method of Making Appointments
9.01.070	Emergency Succession

9.01.010 Definitions: For the purposes of this Chapter, unless the context requires otherwise:

(a) "Director" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective Office" means the office of:

- (1) Executive Officer;
- (2) Metro Auditor; or
- (3) Metro Councilor.

9.01.020 Vacancy in Office: An Elective Office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;
- (4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;

- (5) In the case of a member of the Metro Council, upon absence from all regularly scheduled meetings of the Metro Council within any 60-day period. Attendance at meetings of Council Committees or other Metro or Metro-related bodies shall not be considered attendance at Metro Council meetings;
- (6) Ceasing to reside in the District from which elected or appointed, except when District boundaries are reapportioned and a Councilor is assigned to a District where the Councilor does not reside and the Councilor becomes a resident of the reapportioned District within 60 days after the reapportionment is effective;
- (7) Ceasing to be a qualified elector under State law;
- (8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;
- (9) Resignation from office;
- (10) Becoming an elected officer of the state or a city, county or special district, as used in this Chapter special district does not include school districts;
- (11) In case of the Executive Officer or Auditor, upon his or her ceasing to reside within the District; or
- (12) In the case of the Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

**9.01.030 Declaration of Vacancy:** The Metro Council, upon becoming aware of grounds to find that a vacancy exists in an Elective Office, shall promptly determine and declare the date of vacancy by the adoption of a resolution. The incumbent shall be entitled to receive notice of the filing of a resolution to declare a vacancy by the mailing of such notice to the incumbent's last known address. The incumbent shall be entitled to appear before the Council to show cause, if any may exist, why the Council should not declare the existence of a vacancy.

**9.01.040 Filling of Vacancy; Election to Fill a Vacancy:**

(a) If a vacancy occurs in a Metro Elective Office and the term of office expires three years or more after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the period until the first Monday in January following the next general election day.

(b) If a vacancy occurs in a Metro Elective Office more than 20 days prior to the next general election day and there are more than two years, but less than three years, remaining to the term of office, or if a vacancy has been filled by election pursuant to Section 9.01.040(a), then a person shall be elected at the general election to fill the vacancy for the remainder of the term of office.

(c) If a vacancy occurs in a Metro Elective Office after the period provided for in Section 9.01.040(b), and there is more than one year remaining to the term of office, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office.

(d) If an election is required to fill a vacancy, pursuant to Section 9.01.040(a) or 9.01.040(c), the Council shall call such an election on the next available election date which is not sooner than the 45th day after the date of declaration of vacancy.

(e) The person receiving the most votes at an election held pursuant to this Section shall be elected notwithstanding the fact that they may not have received a majority of the votes cast. Nomination for election to fill a vacancy shall be made by the method established by State law for the selection of candidates for nomination at a primary election. Except as otherwise provided by State law for nominations to fill a vacancy at a general election, such petition or declaration shall be filed with the Director of Elections not later than the 50th day prior to the date of the election.

9.01.050 Appointments to Fill Vacancy: Whenever a vacancy occurs in a Metro Elective Office the Council shall make an appointment to fill the vacancy. The term of the appointment shall be for the period until a successor is elected and qualified. If no election to fill the vacancy is held then the appointment shall be for the remainder of the term of office.

9.01.060 Method of Making Appointments:

(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council. The appointment process shall include the following:

- (1) Notification of the appointment process and of the availability of application forms in a newspaper of general circulation in the District, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least four weeks prior to the appointment.
- (2) Notification of the appointment process and of the availability of application forms to official neighborhood organizations, cities, civic

groups, and other recognized groups with territory within the vacant Council subdistrict at least four weeks prior to the appointment.

- (3) Notification may be given at the direction of the Presiding Officer in advance of any formal declaration of a vacancy by the Council.
- (4) The Presiding Officer may establish a deadline for the receipt of applications which shall be no earlier than one week prior to the date set for the making of the appointment at the time notice is given.
- (5) Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.
- (6) Conduct of interviews with applicants for the vacant position before the Council.
- (7) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in the office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy subject to the following procedure. The appointment process shall include the following:

- (1) Notification of the existence of the vacancy and that the Council will be making an appointment to fill the vacancy shall be given in a newspaper of general circulation in the District and in such other manner as deemed appropriate by the Council at the time the vacancy is declared.
- (2) Conduct of interviews with applicants for the vacant position before the Council.
- (3) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and

seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

**9.01.070 Emergency Succession:** In the event of the death of the Executive Officer or the declaration of a vacancy in that Office, the Deputy Executive Officer shall immediately take the oath of office and become the Executive Officer until such time as the Council shall fill the vacancy by appointment or a successor shall be elected and qualified. If the Deputy Executive Officer shall not be qualified or if a vacancy exists in that position, then the Director of Finance and Information shall so serve while continuing to hold the position of Director of Finance and Information. If that position shall also be vacant or the person shall not qualify, then the Council shall in emergency session designate a qualified person to so serve.

## CHAPTER 9.02

### BALLOT MEASURES, INITIATIVE AND REFERENDUM

#### SECTIONS:

9.02.010	Definitions
9.02.020	Referrals by Metro Council
9.02.030	Prospective Petition
9.02.035	One Subject Determination
9.02.040	Ballot Title; Appeal
9.02.045	Explanatory Statement; Appeal
9.02.050	Petition and Circulation Requirements
9.02.060	Filing and Percentage Requirements; Verification
9.02.070	Election Dates
9.02.080	Election Procedure
9.02.090	Applicability of State Law

**9.02.010 Definitions:** As used in this Chapter, unless the context requires otherwise:

(a) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.

(b) "Director" means the director of the Multnomah County Division of Elections, or the Director's designees, or any officer subsequently performing the present duties of the Director, or the designees of that officer.

(c) "Elector" means any legal voter of the District.

(d) "Initiative" means a duly authorized command from the Electors of the District to allow the Electors of the District to determine whether a matter that constitutes Metro legislation should be adopted.

(e) "Measure" means any Metro Legislation, Proposition or Question.

(f) "Metro Legislation" means any legislation which has been or lawfully may be enacted by Metro, and includes any amendment, revision or repeal of the 1992 Metro Charter, but does not include any Proposition or Question.

(g) "Proposition" means any request for voter approval of a property tax levy, tax base, general obligation bond Measure, or any tax requiring voter approval pursuant to Section 11 of the 1992 Metro Charter, or other similar matter submitted to the Electors of

the District for the purpose of authorizing the imposition of any ad valorem real property tax.

(h) "Question" means any matter other than Metro Legislation or a Proposition including but not limited to an advisory matter submitted by the Council to the Electors of the District for approval or rejection.

(i) "Referendum" means a duly authorized command from the Electors of the District to require that Metro Legislation adopted by the Metro Council be subject to approval of the Electors of the District before it shall become effective.

(j) "Referral" means an action taken by the Metro Council to submit any Measure directly to the Electors of the District.

(k) "Regular Election" means any election held on the same date as a regular biennial statewide primary or general election.

(l) "Special Election" means any election held on a date other than a Regular Election date.

#### 9.02.020 Referrals by Metro Council:

(a) The Metro Council may directly refer any Measure to the Electors for their approval or rejection including Metro Legislation, any Proposition or any Question, and may directly refer to the Electors proposed amendments, or revisions of the 1992 Metro Charter or parts thereof. Prior to submitting any revision of the 1992 Metro Charter to the voters, the Council shall conduct at least two public hearings with the second hearing to be held at least 28 days after the first hearing.

(b) The Council shall act to refer a Measure by the adoption of a resolution. The resolution shall contain either directly or as an exhibit the Measure referred to the Electors, the ballot title, and any other material required by law.

(c) In the case of a Measure the Metro Council refers under subsection (a) of this section, the Metro Council shall approve a ballot title complying with the requirements of Oregon Laws, and shall certify such ballot title to the Director.

(d) The Director, upon receiving a ballot title for a District Measure referred by the Metro Council, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (e) of this section.



(e) Any Elector may petition the Court to challenge the ballot title prepared by the Metro Council. Such petition must be filed with the Court within seven business days of the Metro Council's certification. Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(f) A Measure shall be considered referred under this section as of the date the Metro Council certifies its ballot tile to the Director.

**9.02.030 Prospective Petition:**

(a) Prior to circulating a petition proposing an Initiative or Referendum on Metro Legislation among the Electors, the chief petitioners shall file a prospective petition with the Director, in such form as the Director shall prescribe or provide, showing:

- (1) The signatures, printed names and mailing addresses of at least one but not more than three chief petitioners, all of whom must be Electors of the District;
- (2) In the case of Initiative Measures, the text of Metro Legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal; and
- (3) In the case of Referendum Measures, the text of Metro Legislation proposed for Referral, and where applicable, the title, ordinance number or ordinance section numbers of Metro Legislation proposed for Referral.

(b) The Director shall inscribe the date of filing upon any prospective petition filed in the Director's office.

(c) After a prospective petition for a Referendum Measure has been filed with the Director, and the Director has determined that the prospective petition complies with the requirements of this Chapter, and other applicable law, the Director shall forthwith certify to one of the chief petitioners that petitions for the Referendum Measure proposed by the prospective petition may be circulated among the Electors, in accordance with the procedures set forth in Section 9.02.050.

**9.02.035 One Subject Determination:**

(a) Not later than the fifth business day after receiving a prospective petition for an Initiative Measure, the Director shall determine in writing whether the Initiative Measure

meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter.

(b) If the Director determines that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the Director shall proceed as required in Section 9.02.040. The Director shall include in the publication required under Section 9.02.040(b) a statement that the Initiative Measure has been determined to meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter.

(c) If the Director determines that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the Director shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(d) Any Elector dissatisfied with a determination of the Director under subsection (a) of this section may petition the Court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the Director. If the Elector is dissatisfied with a determination that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh business day after the ballot title is filed with the Director. If the Elector is dissatisfied with a determination that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh business day after the written determination is made by the Director.

(e) The review by the Court shall be the first and final review, and shall be conducted expeditiously to ensure the orderly and timely circulation of the petition.

9.02.040 Ballot Title: Appeal:

(a) Prior to the conclusion of the sixth business day next following the filing of a prospective petition which proposes an Initiative Measure and which complies with the requirements of this Chapter, and other applicable law, the Director shall transmit two copies to the General Counsel of Metro, who shall, within five business days thereafter, prepare a ballot title for the Measure proposed. The ballot title shall consist of:

- (1) A caption of not more than 10 words which reasonably identifies the subject of the Measure;
- (2) A question of not more than 20 words which plainly phrases the chief purpose of the Measure so that an affirmative response to the question corresponds to an affirmative vote on the Measure; and

- (3) A concise and impartial statement of not more than 85 words summarizing the Measure and its major effect.

After preparing the ballot title, the General Counsel shall immediately return one copy of the prospective petition and title to the Director and shall immediately transmit one copy of the prospective petition and title to one of the chief petitioners.

(b) The Director, upon receiving a ballot title for a Metro Measure, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (c) of this section.

(c) Upon receiving the prospective petition and title from the General Counsel, the Director shall inscribe the date of receipt on it. Within seven business days after that date, any Elector may petition the Court to challenge the ballot title prepared by the General Counsel. At the end of the seven-day period, or following the final adjudication of any challenge, the Director shall certify the ballot title as prepared by the General Counsel or as prescribed by the Court, as the case may be, to one of the chief petitioners.

(d) Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(e) The procedures set forth in subsections (a) through (d) of this section for preparation of, and challenges to, ballot titles for Initiative Measures shall also apply to Referendum Measures. However, the completion of such procedures shall not be a prerequisite to the circulation of petitions for Referendum Measures under Section 9.02.050, and ballot titles need not be stated on petitions circulated to propose Referendum Measures.

9.02.045 Explanatory Statement; Appeal:

(a) Explanatory statements for all District Measures shall be prepared by the General Counsel and shall be filed with the Director. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the Measure and its effect. The explanatory statement for a Measure referred by the District or for a Measure proposed by Initiative or Referendum petition shall be filed with the Director at the same time the ballot title for the Measure is filed.

(b) Upon receipt of an explanatory statement, the Director shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the statement including notice that an Elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section.

(c) Any Elector dissatisfied with an explanatory statement for a District Measure may petition the Court stating the reasons why the statement does not meet the requirements of subsection (a) of this section. The petition shall be filed not later than the seventh business day after the statement is filed with the Director. An Elector filing a petition with the Court shall also file a copy of the petition with the Executive Officer not later than the end of the next business day following the date the petition is filed with the Court. The Court shall review the statement and Measure, hear arguments, if any, and certify to the Director a statement for the Measure which meets the requirement of subsection (a) of this section. Review by the Court shall be first and final.

**9.02.050 Petition and Circulation Requirements:**

(a) After the requirements of subsection (c) of Section 9.02.030 have been met in the case of Referendum Measures, and after the requirements of Section 9.02.040 have been met in the case of Initiative Measures, the chief petitioners and any other persons eligible to circulate Initiative and Referendum petitions under State law may circulate a petition for the Measure among the Electors. Each copy of the petition so circulated shall consist of a cover page and signature sheet or sheets.

(b) The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by paragraph 2 of subsection (a) of Section 9.02.030 or paragraph 3 of subsection (a) of Section 9.02.030 and, shall state the ballot title certified by the Director under subsection (c) of Section 9.02.040.

(c) Each signature sheet shall contain space for signatures of not more than 20 Electors. Each Elector signing the petition shall do so by affixing the Elector's signature, the date of the signature, and by printing the Elector's name, residence address and, if known, the Elector's precinct number.

(d) Each signature sheet of an Initiative petition shall contain the caption of the ballot title.

(e) Each signature sheet of a Referendum petition shall contain the title, ordinance number or ordinance section numbers of Metro Legislation proposed by Referral.

(f) No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each Elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such Elector is a legal voter of the District and that the information placed on the sheet by each such Elector is correct.

**9.02.060 Filing and Percentage Requirements; Verification:**

(a) The Director shall accept for signature verification in accordance with this Chapter only petitions which comply with the requirements of this Chapter and other applicable law.

(b) No petition shall be accepted for filing unless it contains at least the required number of verified signatures to submit the Measure to the Electors, as prescribed by subsections (g), (h) or (i) of this section.

(c) No Initiative petition shall be accepted for signature verification more than six months after the date of the Director's certification under subsection (c) of Section 9.02.040.

(d) Any petition to refer legislation adopted by the Metro Council must be submitted for verification not more than 90 days after Metro's adoption of such legislation, and no later than the effective date of the ordinance if the ordinance contains an emergency clause. Legislation adopted by the Metro Council is not subject to the Referendum after the date it becomes effective or 90 days whichever is sooner.

(e) An Initiative or Referendum petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures.

(f) Upon the acceptance of a petition, the Director shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

Within 15 days after the Director's acceptance of a petition, the Director shall certify to Metro whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed Measure to the Electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections (g), (h) or (i) of this section to require the proposed Measure to be submitted to the Electors. The petition shall be considered filed as of the date of the Director's certification.

(g) An Initiative Measure proposing the amendment or repeal of the 1992 Metro Charter, or parts thereof, shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 8 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

(h) An Initiative Measure proposing the adoption, amendment or repeal of any other Metro Legislation, or parts thereof, shall be submitted to the Electors in the number of qualified signatures on the petition therefor equals or exceeds 6 percent of the total number of votes cast in the District for all candidates for Governor at the most recent previous general election at which the office of Governor was filled for a four-year term.

(i) A Referendum Measure shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 4 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

9.02.070 Election Dates:

(a) Upon receiving the Director's certificate that a petition has been filed with sufficient qualified signatures to require an Initiative or Referendum to be submitted to the Electors under Section 9.03.060, the Metro Council shall call an election for submission of the Measure to the Electors. The Metro Council shall call the election no later than the next available general or primary election date that is not sooner than the 90th day after the date of the Director's certificate certifying sufficient signatures, but may call the election in its discretion at an earlier election date available under State law for which the filing deadlines may be met.

(b) In the event of a Metro Council Referral of a Measure under section 9.03.020, the election shall be held on the election date specified by the Metro Council in the resolution referring the Measure to the voters.

9.02.080 Election Procedure:

(a) Measures referred by the Metro Council shall be designated on the ballot "Referred to the People by the Metro Council."

(b) Measures proposed by Referendum petition shall be designated on the ballot "Referred by Petition of the People."

(c) Measures proposed by Initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

(d) Within 20 days following any election, the Director shall certify the election results to the Metro Council. The Metro Council shall thereupon canvass the vote and enter its proclamation of the results in the Council records.

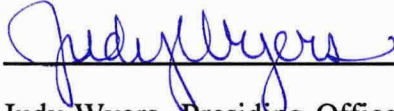
(e) Metro Legislation adopted by the Electors shall take effect upon the certification of the results of the election at which it is adopted after the election, unless such Measure expressly provides a later effective date. The results of elections on Propositions or Questions shall be effective upon the proclamation of the results.

9.02.090 Applicability of State Law: Applicable provisions of State law, dealing with any Initiative and Referendum procedures or other election matters regulated by this Chapter, shall be controlling where there is a direct and irreconcilable conflict with the provisions of this Chapter. However, the provisions of this Chapter shall be given full force and effect

and shall be construed liberally in order that they shall be found not to conflict with provisions of State elections law and shall be considered paramount relating to matters subject to regulation and legislation by the Metro Council.

Section 2. The provisions of Chapter 2.10 and Section 2.01.180 of the Metro Code are hereby repealed.

ADOPTED by the Metro Council this 9th day of December, 1993.

  
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Judy Wyers, Presiding Officer

ATTEST:

  
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Clerk of the Council

gl 1136B

BEFORE THE METRO COUNCIL

DRAFT

AN ORDINANCE FOR THE PURPOSE ) ORDINANCE NO. 93-517-B  
OF ADOPTING A NEW CHAPTER/TITLE )  
TO THE METRO CODE PERTAINING TO ) Introduced by Governmental  
ELECTIONS ) Affairs Committee

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. The following title is added to the Metro Code:

TITLE IX

ELECTIONS

CHAPTERS:

- 9.01 ~~Voters' Pamphlet~~ Vacancies in Office
- 9.02 ~~Vacancies in Office~~ Ballot Measures, Initiative and Referendum
- 9.03 ~~Ballot Measures, Initiative and Referendum~~
- 9.04 ~~Initiative and Referendum~~



CHAPTER 9.01

VOTERS' PAMPHLET

SECTIONS:

- ~~9.01.010 State Voters' Pamphlet~~
- ~~9.01.020 Definitions~~
- ~~9.01.030 District Measures Included in the Voters' Pamphlet~~
- ~~9.01.040 Preparation and Judicial Review of Ballot Titles~~
- ~~9.01.050 Preparation and Judicial Review of Explanatory Statements~~
- ~~9.01.060 Arguments Support and Opposing Measures~~
- ~~9.01.070 Filing of Material with the Secretary of State~~
- ~~9.01.080 Inclusion of Material in County Voters' Pamphlet~~

~~9.01.010 State Voters' Pamphlet: Metro believes it to be in the interest of the Electors of the District that ballot titles, explanatory statements and arguments relating to District measures be included in the Voters' Pamphlet, as authorized by ORS 251.285 Oregon Law and provided for in this Chapter.~~

~~9.01.020 Definitions: As used in this Chapter:~~

- ~~(a) "Committee Director" has the meaning given that term in ORS 260.005.~~
- ~~(b) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.~~
- ~~(c) "Filing Officer" means the director of the Multnomah County Division of Elections.~~
- ~~(d) "Measure" has the meaning given that term in ORS 251.005.~~
- ~~(e) "Political Committee" has the meaning given that term in ORS 260.005.~~
- ~~(f) "Voters' Pamphlet" means the State Voters' Pamphlet published pursuant to ORS chapter 251, or a County Voters' Pamphlet as provided in Section 9.01.080.~~

~~9.01.030 District Measures Included in the Voters' Pamphlet: A District Measure shall qualify for inclusion in the Voters' Pamphlet under the provisions of ORS 251.285 and this Chapter if:~~

- ~~(a) The Measure is submitted to the Electors at an election for which a Voters' Pamphlet is printed;~~

~~(b) All procedures set forth in this Chapter Code relating to the preparation of the ballot title and explanatory statement for the measure have been completed on or before the 75th<sup>3rd</sup> day prior to the date of the election at which the Measure is to be submitted to the Electors which is the last date material may be submitted for publication in the Voters Pamphlet; and~~

~~(c) In the case of a Measure proposed by Initiative or Referendum petition:~~

- ~~(1) The Filing Officer certifies that the petition has sufficient qualified signatures to require submission of the Measure to the Electors; and~~
- ~~(2) Such certification is filed with the Executive Officer on or before the 90th day preceding the election at which the Measure is to be submitted to the Electors.~~

#### ~~9.01.040 Preparation and Judicial Review of Ballot Titles:~~

~~(a) A ballot title for a Measure proposed by Metro Initiative or Referendum petition shall be prepared as provided in ORS 255.145. A ballot title for a Measure referred to the Electors by the District shall be prepared by the District.~~

~~(b) Judicial review of any ballot title for a District Measure shall be as provided in ORS 255.155.~~

#### ~~9.01.050 Preparation and Judicial Review of Explanatory Statements:~~

~~(a) Explanatory statements for all District Measures shall be prepared by the General Counsel and shall be filed with the Executive Officer. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the measure and its effect. The explanatory statement for a Measure referred by the District shall be filed with the Executive Officer and the Council no later than five days after a resolution referring a Measure is acted upon by the Council. The explanatory statement for a Measure proposed by Initiative or Referendum petition shall be filed with the Executive Officer not later than the seventh business day after the petition is submitted to the Filing Officer for signature verification.~~

~~(b) Upon receipt of an explanatory statement, the Executive Officer shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the statement including notice that an Elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section. The Executive Officer and the Filing Officer may jointly publish notice of the explanatory statement and ballot title for a Measure in the same publication.~~

~~(e) Any Elector dissatisfied with an explanatory statement for a District Measure may petition the Court stating the reasons why the statement does not meet the requirements of subsection (a) of this section. The petition shall be filed not later than the seventh business day after the statement is filed with the Executive Officer. An Elector filing a petition with the Court shall also file a copy of the petition with the Executive Officer not later than the end of the next business day following the date the petition is filed with the Court. The Court shall review the statement and Measure, hear arguments, if any, and certify to the Executive Officer a statement for the Measure which meets the requirement of subsection (a) of this section. Review by the Court shall be first and final.~~

~~9.01.060 Arguments Supporting and Opposing Measures:~~

~~(a) Arguments in support of or opposition to a Measure which is subject to this Chapter may be filed with the Executive Officer not later than the 75th<sup>3rd</sup> day prior to the date of the election at which the Measure is to be submitted to the Electors which is the last date material may be submitted for publication in the Voters' Pamphlet by:~~

- ~~(1) Any person who tenders a filing fee in the amount of \$300 and submits a statement on such form as the Executive Officer may prescribe or provide, which:
  - ~~(A) Identifies the name of the person who submitted the argument;~~
  - ~~(B) Identifies the name of the organization the person represents, if any;~~
  - ~~(C) Indicates whether the argument supports or opposes the Measure; and~~
  - ~~(D) Indicates who authorized publication of the argument.~~~~
  
- ~~(2) A person who files a petition for the inclusion of the argument in the Voters' Pamphlet which contains the signatures of not less than 1,000 Electors of the District. Before the argument is filed with the Executive Officer, the signatures on the petition shall be verified by the Filing Officer. Prior to the circulation of a petition under this paragraph, a prospective petition shall be filed with the Executive Officer, on such form as the Executive Officer may prescribe or provide, which:
  - ~~(A) Sets forth the text of the proposed argument;~~
  - ~~(B) Identifies the name of the person who submitted the argument;~~~~

~~(C) — Indicates the name of the organization the person represents, if any;~~

~~(D) — Indicates whether the argument supports or opposes the Measure; and~~

~~(E) — Indicates who authorized publication of the argument.~~

~~(b) — Arguments shall be typewritten and shall be prepared for printing on 29.7 square inches of the Voters' Pamphlet.~~

~~9.01.070 Filing of Material with the Secretary of State: The Executive Officer shall file all Measures, ballot titles, explanatory statements and arguments that meet the requirements of this Chapter with the Secretary of State and the Clerk of the Council not later than the 70th day prior to the date of the election for which a Voters' Pamphlet will be printed.~~

~~9.01.080 Inclusion of Material in County Voters' Pamphlet: During the period that section 1, chapter 811, Oregon Laws 1993 (SB 1072) shall be in effect: (1) instead of filing all material with the Secretary of State, the Executive Officer shall cause all Measures, ballot titles, explanatory statements, and arguments filed with the Executive Officer pursuant to this Chapter to be filed in a timely fashion with the appropriate officials of Multnomah, Washington and Clackamas counties for inclusion in any Voters' Pamphlet published by a county; and Otherwise, all other provisions of this Chapter shall remain in full force and effect except that "Voters' Pamphlet" shall include any voter pamphlet published by Multnomah, Washington or Clackamas counties. (2) the term "Voters' Pamphlet" as used in this Chapter shall mean any voters' pamphlet published by Clackamas, Multnomah or Washington counties.~~

CHAPTER 9.0201

VACANCIES IN OFFICE

SECTIONS:

9.0201.010	Definitions
9.0201.020	Vacancy in Office
9.0201.030	Filling Declaration of Vacancy
9.0201.040	<del>Term of Appointment</del> Filling of Vacancy; Election to Fill a Vacancy
9.0201.050	Appointments to Fill Vacancy
9.0201.060	Method of Making Appointments
9.0201.070	Emergency Succession

9.0201.010 Definitions: For the purposes of this Chapter, unless the context requires otherwise:

(a) "Director" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective Office" means the office of:

- (1) Executive Officer;
- (2) Metro Auditor; or
- (3) Metro Councilor.

9.0201.020 Vacancy in Office: An Elective Office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;
- (4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;

- (5) In the case of a member of the Metro Council, upon absence from all regularly scheduled meetings of the Metro Council within any 60-day period, ~~without the Council's consent~~ Attendance at meetings of Council Committees or other Metro or Metro-related bodies shall not be considered attendance at Metro Council meetings;
- (6) Ceasing to reside in the District from which elected or appointed, except when District boundaries are reapportioned and a Councilor is assigned to a District where the Councilor does not reside and the Councilor becomes a resident of the reapportioned District within 60 days after the reapportionment is effective;
- (7) Ceasing to be a qualified elector under State law;
- (8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;
- (9) Resignation from office;
- (10) Becoming an elected officer of the state or a city, county or special district, as used in this Chapter special district does not include school districts;
- (11) In case of the Executive Officer or Auditor, upon his or her ceasing to reside within the District; or
- (12) In the case of the Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

9.0201.030 Filling Declaration of Vacancy: The Metro Council, upon becoming aware of grounds to find that a vacancy exists in an Elective Office, shall promptly determine and declare the date of vacancy by the adoption of a resolution. The incumbent shall be entitled to receive notice of the filing of a resolution to declare a vacancy by the mailing of such notice to the incumbent's last known address. The incumbent shall be entitled to appear before the Council to show cause, if any may exist, why the Council should not declare the existence of a vacancy.

~~(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council.~~

~~(1) The appointment process shall include the following:~~

~~(e) — The requirements of subsections (a) and (b) of this section do not apply when the election is to be conducted by mail in accordance with state law.~~

~~(d)~~(a) Measures referred by the Metro Council shall be designated on the ballot "Referred to the People by the Metro Council."

~~(e)~~(b) Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

~~(f)~~(c) Measure proposed by Initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

~~(g)~~(d) Within 20 days following any election, the Director shall certify the election results to the Metro Council. The Metro Council shall thereupon canvass the vote and enter its proclamation of the results in the Council records.

~~(h)~~(e) Metro Legislation adopted by the Electors shall take effect upon the certification of the results of the election at which it is adopted after the election, unless such Measure expressly provides a later effective date. The results of elections on Propositions or Questions shall be effective upon the proclamation of the results.

9.0302.090 Applicability of State Law: Applicable provisions of state law, dealing with any Initiative and Referendum procedures or other election matters regulated by this Chapter, shall be controlling where there is a direct and irreconcilable conflict with the provisions of this Chapter. However, the provisions of this Chapter shall be given full force and effect and shall be construed liberally in order that they shall be found not to conflict with provisions of state elections law and shall be considered paramount relating to matters subject to regulation and legislation by the Metro Council.

Section 2. The provisions of Chapter 2.10 and Section 2.01.180 of the Metro Code are hereby repealed.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

gl 1136B



## METRO

Date: December 2, 1993

To: Councilor Mike Gates  
Chair, Governmental Affairs Committee

From: Daniel B. Cooper, General Counsel *[Signature]*

Regarding: ORDINANCE NO. 93-517-A (Elections)

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Attached is a draft of a revised version of Ordinance No. 93-517A. The revisions incorporate the comments and suggestions of Multnomah County Elections Director Vicki Ervin who serves as Metro's Elections Officer.

The "B" version would eliminate the chapter on the Voters' Pamphlet, moving only a definition of "court" and the section on preparing explanatory statements to the chapter on Ballot Measures. Vicki suggests this because for the next four years the county voters' pamphlet rules established by the Secretary of State will control how Metro measures are published. These rules (particularly time deadlines, format, and fees) are subject to change. Each county will be responsible for its own pamphlet but Metro measures and arguments will be included regardless. No Metro ordinance is needed to reach this result, unlike the former requirement for the State Voters' Pamphlet, and any ordinance we do adopt might soon be outdated by rule changes. This could cause confusion and problems. She recommends that we not adopt any provisions in order to avoid confusion. This means proponents and opponents of measures would deal directly with the county elections officers.

A second major suggestion was that the reference to Council publication of election notices be eliminated. The county elections officers are required by law to publish notice of all elections including Metro elections. A second set of notices is duplicative and expensive.

The ordinance also contains several housekeeping corrections that I will explain at the Committee hearing on December 2, 1993.

gl  
1771

Enclosure



BEFORE THE METRO COUNCIL

DRAFT

AN ORDINANCE FOR THE PURPOSE	)	ORDINANCE NO. 93-517-A
OF ADOPTING A NEW CHAPTER TITLE	)	
TO THE METRO CODE PERTAINING TO	)	Introduced by Governmental
ELECTIONS	)	Affairs Committee

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. The following title is added to the Metro Code:

TITLE IX

ELECTIONS

CHAPTERS:

- 9.01 Voters' Pamphlet
- 9.02 Vacancies in Office
- 9.03 Ballot Measures, Initiative and Referendum
- ~~9.04 Initiative and Referendum~~

CHAPTER 9.01

VOTERS' PAMPHLET

SECTIONS:

9.01.010	State Voters' Pamphlet
9.01.020	Definitions
9.01.030	District Measures Included in the Voters' Pamphlet
9.01.040	Preparation and Judicial Review of Ballot Titles
9.01.050	Preparation and Judicial Review of Explanatory Statements
9.01.060	Arguments Support and Opposing Measures
9.01.070	Filing of Material with the Secretary of State
9.01.080	Inclusion of Material in County Voters' Pamphlet

9.01.010 State Voters' Pamphlet: Metro believes it to be in the interest of the Electors of the District that ballot titles, explanatory statements and arguments relating to District measures be included in the ~~any~~ Voters' Pamphlet, as authorized by ~~ORS 251.285~~ Oregon Law and provided for in this Chapter.

9.01.020 Definitions: As used in this Chapter:

- (a) "Committee Director" has the meaning given that term in ORS 260.005.
- (b) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.
- (c) "Filing Officer" means the director of the Multnomah County Division of Elections.
- (d) "Measure" has the meaning given that term in ORS 251.005.
- (e) "Political Committee" has the meaning given that term in ORS 260.005.
- (f) "Voters' Pamphlet" means the State Voters' Pamphlet published pursuant to ORS chapter 251, ~~or a County Voters' Pamphlet as provided in Section 9.01.080.~~

9.01.030 District Measures Included in the Voters' Pamphlet: A District Measure shall qualify for inclusion in the ~~any~~ Voters' Pamphlet under the provisions of ~~ORS 251.285 and this Chapter if:~~

- (a) The Measure is submitted to the Electors at an election for which a Voters' Pamphlet is printed;

(b) All procedures set forth in this Chapter Code relating to the preparation of the ballot title and explanatory statement for the measure have been completed on or before the 75th<sup>3rd</sup> day prior to the date of the election at which the Measure is to be submitted to the Electors which is the last date material may be submitted for publication in the Voters' Pamphlet; and

(c) In the case of a Measure proposed by Initiative or Referendum petition:

- (1) The Filing Officer certifies that the petition has sufficient qualified signatures to require submission of the Measure to the Electors; and
- (2) Such certification is filed with the Executive Officer on or before the 90th day preceding the election at which the Measure is to be submitted to the Electors.

~~9.01.040 Preparation and Judicial Review of Ballot Titles:~~

~~(a) A ballot title for a Measure proposed by Metro Initiative or Referendum petition shall be prepared as provided in ORS 255.145. A ballot title for a Measure referred to the Electors by the District shall be prepared by the District.~~

~~(b) Judicial review of any ballot title for a District Measure shall be as provided in ORS 255.155.~~

9.01.050 Preparation and Judicial Review of Explanatory Statements:

(a) Explanatory statements for all District Measures shall be prepared by the General Counsel and shall be filed with the Executive Officer. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the measure and its effect. The explanatory statement for a Measure referred by the District shall be filed with the Executive Officer and the Council no later than five days after a resolution referring a Measure is acted upon by the Council. The explanatory statement for a Measure proposed by Initiative or Referendum petition shall be filed with the Executive Officer not later than the seventh business day after the petition is submitted to the Filing Officer for signature verification.

(b) Upon receipt of an explanatory statement, the Executive Officer shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the statement including notice that an Elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section. The Executive Officer and the Filing Officer may jointly publish notice of the explanatory statement and ballot title for a Measure in the same publication.

(c) Any Elector dissatisfied with an explanatory statement for a District Measure may petition the Court stating the reasons why the statement does not meet the requirements of subsection (a) of this section. The petition shall be filed not later than the seventh business day after the statement is filed with the Executive Officer. An Elector filing a petition with the Court shall also file a copy of the petition with the Executive Officer not later than the end of the next business day following the date the petition is filed with the Court. The Court shall review the statement and Measure, hear arguments, if any, and certify to the Executive Officer a statement for the Measure which meets the requirement of subsection (a) of this section. Review by the Court shall be first and final.

9.01.060 Arguments Supporting and Opposing Measures:

(a) Arguments in support of or opposition to a Measure which is subject to this Chapter may be filed with the Executive Officer not later than the ~~75<sup>th</sup>~~<sup>3<sup>rd</sup></sup> day prior to the date of the election at which the Measure is to be submitted to the Electors ~~which is the last date material may be submitted for publication in the Voters' Pamphlet~~ by:

- (1) Any person who tenders a filing fee in the amount of \$300 and submits a statement on such form as the Executive Officer may prescribe or provide, which:
  - (A) Identifies the name of the person who submitted the argument;
  - (B) Identifies the name of the organization the person represents, if any;
  - (C) Indicates whether the argument supports or opposes the Measure; and
  - (D) Indicates who authorized publication of the argument.
- (2) A person who files a petition for the inclusion of the argument in the Voters' Pamphlet which contains the signatures of not less than 1,000 Electors of the District. Before the argument is filed with the Executive Officer, the signatures on the petition shall be verified by the Filing Officer. Prior to the circulation of a petition under this paragraph, a prospective petition shall be filed with the Executive Officer, on such form as the Executive Officer may prescribe or provide, which:
  - (A) Sets forth the text of the proposed argument;
  - (B) Identifies the name of the person who submitted the argument;

- (C) Indicates the name of the organization the person represents, if any;
- (D) Indicates whether the argument supports or opposes the Measure; and
- (E) Indicates who authorized publication of the argument.

(b) Arguments shall be typewritten and shall be prepared for printing on 29.7 square inches of the Voters' Pamphlet.

**9.01.070 Filing of Material with the Secretary of State:** The Executive Officer shall file all Measures, ballot titles, explanatory statements and arguments that meet the requirements of this Chapter with the Secretary of State and the Clerk of the Council not later than the 70th day prior to the date of the election for which a Voters' Pamphlet will be printed.

**9.01.080 Inclusion of Material in County Voters' Pamphlet:** During the period that section 1, chapter 811, Oregon Laws 1993 (SB 1072) shall be in effect: (1) instead of filing all material with the Secretary of State, the Executive Officer shall cause all Measures, ballot titles, explanatory statements, and arguments filed with the Executive Officer pursuant to this Chapter to be filed in a timely fashion with the appropriate officials of Multnomah, Washington and Clackamas counties for inclusion in any Voters' Pamphlet published by a county; and ~~Otherwise, all other provisions of this Chapter shall remain in full force and effect except that "Voters' Pamphlet" shall include any voter pamphlet published by Multnomah, Washington or Clackamas counties.~~ (2) the term "Voters' Pamphlet" as used in this Chapter shall mean any voters' pamphlet published by Clackamas, Multnomah or Washington counties.

## CHAPTER 9.02

### VACANCIES IN OFFICE

#### SECTIONS:

9.02.010	Definitions
9.02.020	Vacancy in Office
9.02.030	Filling of Vacancy
9.02.040	Term of Appointment

**9.02.010 Definitions:** For the purposes of this Chapter, unless the context requires otherwise:

(a) "Director" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective Office" means the office of:

- (1) Executive Officer;
- (2) Metro Auditor; or
- (3) Metro Councilor.

**9.02.020 Vacancy in Office:** An Elective Office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;
- (4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;
- (5) In the case of a member of the Metro Council, upon absence from all regularly scheduled meetings of the Metro Council within any 60-day period without the Council's consent Attendance at meetings of Council

~~Committees or other Metro or Metro-related bodies shall not be considered attendance at Metro Council meetings;~~

- (6) Ceasing to reside in the District from which elected or appointed, except when District boundaries are reapportioned and a Councilor is assigned to a District where the Councilor does not reside and the Councilor becomes a resident of the reapportioned District within 60 days after the reapportionment is effective;
- (7) Ceasing to be a qualified elector under State law;
- (8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;
- (9) Resignation from office;
- (10) Becoming an elected officer of the state or a city, county or special district, ~~as used in this Chapter special district does not include school districts;~~
- (11) In case of the Executive Officer or Auditor, upon his or her ceasing to reside within the District; or
- (12) In the case of the Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

~~9.02.030 Filing Declaration of Vacancy: The Metro Council, upon becoming aware of grounds to find that a vacancy exists in an Elective Office, shall promptly determine and declare the date of vacancy by the adoption of a resolution. The incumbent shall be entitled to receive notice of the filing of a resolution to declare a vacancy by the mailing of such notice to the incumbent's last known address. The incumbent shall be entitled to appear before the Council to show cause, if any may exist, why the Council should not declare the existence of a vacancy.~~

~~(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council.~~

~~(1) The appointment process shall include the following:~~

~~(A) Notification of the appointment process in a newspaper of general circulation in the District, in local newspapers which serve the Council subdistrict, and other journals, publications~~

~~and circulars deemed appropriate at least three weeks prior to the appointment.~~

- ~~(B) Notification of the appointment process to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least three weeks prior to the appointment.~~
- ~~(C) Distribution of a Council appointment application to interested citizens at least two weeks prior to the appointment.~~
- ~~(D) Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.~~
- ~~(E) Conduct of interviews with applicants for the vacant position before the Council.~~

~~(2) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.~~

~~(b) If a vacancy occurs in office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy in the manner described in (a)(2) above.~~

~~9.02.040 Term of Appointment: If the vacancy occurs more than 20 days prior to the next general election day and there are more than two years remaining to the term of office, the appointment shall be for the period until the first Monday in January following the next general election day. If the vacancy occurs during a time period other than that provided for in subsection (a) above, the appointment shall be for the remainder of the term of the office in which the vacancy exists.~~

**9.02.040 Filling of Vacancy: Election to Fill a Vacancy**

**(a) If a vacancy occurs in a Metro elective office and the term of office expires three years or more after the vacancy occurs, then a person shall be elected at the next available**



election date to fill the vacancy for the period until the first Monday in January following the next general election day.

(b) If a vacancy occurs in a Metro elective office more than 20 days prior to the next general election day and there are more than two years, but less than three years, remaining to the term of office, or if a vacancy has been filled by election pursuant to Section 9.02.040(a), then a person shall be elected at the general election to fill the vacancy for the remainder of the term of office.

(c) If a vacancy occurs in a Metro elective office after the period provided for in Section 9.02.040(b), and there is more than one year remaining to the term of office, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office.

(d) If an election is required to fill a vacancy, pursuant to Section 9.02.040(a) or 9.02.040(c), the Council shall call such an election on the next available election date which is not sooner than the 45th day after the date of declaration of vacancy.

(e) The person receiving the most votes at an election held pursuant to this Section shall be elected notwithstanding the fact that they may not have received a majority of the votes cast. Nomination for election to fill a vacancy shall be made by the method established by state law for the selection of candidates for nomination at a primary election. Except as otherwise provided by state law for nominations to fill a vacancy at a general election, such petition or declaration shall be filed with the Director of Elections not later than the 34th day prior to the date of the election.

**9.02.060 Appointments to Fill Vacancy:** Whenever a vacancy occurs in a Metro elective office the Council shall make an appointment to fill the vacancy. The term of the appointment shall be for the period until a successor is elected and qualified. If no election to fill the vacancy is held then the appointment shall be for the remainder of the term of office.

**9.02.070 Method of Making Appointments:**

(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council. The appointment process shall include the following:

- (1) Notification of the appointment process and of the availability of application forms in a newspaper of general circulation in the District, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least four weeks prior to the appointment.

- (2) Notification of the appointment process and of the availability of application forms to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least four weeks prior to the appointment.
- (3) Notification may be given at the direction of the Presiding Officer in advance of any formal declaration of a vacancy by the Council.
- (4) The Presiding Officer may establish a deadline for the receipt of applications which shall be no earlier than one week prior to the date set for the making of the appointment at the time notice is given.
- (5) Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.
- (6) Conduct of interviews with applicants for the vacant position before the Council.
- (7) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in the office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy subject to the following procedure. The appointment process shall include the following:

- (1) Notification of the existence of the vacancy and that the Council will be making an appointment to fill the vacancy shall be given in a newspaper of general circulation in the District and in such other manner as deemed appropriate by the Council at the time the vacancy is declared.
- (2) Conduct of interviews with applicants for the vacant position before the Council.

- (3) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

**9.02.080 Emergency Succession.** In the event of the death of the Executive Officer or the declaration of a vacancy in that Office, the Deputy Executive Officer shall immediately take the oath of office and become the Executive Officer until such time as the Council shall fill the vacancy by appointment or a successor shall be elected and qualified. If the Deputy Executive Officer shall not be qualified or if a vacancy exists in that position, then the Director of Finance and Information shall so serve while continuing to hold the position of Director. If that position shall also be vacant or the person shall not qualify, then the Council shall in emergency session designate a qualified person to so serve.

## CHAPTER 9.03

## BALLOT MEASURES, INITIATIVE AND REFERENDUM

## SECTIONS:

9.03.010	Definitions
9.03.020	Referrals by Metro Council
9.03.030	Prospective Petition
9.03.035	One Subject Determination
9.03.040	Ballot Title; Appeal
9.03.050	Petition and Circulation Requirements
9.03.060	Filing and Percentage Requirements; Verification
9.03.070	Election Dates
9.03.080	Election Notice and Procedure
9.03.090	Applicability of State Law

9.03.010 Definitions: As used in this Chapter, unless the context requires otherwise:

(a) "Director" means the director of the ~~Multnomah~~ County's Division of Elections, or the Director's designees, or any officer subsequently performing the present duties of the Director, or the designees of that officer.

(b) "Elector" means any legal voter of the District.

(c) "Initiative" means a duly authorized command from the Electors of the District to allow the Electors of the District to determine whether a matter that constitutes Metro legislation should be adopted.

(d) "Measure" means any Metro Legislation, Proposition or Question.

(e) "Metro Legislation" means any legislation which has been or lawfully may be enacted by Metro, and includes any amendment, revision or repeal of the 1992 Metro Charter, but does not include any Proposition or Question.

(f) "Proposition" means any request for voter approval of a property tax levy, tax base, general obligation bond Measure, or any tax requiring voter approval pursuant to Section 11 of the 1992 Metro Charter, or other similar matter submitted to the Electors of the District for the purpose of authorizing the imposition of any ad valorem real property tax.

(g) "Question" means any matter other than Metro Legislation or a Proposition including but not limited to an advisory matter submitted by the Council to the Electors of the District for approval or rejection.

(h) "Referendum" means a duly authorized command from the Electors of the District to require that Metro Legislation adopted by the Metro Council be subject to approval of the Electors of the District before it shall become effective.

(i) "Referral" means an action taken by the Metro Council to submit any Measure directly to the Electors of the District.

(j) "Regular Election" means any election held on the same date as a regular biennial statewide primary or general election.

(k) "Special Election" means any election held on a date other than a Regular Election date.

**9.03.020 Referrals by Metro Council:**

(a) The Metro Council may directly refer any Measure to the Electors for their approval or rejection including Metro Legislation, any Proposition or any Question, and may directly refer to the Electors proposed amendments, or revisions of the 1992 Metro Charter or parts thereof. Prior to submitting any revision of the 1992 Metro Charter to the voters, the Council shall conduct at least two public hearings with the second hearing to be held at least 28 days after the first hearing.

(b) The Council shall act to refer a Measure by the adoption of a resolution. The resolution shall contain either directly or as an exhibit the Measure referred to the Electors, the ballot title, and any other material required by law.

(c) In the case of a Measure the Metro Council refers under subsection (a) of this section, the Metro Council shall prepare a ballot title complying with the requirements of Oregon Laws, and shall certify such ballot title to the Director.

(d) The Director, upon receiving a ballot title for a District Measure referred by the Metro Council, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (e) of this section.

(e) Any Elector may petition the Court to challenge the ballot title prepared by the Metro Council. Such petition must be filed with the Court within seven business days of the Metro Council's certification. Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of

the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(f) A Measure shall be considered referred under this section as of the date the Metro Council certifies its ballot tile to the Director.

9.03.030 Prospective Petition:

(a) Prior to circulating a petition proposing an Initiative or Referendum on Metro Legislation among the Electors, the chief petitioners shall file a prospective petition with the Director, in such form as the Director shall prescribe or provide, showing:

- (1) The signatures, printed names and mailing addresses of at least one but not more than three chief petitioners, all of whom must be Electors of the District;
- (2) In the case of Initiative Measure, the text of Metro Legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal; and
- (3) In the case of Referendum Measures, the text of Metro Legislation proposed for Referral, and where applicable, the title, ordinance number or ordinance section numbers of Metro Legislation proposed for Referral.

(b) The Director shall inscribe the date of filing upon any prospective petition filed in the Director's office.

(c) After a prospective petition for a Referendum Measure has been filed with the Director, and the Director has determined that the prospective petition complies with the requirements of this Chapter, and other applicable law, the Director shall forthwith certify to one of the chief petitioners that petitions for the Referendum Measure proposed by the prospective petition may be circulated among the Electors, in accordance with the procedures set forth in Section 9.03.050.

9.03.035 One Subject Determination:

(a) Not later than the fifth business day after receiving a prospective petition for an Initiative Measure, the Director shall determine in writing whether the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter.

(b) If the Director determines that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the election officer shall proceed as required in Section 9.03.040. The Director shall include in the publication required under Section 9.03.040(b) a statement that the Initiative Measure has been determined to meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter.

(c) If the Director determines that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the Director shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(d) Any Elector dissatisfied with a determination of the Director under subsection (a) of this section may petition the Court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the Director. If the Elector is dissatisfied with a determination that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh business day after the ballot title is filed with the Director. If the Elector is dissatisfied with a determination that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh business day after the written determination is made by the Director.

(e) The review by the Court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition.

**9.03.040 Ballot Title; Appeal:**

(a) Prior to the conclusion of the business day next following the filing of a prospective petition which proposes an Initiative Measure and which complies with the requirements of this Chapter, and other applicable law, the Director shall transmit two copies to the General Counsel of Metro, who shall, within five business days after receiving the prospective petition, prepare a ballot title for the Measure proposed. The ballot title shall consist of:

- (1) A caption of not more than 10 words which reasonably identifies the subject of the Measure;
- (2) A question of not more than 20 words which plainly phrases the chief purpose of the Measure so that an affirmative response to the question corresponds to an affirmative vote on the Measure; and

- ~~(A) — Notification of the appointment process in a newspaper of general circulation in the District, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least three weeks prior to the appointment.~~
- ~~(B) — Notification of the appointment process to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least three weeks prior to the appointment.~~
- ~~(C) — Distribution of a Council appointment application to interested citizens at least two weeks prior to the appointment.~~
- ~~(D) — Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.~~
- ~~(E) — Conduct of interviews with applicants for the vacant position before the Council.~~

~~(2) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.~~

~~(b) — If a vacancy occurs in office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy in the manner described in (a)(2) above.~~

~~9.0201.040 Term of Appointment: If the vacancy occurs more than 20 days prior to the next general election day and there are more than two years remaining to the term of office, the appointment shall be for the period until the first Monday in January following the next general election day. If the vacancy occurs during a time period other than that provided for in subsection (a) above, the appointment shall be for the remainder of the term of the office in which the vacancy exists.~~



9.0201.040 Filling of Vacancy; Election to Fill a Vacancy:

(a) If a vacancy occurs in a Metro elective office and the term of office expires three years or more after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the period until the first Monday in January following the next general election day.

(b) If a vacancy occurs in a Metro elective office more than 20 days prior to the next general election day and there are more than two years, but less than three years, remaining to the term of office, or if a vacancy has been filled by election pursuant to Section 9.0201.040(a), then a person shall be elected at the general election to fill the vacancy for the remainder of the term of office.

(c) If a vacancy occurs in a Metro elective office after the period provided for in Section 9.0201.040(b), and there is more than one year remaining to the term of office, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office.

(d) If an election is required to fill a vacancy, pursuant to Section 9.0201.040(a) or 9.0201.040(c), the Council shall call such an election on the next available election date which is not sooner than the 45th day after the date of declaration of vacancy.

(e) The person receiving the most votes at an election held pursuant to this Section shall be elected notwithstanding the fact that they may not have received a majority of the votes cast. Nomination for election to fill a vacancy shall be made by the method established by state law for the selection of candidates for nomination at a primary election. Except as otherwise provided by state law for nominations to fill a vacancy at a general election, such petition or declaration shall be filed with the Director of Elections not later than the 345th day prior to the date of the election.

9.0201.050 Appointments to Fill Vacancy: Whenever a vacancy occurs in a Metro elective office the Council shall make an appointment to fill the vacancy. The term of the appointment shall be for the period until a successor is elected and qualified. If no election to fill the vacancy is held then the appointment shall be for the remainder of the term of office.

9.0201.060 Method of Making Appointments:

(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council. The appointment process shall include the following:

- (1) Notification of the appointment process and of the availability of application forms in a newspaper of general circulation in the District.

in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least four weeks prior to the appointment.

- (2) Notification of the appointment process and of the availability of application forms to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least four weeks prior to the appointment.
- (3) Notification may be given at the direction of the Presiding Officer in advance of any formal declaration of a vacancy by the Council.
- (4) The Presiding Officer may establish a deadline for the receipt of applications which shall be no earlier than one week prior to the date set for the making of the appointment at the time notice is given.
- (5) Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.
- (6) Conduct of interviews with applicants for the vacant position before the Council.
- (7) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in the office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy subject to the following procedure. The appointment process shall include the following:

- (1) Notification of the existence of the vacancy and that the Council will be making an appointment to fill the vacancy shall be given in a newspaper of general circulation in the District and in such other manner as deemed appropriate by the Council at the time the vacancy is declared.

(2) Conduct of interviews with applicants for the vacant position before the Council.

(3) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

9.0201.070 Emergency Succession: In the event of the death of the Executive Officer or the declaration of a vacancy in that Office, the Deputy Executive Officer shall immediately take the oath of office and become the Executive Officer until such time as the Council shall fill the vacancy by appointment or a successor shall be elected and qualified. If the Deputy Executive Officer shall not be qualified or if a vacancy exists in that position, then the Director of Finance and Information shall so serve while continuing to hold the position of Director. If that position shall also be vacant or the person shall not qualify, then the Council shall in emergency session designate a qualified person to so serve.

CHAPTER 9.0302

BALLOT MEASURES, INITIATIVE AND REFERENDUM

SECTIONS:

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9.0302.010 Definitions: As used in this Chapter, unless the context requires otherwise:

(a) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.

(a)(b) "Director" means the director of the Multnomah County's Division of Elections, or the Director's designees, or any officer subsequently performing the present duties of the Director, or the designees of that officer.

(b)(c) "Elector" means any legal voter of the District.

(e)(d) "Initiative" means a duly authorized command from the Electors of the District to allow the Electors of the District to determine whether a matter that constitutes Metro legislation should be adopted.

(d)(e) "Measure" means any Metro Legislation, Proposition or Question.

(e)(f) "Metro Legislation" means any legislation which has been or lawfully may be enacted by Metro, and includes any amendment, revision or repeal of the 1992 Metro Charter, but does not include any Proposition or Question.

(f)(g) "Proposition" means any request for voter approval of a property tax levy, tax base, general obligation bond Measure, or any tax requiring voter approval pursuant to Section 11 of the 1992 Metro Charter, or other similar matter submitted to the Electors of

the District for the purpose of authorizing the imposition of any ad valorem real property tax.

(g)(h) "Question" means any matter other than Metro Legislation or a Proposition including but not limited to an advisory matter submitted by the Council to the Electors of the District for approval or rejection.

(h)(i) "Referendum" means a duly authorized command from the Electors of the District to require that Metro Legislation adopted by the Metro Council be subject to approval of the Electors of the District before it shall become effective.

(i)(j) "Referral" means an action taken by the Metro Council to submit any Measure directly to the Electors of the District.

(j)(k) "Regular Election" means any election held on the same date as a regular biennial statewide primary or general election.

(k)(l) "Special Election" means any election held on a date other than a Regular Election date.

9.0302.020 Referrals by Metro Council:

(a) The Metro Council may directly refer any Measure to the Electors for their approval or rejection including Metro Legislation, any Proposition or any Question, and may directly refer to the Electors proposed amendments, or revisions of the 1992 Metro Charter or parts thereof. Prior to submitting any revision of the 1992 Metro Charter to the voters, the Council shall conduct at least two public hearings with the second hearing to be held at least 28 days after the first hearing.

(b) The Council shall act to refer a Measure by the adoption of a resolution. The resolution shall contain either directly or as an exhibit the Measure referred to the Electors, the ballot title, and any other material required by law.

(c) In the case of a Measures the Metro Council refers under subsection (a) of this section, the Metro Council shall ~~prepare~~approve a ballot title complying with the requirements of Oregon Laws, and shall certify such ballot title to the Director.

(d) The Director, upon receiving a ballot title for a District Measure referred by the Metro Council, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (e) of this section.

(e) Any Elector may petition the Court to challenge the ballot title prepared by the Metro Council. Such petition must be filed with the Court within seven business days of the Metro Council's certification. Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(f) A Measure shall be considered referred under this section as of the date the Metro Council certifies its ballot tile to the Director.

**9.0302.030 Prospective Petition:**

(a) Prior to circulating a petition proposing an Initiative or Referendum on Metro Legislation among the Electors, the chief petitioners shall file a prospective petition with the Director, in such form as the Director shall prescribe or provide, showing:

- (1) The signatures, printed names and mailing addresses of at least one but not more than three chief petitioners, all of whom must be Electors of the District;
- (2) In the case of Initiative Measure, the text of Metro Legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal; and
- (3) In the case of Referendum Measures, the text of Metro Legislation proposed for Referral, and where applicable, the title, ordinance number or ordinance section numbers of Metro Legislation proposed for Referral.

(b) The Director shall inscribe the date of filing upon any prospective petition filed in the Director's office.

(c) After a prospective petition for a Referendum Measure has been filed with the Director, and the Director has determined that the prospective petition complies with the requirements of this Chapter, and other applicable law, the Director shall forthwith certify to one of the chief petitioners that petitions for the Referendum Measure proposed by the prospective petition may be circulated among the Electors, in accordance with the procedures set forth in Section 9.0302.050.

**9.0302.035 One Subject Determination:**

(a) Not later than the fifth business day after receiving a prospective petition for an Initiative Measure, the Director shall determine in writing whether the Initiative Measure

meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter.

(b) If the Director determines that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the election officer shall proceed as required in Section 9.0302.040. The Director shall include in the publication required under Section 9.0302.040(b) a statement that the Initiative Measure has been determined to meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter.

(c) If the Director determines that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the Director shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(d) Any Elector dissatisfied with a determination of the Director under subsection (a) of this section may petition the Court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the Director. If the Elector is dissatisfied with a determination that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh business day after the ballot title is filed with the Director. If the Elector is dissatisfied with a determination that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh business day after the written determination is made by the Director.

(e) The review by the Court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition.

9.0302.040 Ballot Title: Appeal:

(a) Prior to the conclusion of the sixth business day next following the filing of a prospective petition which proposes an Initiative Measure and which complies with the requirements of this Chapter, and other applicable law, the Director shall transmit two copies to the General Counsel of Metro, who shall, within five business days thereafter-receiving the prospective petition, prepare a ballot title for the Measure proposed. The ballot title shall consist of:

- (1) A caption of not more than 10 words which reasonably identifies the subject of the Measure;

- (2) A question of not more than 20 words which plainly phrases the chief purpose of the Measure so that an affirmative response to the question corresponds to an affirmative vote on the Measure; and
- (3) A concise and impartial statement of not more than 85 words summarizing the Measure and its major effect.

After preparing the ballot title, the General Counsel shall immediately return one copy of the prospective petition and title to the Director and shall immediately transmit one copy of the prospective petition and title to one of the chief petitioners.

(b) The Director, upon receiving a ballot title for a Metro Measure, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (c) of this section.

(c) Upon receiving the prospective petition and title from the General Counsel, the Director shall inscribe the date of receipt on it. Within seven business days after that date, any Elector may petition the Court ~~for the county~~ to challenge the ballot title prepared by the General Counsel. At the end of the seven-day period, or following the final adjudication of any challenge, the Director shall certify the ballot title as prepared by the General Counsel or as prescribed by the court, as the case may be, to one of the chief petitioners.

(d) Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(e) The procedures set forth in subsections (a) through (d) of this section for preparation of, and challenges to, ballot titles for Initiative Measures shall also apply to Referendum Measures. However, the completion of such procedures shall not be a prerequisite to the circulation of petitions for Referendum Measures under Section 9.0302.050, and ballot titles need not be stated on petitions circulated to propose Referendum Measures.

#### **9.02.045 Explanatory Statements: Appeal:**

(a) Explanatory statements for all District Measures shall be prepared by the General Counsel and shall be filed with the Director. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the measure and its effect. The explanatory statement for a Measure referred by the District or for a Measure proposed by Initiative or Referendum petition shall be filed with the Director at the same time the Ballot Title for the Measure is filed.



(b) Upon receipt of an explanatory statement, the Director shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the statement including notice that an Elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section.

(c) Any Elector dissatisfied with an explanatory statement for a District Measure may petition the Court stating the reasons why the statement does not meet the requirements of subsection (a) of this section. The petition shall be filed not later than the seventh business day after the statement is filed with the Director. An Elector filing a petition with the Court shall also file a copy of the petition with the Executive Officer not later than the end of the next business day following the date the petition is filed with the Court. The Court shall review the statement and Measure, hear arguments, if any, and certify to the Director a statement for the Measure which meets the requirement of subsection (a) of this section. Review by the Court shall be first and final.

#### 9.0302.050 Petition and Circulation Requirements:

(a) After the requirements of subsection (c) of Section 9.0302.030 have been met in the case of Referendum Measures, and after the requirements of Section 9.0302.040 have been met in the case of Initiative Measures, the chief petitioners and any other persons eligible to circulate Initiative and Referendum petitions under state law may circulate a petition for the Measure among the Electors. Each copy of the petition so circulated shall consist of a cover page and signature sheet or sheets.

(b) The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by paragraph 2 of subsection (a) of Section 9.0302.030 or paragraph 3 of subsection (a) of Section 9.0302.030 and, shall state the ballot title certified by the Director under subsection (c) of Section 9.0302.040.

(c) Each signature sheet shall contain space for signatures of not more than 20 Electors. Each Elector signing the petition shall do so by affixing the Elector's signature, the date of the signature, and by printing the Elector's name, residence address and, if known, the Elector's precinct number.

(d) Each signature sheet of an Initiative petition shall contain the caption of the ballot title.

(e) Each signature sheet of a Referendum petition shall contain the title, ordinance number or ordinance section numbers of Metro Legislation proposed by Referral.

(f) No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each Elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge,

each such Elector is a legal voter of the District and that the information placed on the sheet by each such Elector is correct.

**9.0302.060 Filing and Percentage Requirements; Verification:**

(a) The Director shall accept for signature verification in accordance with this Chapter only petitions which comply with the requirements of this Chapter and other applicable law.

(b) No petition shall be accepted for filing unless it contains at least the required number of verified signatures to submit the Measure to the Electors, as prescribed by subsections (g), (h) or (i) of this section.

(c) No Initiative petition shall be accepted for signature verification more than six months after the date of the Director's certification under subsection (c) of Section **9.0302.040**.

(d) Any petition to refer legislation adopted by the Metro Council must be submitted for verification not more than 90 days after Metro's adoption of such legislation, and no later than the effective date of the ordinance if the ordinance contains an emergency clause. Legislation adopted by the Metro Council is not subject to the Referendum after the date it becomes effective or 90 days whichever is sooner.

(e) An Initiative or Referendum petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures.

(f) Upon the acceptance of a petition, the Director shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

Within 15 days after the Director's acceptance of a petition, the Director shall certify to Metro whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed Measure to the Electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections (g), (h) or (i) of this section to require the proposed Measure to be submitted to the Electors. The petition shall be considered filed as of the date of the Director's certification.

(g) An Initiative Measure proposing the amendment, ~~revision~~ or repeal of the 1992 Metro Charter, or parts thereof, shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 8 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

(h) An Initiative Measure proposing the adoption, amendment or repeal of any other Metro legislation, or parts thereof, shall be submitted to the Electors in the number of qualified signatures on the petition therefor equals or exceeds 6 percent of the total number of votes cast in the District for all candidates for Governor at the most recent previous general election at which the office of Governor was filled for a four-year term.

(i) A Referendum Measure shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 4 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

9.0302.070 Election Dates:

(a) Upon receiving the Director's certificate that a petition has been filed with sufficient qualified signatures to require an Initiative or Referendum to be submitted to the Electors under Section 9.03.060, ~~or upon referring the Measure on its own motion under Section 9.03.020;~~ the Metro Council shall call an election for submission of the Measure to the Electors. The Metro Council shall call the election no later than the next available general or primary election date that is not sooner than the 90th day after the date of the Director's certificate certifying sufficient signatures, but may call the election in its discretion at an earlier election date available under state law for which the filing deadlines may be met.

(b) In the event of a Metro Council Referral of a Measure under section 9.03.020, the election shall be held on ~~the~~ election date specified by the Metro Council in the resolution referring the Measure to the voters.

9.0302.080 Election Notice and Procedure:

~~(a) In the case of Special Elections, the Metro Council shall cause notice thereof by publication in two newspapers of general circulation within the District one each week for three consecutive weeks prior to the election. The notice shall contain the date of the election, the hours the polls will be open and the ballot title of the Measure. In addition, on the day preceding or the day of the election, the Director shall cause the polling places at which Electors may register their votes to be published in at least two newspapers of general circulation within the District. The Director shall appoint clerks for any Special Election and may combine precincts in accordance with state law.~~

~~(b) Notice of elections on Measures to be submitted to the Electors on Regular Election dates shall be given in accordance with state law and such elections shall be conducted in conjunction with the elections of offices and other Measures to be submitted to the Electors on said election dates.~~

- (3) A concise and impartial statement of not more than 85 words summarizing the Measure and its major effect.

After preparing the ballot title, the General Counsel shall immediately return one copy of the prospective petition and title to the Director and shall immediately transmit one copy of the prospective petition and title to one of the chief petitioners.

(b) The Director, upon receiving a ballot title for a Metro Measure, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (c) of this section.

(c) Upon receiving the prospective petition and title from the General Counsel, the Director shall inscribe the date of receipt on it. Within seven business days after that date, any Elector may petition the Court for the county to challenge the ballot title prepared by the General Counsel. At the end of the seven-day period, or following the final adjudication of any challenge, the Director shall certify the ballot title as prepared by the General Counsel or as prescribed by the court, as the case may be, to one of the chief petitioners.

(d) Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(e) The procedures set forth in subsections (a) through (d) of this section for preparation of, and challenges to, ballot titles for Initiative Measures shall also apply to Referendum Measures. However, the completion of such procedures shall not be a prerequisite to the circulation of petitions for Referendum Measures under 9.03.050, and ballot titles need not be stated on petitions circulated to propose Referendum Measures.

**9.03.050 Petition and Circulation Requirements:**

(a) After the requirements of subsection (c) of 9.03.030 have been met in the case of Referendum Measures, and after the requirements of 9.03.040 have been met in the case of Initiative Measures, the chief petitioners and any other persons eligible to circulate Initiative and Referendum petitions under state law may circulate a petition for the Measure among the Electors. Each copy of the petition so circulated shall consist of a cover page and signature sheet or sheets.

(b) The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by paragraph 2 of subsection (a) of section 9.03.030 or paragraph 3 of subsection (a) of section 9.03.030 and, shall state the ballot title certified by the Director under subsection (c) of section 9.03.040.

(c) Each signature sheet shall contain space for signatures of 20 Electors. Each Elector signing the petition shall do so by affixing the Elector's signature, the date of the signature, and by printing the Elector's name, residence address and, if known, the Elector's precinct number.

(d) Each signature sheet of an Initiative petition shall contain the caption of the ballot title.

(e) Each signature sheet of a Referendum petition shall contain the title, ordinance number or ordinance section numbers of Metro Legislation proposed by Referral.

(f) No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each Elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such Elector is a legal voter of the District and that the information placed on the sheet by each such Elector is correct.

**9.03.060 Filing and Percentage Requirements; Verification:**

(a) The Director shall accept for signature verification in accordance with this Chapter only petitions which comply with the requirements of this Chapter and other applicable law.

(b) No petition shall be accepted for filing unless it contains at least the required number of verified signatures to submit the Measure to the Electors, as prescribed by subsections (g), (h) or (i) of this section.

(c) No Initiative petition shall be accepted for signature verification more than six months after the date of the Director's certification under subsection (c) of section 9.03.040.

(d) Any petition to refer legislation adopted by the Metro Council must be submitted for verification not more than 90 days after Metro's adoption of such legislation, and no later than the effective date of the ordinance if the ordinance contains an emergency clause. Legislation adopted by the Metro Council is not subject to the Referendum after the date it becomes effective or 90 days whichever is sooner.

(e) An Initiative or Referendum petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures.

(f) Upon the acceptance of a petition, the Director shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

Within 15 days after the Director's acceptance of a petition, the Director shall certify to Metro whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed Measure to the Electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections (g), (h) or (i) of this section to require the proposed Measure to be submitted to the Electors. The petition shall be considered filed as of the date of the Director's certification.

(g) An Initiative Measure proposing the amendment, ~~revision~~ or repeal of the 1992 Metro Charter, or parts thereof, shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 8 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

(h) An Initiative Measure proposing the adoption, amendment or repeal of any other Metro legislation, or parts thereof, shall be submitted to the Electors in the number of qualified signatures on the petition therefor equals or exceeds 6 percent of the total number of votes cast in the District for all candidates for Governor at the most recent previous general election at which the office of Governor was filled for a four-year term.

(i) A Referendum Measure shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 4 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

#### 9.03.070 Election Dates:

(a) Upon receiving the Director's certificate that a petition has been filed with sufficient qualified signatures to require an Initiative or Referendum to be submitted to the Electors under Section 9.03.060, ~~or upon referring the Measure on its own motion under Section 9.03.020~~, the Metro Council shall call an election for submission of the Measure to the Electors. The Metro Council shall call the election no later than the next available general or primary election date that is not sooner than the 90th day after the date of the Director's certificate certifying sufficient signatures, but may call the election in its discretion at an earlier election date available under state law for which the filing deadlines may be met.

(b) In the event of a Metro Council Referral of a Measure under section 9.03.020, the election shall be held on ~~the~~ election date specified by the Metro Council in the resolution referring the Measure to the voters.

#### 9.03.080 Election Notice and Procedure:

(a) In the case of Special Elections, the Metro Council shall cause notice thereof by publication in two newspapers of general circulation within the District one each week for

three consecutive weeks prior to the election. The notice shall contain the date of the election, the hours the polls will be open and the ballot title of the Measure. In addition, on the day preceding or the day of the election, the Director shall cause the polling places at which Electors may register their votes to be published in at least two newspapers of general circulation within the District. The Director shall appoint clerks for any Special Election and may combine precincts in accordance with state law.

(b) Notice of elections on Measures to be submitted to the Electors on Regular Election dates shall be given in accordance with state law and such elections shall be conducted in conjunction with the elections of offices and other Measures to be submitted to the Electors on said election dates.

(c) The requirements of subsections (a) and (b) of this section do not apply when the election is to be conducted by mail in accordance with state law.

(d) Measures referred by the Metro Council shall be designated on the ballot "Referred to the People by the Metro Council."

(e) Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

(f) Measure proposed by Initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

(g) Within 20 days following any election, the Director shall certify the election results to the Metro Council. The Metro Council shall thereupon canvass the vote and enter its proclamation of the results in the Council records.

(h) Metro Legislation adopted by the Electors shall take effect upon the certification of the results of the election at which it is adopted after the election, unless such Measure expressly provides a later effective date. The results of elections on Propositions or Questions shall be effective upon the proclamation of the results.

**9.03.090 Applicability of State Law:** Applicable provisions of state law, dealing with any Initiative and Referendum procedures or other election matters regulated by this Chapter, shall be controlling where there is a direct and irreconcilable conflict with the provisions of this Chapter. However, the provisions of this Chapter shall be given full force and effect and shall be construed liberally in order that they shall be found not to conflict with provisions of state elections law and shall be considered paramount relating to matters subject to regulation and legislation by the Metro Council.

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Section 2. The provisions of Chapter 2.10 and Section 2.01.180 of the Metro Code are hereby repealed.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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Judy Wyers, Presiding Officer

ATTEST:

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Clerk of the Council

gl  
1136



BEFORE THE METRO COUNCIL

AN ORDINANCE FOR THE PURPOSE )  
OF ADOPTING A NEW CHAPTER TO THE )  
METRO CODE PERTAINING TO )  
ELECTIONS )

ORDINANCE NO. 93-517  
Introduced by Governmental  
Affairs Committee

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. The following title is added to the Metro Code:

TITLE IX

ELECTIONS

CHAPTERS:

9.01 Voters' Pamphlet  
9.02 Vacancies in Office  
9.03 Ballot Measures  
9.04 Initiative and Referendum

## CHAPTER 9.01

### VOTERS' PAMPHLET

#### SECTIONS:

9.01.010	State Voters' Pamphlet
9.01.020	Definitions
9.01.030	District Measures Included in the Voters' Pamphlet
9.01.040	Preparation and Judicial Review of Ballot Titles
9.01.050	Preparation and Judicial Review of Explanatory Statements
9.01.060	Arguments Support and Opposing Measures
9.01.070	Filing of Material with the Secretary of State
9.01.080	Inclusion of Material in County Voters' Pamphlet

9.01.010 State Voters' Pamphlet: Metro believes it to be in the interest of the Electors of the District that ballot titles, explanatory statements and arguments relating to District measures be included in the Voters' Pamphlet, as authorized by ORS 251.285 and provided for in this Chapter.

9.01.020 Definitions: As used in this Chapter:

- (a) "Committee Director" has the meaning given that term in ORS 260.005.
- (b) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.
- (c) "Filing Officer" means the director of the Multnomah County Division of Elections.
- (d) "Measure" has the meaning given that term in ORS 251.005.
- (e) "Political Committee" has the meaning given that term in ORS 260.005.
- (f) "Voters' Pamphlet" means the State Voters' Pamphlet published pursuant to ORS chapter 251.

9.01.030 District Measures Included in the Voters' Pamphlet: A District Measure shall qualify for inclusion in the Voters' Pamphlet under the provisions of ORS 251.285 and this Chapter if:

- (a) The Measure is submitted to the Electors at an election for which a Voters' Pamphlet is printed;

(b) All procedures set forth in this Chapter relating to the preparation of the ballot title and explanatory statement for the measure have been completed on or before the 75th day prior to the date of the election at which the Measure is to be submitted to the Electors; and

(c) In the case of a Measure proposed by Initiative or Referendum petition:

- (1) The Filing Officer certifies that the petition has sufficient qualified signatures to require submission of the Measure to the Electors; and
- (2) Such certification is filed with the Executive Officer on or before the 90th day preceding the election at which the Measure is to be submitted to the Electors.

**9.01.040 Preparation and Judicial Review of Ballot Titles:**

(a) A ballot title for a Measure proposed by Metro Initiative or Referendum petition shall be prepared as provided in ORS 255.145. A ballot title for a Measure referred to the Electors by the District shall be prepared by the District.

(b) Judicial review of any ballot title for a District Measure shall be as provided in ORS 255.155.

**9.01.050 Preparation and Judicial Review of Explanatory Statements:**

(a) Explanatory statements for all District Measures shall be prepared by the General Counsel and shall be filed with the Executive Officer. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the measure and its effect. The explanatory statement for a Measure referred by the District shall be filed with the Executive Officer and the Council no later than five days after a resolution referring a Measure is acted upon by the Council. The explanatory statement for a Measure proposed by Initiative or Referendum petition shall be filed with the Executive Officer not later than the seventh business day after the petition is submitted to the Filing Officer for signature verification.

(b) Upon receipt of an explanatory statement, the Executive Officer shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the statement including notice that an Elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section. The Executive Officer and the Filing Officer may jointly publish notice of the explanatory statement and ballot title for a Measure in the same publication.

(c) Any Elector dissatisfied with an explanatory statement for a District Measure may petition the Court stating the reasons why the statement does not meet the requirements of

subsection (a) of this section. The petition shall be filed not later than the seventh business day after the statement is filed with the Executive Officer. An Elector filing a petition with the Court shall also file a copy of the petition with the Executive Officer not later than the end of the next business day following the date the petition is filed with the Court. The Court shall review the statement and Measure, hear arguments, if any, and certify to the Executive Officer a statement for the Measure which meets the requirement of subsection (a) of this section. Review by the Court shall be first and final.

9.01.060 Arguments Supporting and Opposing Measures:

(a) Arguments in support of or opposition to a Measure which is subject to this Chapter may be filed with the Executive Officer not later than the 75th day prior to the date of the election at which the Measure is to be submitted to the Electors by:

- (1) Any person who tenders a filing fee in the amount of \$300 and submits a statement on such form as the Executive Officer may prescribe or provide, which:
  - (A) Identifies the name of the person who submitted the argument;
  - (B) Identifies the name of the organization the person represents, if any;
  - (C) Indicates whether the argument supports or opposes the Measure; and
  - (D) Indicates who authorized publication of the argument.
- (2) A person who files a petition for the inclusion of the argument in the Voters' Pamphlet which contains the signatures of not less than 1,000 Electors of the District. Before the argument is filed with the Executive Officer, the signatures on the petition shall be verified by the Filing Officer. Prior to the circulation of a petition under this paragraph, a prospective petition shall be filed with the Executive Officer, on such form as the Executive Officer may prescribe or provide, which:
  - (A) Sets forth the text of the proposed argument;
  - (B) Identifies the name of the person who submitted the argument;
  - (C) Indicates the name of the organization the person represents, if any;

- (D) Indicates whether the argument supports or opposes the Measure; and
- (E) Indicates who authorized publication of the argument.

(b) Arguments shall be typewritten and shall be prepared for printing on 29.7 square inches of the Voters' Pamphlet.

**9.01.070 Filing of Material with the Secretary of State:** The Executive Officer shall file all Measures, ballot titles, explanatory statements and arguments that meet the requirements of this Chapter with the Secretary of State and the Clerk of the Council not later than the 70th day prior to the date of the election for which a Voters' Pamphlet will be printed.

**9.01.080 Inclusion of Material in County Voters' Pamphlet:** During the period that section \_\_\_\_\_, chapter \_\_\_\_\_, Oregon Laws 1993 (SB 1072) shall be in effect instead of filing all material with the Secretary of State, the Executive Officer shall cause all Measures, ballot titles, explanatory statements, and arguments filed with the Executive Officer pursuant to this Chapter to be filed in a timely fashion with the appropriate officials of Multnomah, Washington and Clackamas counties for inclusion in any Voters' Pamphlet published by a county. Otherwise, all other provisions of this Chapter shall remain in full force and effect except that "Voters' Pamphlet" shall include any voter pamphlet published by Multnomah, Washington or Clackamas counties.

CHAPTER 9.02

VACANCIES IN OFFICE

SECTIONS:

9.02.010	Definitions
9.02.020	Vacancy in Office
9.02.030	Filling of Vacancy
9.02.040	Term of Appointment

9.02.010 Definitions: For the purposes of this Chapter, unless the context requires otherwise:

(a) "Director" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective Office" means the:

- (1) Executive Officer;
- (2) Metro Auditor; or
- (3) Metro Councilor.

9.02.020 Vacancy in Office: An Elective Office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;
- (4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;
- (5) In the case of a member of the Metro Council, upon absence from all meetings of the Council within a 60-day period without the Council's consent;

- (6) Ceasing to reside in the District from which elected or appointed, except when District boundaries are reapportioned and a Councilor is assigned to a District where the Councilor does not reside and the Councilor becomes a resident of the reapportioned District within 60 days after the reapportionment is effective;
- (7) Ceasing to be a qualified elector under State law;
- (8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;
- (9) Resignation from office;
- (10) Becoming an elected officer of the state or a city, county or special district;
- (11) In case of the Executive Officer or Auditor, upon his or her ceasing to reside within the District; or
- (12) In the case of the Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

**9.02.030 Filling of Vacancy:** The Metro Council, upon becoming aware of a vacancy in an Elective Office, shall promptly determine and declare the date of vacancy.

(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council.

- (1) The appointment process shall include the following:
  - (A) Notification of the appointment process in a newspaper of general circulation in the District, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least three weeks prior to the appointment.
  - (B) Notification of the appointment process to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least three weeks prior to the appointment.

- (C) Distribution of a Council appointment application to interested citizens at least two weeks prior to the appointment.
- (D) Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.
- (E) Conduct of interviews with applicants for the vacant position before the Council.

(2) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy in the manner described in (a)(2) above.

9.02.040 Term of Appointment: If the vacancy occurs more than 20 days prior to the next general election day and there are more than two years remaining to the term of office, the appointment shall be for the period until the first Monday in January following the next general election day. If the vacancy occurs during a time period other than that provided for in subsection (a) above, the appointment shall be for the remainder of the term of the office in which the vacancy exists.



## CHAPTER 9.03

### BALLOT MEASURES, INITIATIVE AND REFERENDUM

#### SECTIONS:

9.03.010	Definitions
9.03.020	Referrals by Metro Council
9.03.030	Prospective Petition
9.03.035	One Subject Determination
9.03.040	Ballot Title; Appeal
9.03.050	Petition and Circulation Requirements
9.03.060	Filing and Percentage Requirements; Verification
9.03.070	Election Dates
9.03.080	Election Notice and Procedure
9.03.090	Applicability of State Law

**9.03.010 Definitions:** As used in this Chapter, unless the context requires otherwise:

- (a) "Director" means the Director of the County's Division of Elections, or the Director's designees, or any officer subsequently performing the present duties of the Director, or the designees of that officer.
- (b) "Elector" means any legal voter of the District.
- (c) "Initiative" means a duly authorized command from the Electors of the District to allow the Electors of the District to determine whether a matter that constitutes Metro legislation should be adopted.
- (d) "Measure" means any Metro Legislation, Proposition or Question.
- (e) "Metro Legislation" means any legislation which has been or lawfully may be enacted by Metro, and includes any amendment, revision or repeal of the 1992 Metro Charter, but does not include any Proposition or Question.
- (f) "Proposition" means any request for voter approval of a property tax levy, tax base, general obligation bond Measure, or any tax requiring voter approval pursuant to Section 11 of the 1992 Metro Charter, or other similar matter submitted to the Electors of the District for the purpose of authorizing the imposition of any ad valorem real property tax.

(g) "Question" means any matter other than Metro Legislation or a Proposition including but not limited to an advisory matter submitted by the Council to the Electors of the District for approval or rejection.

(h) "Referendum" means a duly authorized command from the Electors of the District to require that Metro Legislation adopted by the Metro Council be subject to approval of the Electors of the District before it shall become effective.

(i) "Referral" means an action taken by the Metro Council to submit any Measure directly to the Electors of the District.

(j) "Regular Election" means any election held on the same date as a regular biennial statewide primary or general election.

(k) "Special Election" means any election held on a date other than a Regular Election date.

**9.03.020 Referrals by Metro Council:**

(a) The Metro Council may directly refer any Measure to the Electors for their approval or rejection including Metro Legislation, any Proposition or any Question, and may directly refer to the Electors proposed amendments, or revisions of the 1992 Metro Charter or parts thereof. Prior to submitting any revision of the 1992 Metro Charter to the voters, the Council shall conduct at least two public hearings with the second hearing to be held at least 28 days after the first hearing.

(b) The Council shall act to refer a Measure by the adoption of a resolution. The resolution shall contain either directly or as an exhibit the Measure referred to the Electors, the ballot title, and any other material required by law.

(c) In the case of Measures the Metro Council refers under subsection (a) of this section, the Metro Council shall prepare a ballot title complying with the requirements of Oregon Laws, and shall certify such ballot title to the Director.

(d) The Director, upon receiving a ballot title for a District Measure referred by the Metro Council, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (e) of this section.

(e) Any Elector may petition the Court to challenge the ballot title prepared by the Metro Council. Such petition must be filed with the Court within seven business days of the Metro Council's certification. Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of

the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(f) A Measure shall be considered referred under this section as of the date the Metro Council certifies its ballot tile to the Director.

**9.03.030 Prospective Petition:**

(a) Prior to circulating a petition proposing an Initiative or Referendum on Metro Legislation among the Electors, the chief petitioners shall file a prospective petition with the Director, in such form as the Director shall prescribe or provide, showing:

- (1) The signatures, printed names and mailing addresses of at least one but not more than three chief petitioners, all of whom must be Electors of the District;
- (2) In the case of Initiative Measure, the text of Metro Legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal; and
- (3) In the case of Referendum Measures, the text of Metro Legislation proposed for Referral, and where applicable, the title, ordinance number or ordinance section numbers of Metro Legislation proposed for Referral.

(b) The Director shall inscribe the date of filing upon any prospective petition filed in the Director's office.

(c) After a prospective petition for a Referendum Measure has been filed with the Director, and the Director has determined that the prospective petition complies with the requirements of this Chapter, and other applicable law, the Director shall forthwith certify to one of the chief petitioners that petitions for the Referendum Measure proposed by the prospective petition may be circulated among the Electors, in accordance with the procedures set forth in Section 9.03.050.

**9.03.035 One Section Determination:**

(a) Not later than the fifth business day after receiving a prospective petition for an Initiative Measure, the Director shall determine in writing whether the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution.

(b) If the Director determines that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the election officer shall proceed as

required in 9.03.040. The Director shall include in the publication required under 9.03.040(b) a statement that the Initiative Measure has been determined to meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution.

(c) If the Director determines that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the Director shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(d) Any Elector dissatisfied with a determination of the Director under subsection (a) of this section may petition the Court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the Director. If the Elector is dissatisfied with a determination that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the Director. If the Elector is dissatisfied with a determination that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the Director.

(e) The review by the Court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition.

**9.03.040 Ballot Title; Appeal:**

(a) Prior to the conclusion of the business day next following the filing of a prospective petition which proposes an Initiative Measure and which complies with the requirements of this Chapter, and other applicable law, the Director shall transmit two copies to the General Counsel of Metro, who shall, within five business days after receiving the prospective petition, prepare a ballot title for the Measure proposed. The ballot title shall consist of:

- (1) A caption of not more than 10 words which reasonably identifies the subject of the Measure;
- (2) A question of not more than 20 words which plainly phrases the chief purpose of the Measure so that an affirmative response to the question corresponds to an affirmative vote on the Measure; and
- (3) A concise and impartial statement of not more than 85 words summarizing the Measure and its major effect.

After preparing the ballot title, the General Counsel shall immediately return one copy of the prospective petition and title to the Director and shall immediately transmit one copy of the prospective petition and title to one of the chief petitioners.

(b) The Director, upon receiving a ballot title for a Metro Measure, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (c) of this section.

(c) Upon receiving the prospective petition and title from the General Counsel, the Director shall inscribe the date of receipt on it. Within seven business days after that date, any Elector may petition the Court for the county to challenge the ballot title prepared by the General Counsel. At the end of the seven-day period, or following the final adjudication of any challenge, the Director shall certify the ballot title as prepared by the General Counsel or as prescribed by the court, as the case may be, to one of the chief petitioners.

(d) Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(e) The procedures set forth in subsections (a) through (d) of this section for preparation of, and challenges to, ballot titles for Initiative Measures shall also apply to Referendum Measures. However, the completion of such procedures shall not be a prerequisite to the circulation of petitions for Referendum Measures under 9.03.050, and ballot titles need not be stated on petitions circulated to propose Referendum Measures.

**9.03.050 Petition and Circulation Requirements:**

(a) After the requirements of subsection (c) of 9.03.030 have been met in the case of Referendum Measures, and after the requirements of 9.03.040 have been met in the case of Initiative Measures, the chief petitioners and any other persons eligible to circulate Initiative and Referendum petitions under state law may circulate a petition for the Measure among the Electors. Each copy of the petition so circulated shall consist of a cover page and signature sheet or sheets.

(b) The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by paragraph 2 of subsection (a) of section 9.03.030 or paragraph 3 of subsection (a) of section 9.03.030 and, shall state the ballot title certified by the Director under subsection (c) of section 9.03.040.

(c) Each signature sheet shall contain space for signatures of 20 Electors. Each Elector signing the petition shall do so by affixing the Elector's signature, the date of the signature, and by printing the Elector's name, residence address and, if known, the Elector's precinct number.

(d) Each signature sheet of an Initiative petition shall contain the caption of the ballot title.

(e) Each signature sheet of a Referendum petition shall contain the title, ordinance number or ordinance section numbers of Metro Legislation proposed by Referral.

(f) No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each Elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such Elector is a legal voter of the District and that the information placed on the sheet by each such Elector is correct.

**9.03.060 Filing and Percentage Requirements; Verification:**

(a) The Director shall accept for signature verification in accordance with this Chapter only petitions which comply with the requirements of this Chapter and other applicable law.

(b) No petition shall be accepted for filing unless it contains at least the required number of verified signatures to submit the Measure to the Electors, as prescribed by subsections (g), (h) or (i) of this section.

(c) No Initiative petition shall be accepted for signature verification more than six months after the date of the Director's certification under subsection (c) of section 9.03.040.

(d) Any petition to refer legislation adopted by the Metro Council must be submitted for verification not more than 90 days after Metro's adoption of such legislation, and no later than the effective date of the ordinance if the ordinance contains an emergency clause. Legislation adopted by the Metro Council is not subject to the Referendum after the date it becomes effective or 90 days whichever is sooner.

(e) An Initiative or Referendum petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures.

(f) Upon the acceptance of a petition, the Director shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

Within 15 days after the Director's acceptance of a petition, the Director shall certify to Metro whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed Measure to the Electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections (g), (h) or (i) of this section to require the proposed Measure to be submitted to the Electors. The petition shall be considered filed as of the date of the Director's certification.

(g) An Initiative Measure proposing the amendment, revision or repeal of the 1992 Metro Charter, or parts thereof, shall be submitted to the Electors if the number of qualified

signatures on the petition therefor equals or exceeds 8 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

(h) An Initiative Measure proposing the adoption, amendment or repeal of any other Metro legislation, or parts thereof, shall be submitted to the Electors in the number of qualified signatures on the petition therefor equals or exceeds 6 percent of the total number of votes cast in the District for all candidates for Governor at the most recent previous general election at which the office of Governor was filled for a four-year term.

(i) A Referendum Measure shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 4 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

**9.03.070 Election Dates:**

(a) Upon receiving the Director's certificate that a petition has been filed with sufficient qualified signatures to require an Initiative or Referendum to be submitted to the Electors under Section 9.03.060, [or upon referring the Measure on its own motion under Section 9.03.020,] the Metro Council shall call an election for submission of the Measure to the Electors. The Metro Council shall call the election no later than the next available general or primary election date that is not sooner than the 90th day after the date of the Director's certificate certifying sufficient signatures, but may call the election in its discretion at an earlier election date available under state law for which the filing deadlines may be met.

(b) In the event of a Metro Council Referral of a Measure under section 9.03.020, the election shall be held on election date specified by the Metro Council in the resolution referring the Measure to the voters.

**9.03.080 Election Notice and Procedure:**

(a) In the case of Special Elections, the Metro Council shall cause notice thereof by publication in two newspapers of general circulation within the District one each week for three consecutive weeks prior to the election. The notice shall contain the date of the election, the hours the polls will be open and the ballot title of the Measure. In addition, on the day preceding or the day of the election, the Director shall cause the polling places at which Electors may register their votes to be published in at least two newspapers of general circulation within the District. The Director shall appoint clerks for any Special Election and may combine precincts in accordance with state law.

(b) Notice of elections on Measures to be submitted to the Electors on Regular Election dates shall be given in accordance with state law and such elections shall be

conducted in conjunction with the elections of offices and other Measures to be submitted to the Electors on said election dates.

(c) The requirements of subsections (a) and (b) of this section do not apply when the election is to be conducted by mail in accordance with state law.

(d) Measures referred by the Metro Council shall be designated on the ballot "Referred to the People by the Metro Council."

(e) Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

(f) Measure proposed by Initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

(g) Within 20 days following any election, the Director shall certify the election results to the Metro Council. The Metro Council shall thereupon canvass the vote and enter its proclamation of the results in the Council records.

(h) Metro Legislation adopted by the Electors shall take effect upon the certification of the results of the election at which it is adopted after the election, unless such Measure expressly provides a later effective date. The results of elections on Propositions or Questions shall be effective upon the proclamation of the results.

9.03.090 Applicability of State Law: Applicable provisions of state law, dealing with any Initiative and Referendum procedures or other election matters regulated by this Chapter, shall be controlling where there is a direct conflict with the provisions of this Chapter. However, the provisions of this Chapter shall be given full force and effect and shall be construed liberally in order that they shall be found not to conflict with provisions of state

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elections law and shall be considered paramount relating to matters subject to regulation and legislation by the Metro Council.

Section 2. The provisions of Chapter 2.10 and Section 2.01.180 of the Metro Code are hereby repealed.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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Judy Wyers, Presiding Officer

ATTEST:

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Clerk of the Council

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GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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ORDINANCE NO. 93-517B, ADOPTING A NEW TITLE TO THE METRO CODE  
PERTAINING TO ELECTIONS.

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Date: December 6, 1993

Presented by: Councilor Moore

**COMMITTEE RECOMMENDATION:** At its December 2, 1993 meeting the Governmental Affairs Committee voted 5-0 to recommend Council adoption of Ordinance No. 93-517B. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** General Counsel Dan Cooper presented the staff report. He noted that an earlier version of this ordinance had received earlier committee approval, but was returned to committee to act on comments from the Multnomah County Director of Elections, Vicki Ervin. (Note: The original staff report is attached; the December 6 report will deal only with changes approved at the December 2 committee meeting.)

Mr. Cooper said the two substantive revisions to the ordinance resulting from Ms. Ervin's suggestions are to delete the chapter on the voters' pamphlet and delete a provision that Metro give notice of Metro elections. The voters' pamphlet section should be deleted because the state voters' pamphlet for the next four years will not include local measures; however, County voters' pamphlets must include Metro measures. Administration of County voters' pamphlets is controlled by administrative rules developed by the Secretary of State. A Metro Code section on voters' pamphlets would be superfluous and could cause problems if the administrative rules were changed. The result of all this is the recommendation from Ms. Ervin and Mr. Cooper that Metro's proposed Code section on voters' pamphlets be deleted. Mr. Cooper said a section describing how explanatory statements for ballot measures would be developed was moved from the deleted section to Section 9.02.045.

The deletion of the section on election notice was also considered superfluous because County elections officials are required to give such notice. Adoption of a separate provision in the Metro Code could prove confusing.

Mr. Cooper summarized other changes in the "B" version of the ordinance. Deletion of the chapter on voters' pamphlet required re-numbering of the other two chapters, which become chapters 9.01 and 9.02. In Section 9.01.040(e), the time for filing nominations for a special election was changed from 34 to 50 days prior to election. This was suggested by Ms. Ervin, to conform with a change in state law. A new definition was added to Section 9.02.010, to define the word "Court" to mean the State Circuit Court. In Section 9.02.040(a), the time for drafting a ballot title for an Initiative Measure was changed from the first to the sixth day after filing. This was done to allow time for review of the legality of the initiative. In subsection (c) of

that section, the superfluous words "for the county" were deleted. In Section 9.02.045, on Explanatory Statements and Appeal, Mr. Cooper made some editorial changes from the earlier draft to show that the General Counsel shall draft explanatory statements and deleted a provision that the explanations be filed with the Executive before transmittal to the Elections Officer. Councilor Moore pointed out a typographical error in subsection (a) of this section, which said the explanatory statements would be filed with the Executive Officer. The committee agreed to correct that reference to the Executive Officer, properly replacing it with the word, "Director," referring to the Multnomah County Elections Director. A minor change was made to Section 9.02.050(c) regarding the number of signatures on an initiative petition. The final changes were in 9.02.080, to have the subsection listings conform with other changes.

No one testified at the public hearing, and there was no further Councilor discussion.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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ORDINANCE NO. 93-517A, ADOPTING A NEW TITLE TO THE METRO CODE  
PERTAINING TO ELECTIONS

Date: November 23, 1993

Presented by: Councilor Hansen

**COMMITTEE RECOMMENDATION:** At its November 18, 1993 meeting the Governmental Affairs Committee voted 3-0 to recommend Council adoption of Ordinance No. 93-517A. Voting were Councilors Gardner, Hansen, and Wyers. Councilors Gates and Moore were excused.

**COMMITTEE DISCUSSION/ISSUES:** The Governmental Affairs Committee considered this ordinance at three meetings, on October 21, November 4, and November 18. General Counsel Dan Cooper explained the purposes of the ordinance are to consolidate Code sections dealing with elections and filling of vacancies in elective office, to bring the Code in conformance with the Charter and applicable provisions of state law, and to provide a clear method for placing measures on the regional ballot.

Most of the substantive changes to the ordinance were made in Chapter 9.02, dealing with vacancies in office. At the October 21 meeting, the committee directed Mr. Cooper to revise the section on the filling of vacancies to provide for appointments to a vacant office to be for a short time, and for vacancies to be filled by election. Section 9.02.040 implements this charge, providing that a vacancy will be filled by appointment for no more than one year, with an election held to fill the vacancy as soon as possible. This chapter also describes the process for filling a vacancy by appointment; that process is similar to the process for filling Council vacancies that is currently in the Code. Finally, this chapter includes provisions for emergency succession in the event of the death or disqualification of the Executive Officer. This provision was needed in order to permit the business of the agency to continue.

At the November 18 meeting, Mr. Cooper reviewed the changes from the prior draft. These included a provision on page 7 of the draft ordinance, in Section 9.02.030, to provide for Council to declare a vacancy by adoption of a resolution. On pages 9 and 10, dealing with the process for making appointments to fill vacancies on the Council, the period for advertising the vacancy and notifying neighborhood groups was extended to four weeks (increased from three and two weeks, respectively). A new subsection (3) was added to allow the Presiding Officer to begin the notification process prior to formal declaration of a vacancy. This would allow the process to start upon knowledge of a vacancy, through death or resignation, prior to Council's convening to consider a resolution declaring the vacancy. Finally, Mr. Cooper explained the provisions of the section on emergency succession, which stipulates that if the Director of

Finance succeeds to the position of Executive Officer, that person will continue to serve as Finance Director; this would allow that person to return to that position following appointment or election of an Executive.

Councilors Gardner and Wyers asked for clarification of the term "qualified" in the section on emergency succession. Mr. Cooper said the person filling the vacancy must otherwise be qualified to take the oath of office; if the Deputy Executive Officer, for example, were not a resident of the Metro area, s/he could not serve as the Executive Officer even on an interim basis.

Councilor Wyers asked for clarification on section 9.02.020, Vacancy in Office. Subsection 5 describes a criterion for vacancy in the office of Councilor upon absence from Council meetings for 60 days. Councilor Wyers asked how this would apply if, for example, a Councilor were hospitalized for over 60 days. Mr. Cooper said such absence would constitute grounds for declaration of a vacancy, but the Council would not be obligated to declare the vacancy. He further explained that Charter language calls for a vacancy upon such absence "without the consent of the Council." In such cases, the Council has some latitude in deciding whether to declare a vacancy.

Councilor Gardner asked to have subsections 9.02.060 - .080 renumbered to be in succession following the prior numbers. Those sections would be renumbered 9.02.050 - .070. Councilor Hansen moved to substitute the "A" version of the ordinance, including the renumbering. That motion, and a subsequent motion to recommend Council adoption of Ordinance 93-517A, both passed 3-0.

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 93-517 FOR THE PURPOSE OF ADOPTING A NEW TITLE TO THE METRO CODE PERTAINING TO ELECTIONS

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Date: October 14, 1993

Presented by:  
Daniel B. Cooper

#### FACTUAL BACKGROUND AND ANALYSIS

Ordinance No. 93-517 has been prepared by the Office of General Counsel. The purpose of the ordinance is to adopt and codify rules and procedures for the conduct of elections.

The ordinance would add three new chapters to the Metro Code: Chapter 9.01 Voters' Pamphlet, Chapter 9.02 Vacancies in Office, and Chapter 9.03 Ballot Measures, Initiative and Referendum.

New Metro Code Chapter 9.01 pertaining to the Voters' Pamphlet is based in its entirety upon the present provisions of the Metro Code dealing with the same subject. Two additions, or changes, have been made to the current Code provisions in the version contained in this ordinance. The requirement that all court challenges to ballot titles and explanatory statements be resolved prior to 75 days before an election has been eliminated. This deadline was included in the original version created for Metro on the belief that the Secretary of State's office required this requirement. Later work has revealed that this requirement is not necessary, it is possible to resolve challenges to ballot titles and explanatory statements occur after the filing deadline as long as the court challenge is resolved prior to the printing deadline. Eliminating this provision would allow the Council greater flexibility in scheduling decisions on when to place items on the ballot. The second change is the addition of a section that reflects the present status of the law in which Metro measures are not allowed in the statewide Voters' Pamphlet, but must be included in local county voters' pamphlets, if any. The provision of Section 9.01.080 provides for this inclusion during the time period the current law is in effect. The current prohibition on Metro measures being in the statewide Voters' Pamphlet is for the next four years only and contains a sunset provision.

Chapter 9.02 provides for the Council to determine when vacancies in office have occurred and provides procedures for filling vacancies. The provisions relating to the occurrence of a vacancy in office are taken from the 1992 Metro Charter. The provisions for filling vacancies are based on the requirements of the Charter and the current procedures the Council has adopted for filling vacancies on the Metro Council to extent they are consistent

with the Charter requirements. A final provision is added that clarifies what the length of the term of an appointment to a vacancy is.

New Chapter 9.03 relating to ballot measures, initiative and referendum, is based on similar provisions that have been adopted by other home rule entities such as Multnomah County, the City of Portland, Washington County, and the cities of Salem and Eugene. In general, this chapter provides for clear definitions and pathways by which the Council can refer matters to the voters, or the voters may exercise their Constitutional right to initiative and referendum. Because State election law allows the Council to place matters on the ballot that cannot be placed there by the voters either through the initiative or referendum process this chapter provides for those circumstances.

The version of the ordinance that has been filed with the Council for first reading and referral to the appropriate Committee was a draft prepared by this Office and submitted to the Governmental Affairs Committee for their consideration and review. The present version does contain certain inaccuracies, typographical errors, and other technical inconsistencies that should be discussed and amended by the Committee before final consideration by the Council.

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**METRO**

DATE: December 14, 1993  
TO: Rena Cusma, Executive Officer  
FROM: Paulette Allen, Clerk of the Council  
RE: TRANSMITTAL OF ORDINANCE NOS. 93-516A, 93-517B AND 93-520

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on December 9, 1993.

If you wish to veto any of the ordinances referenced above, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, December 16, 1993. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

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I, Unette Harley, received this memo and true copies of Ordinance Nos. 93-516A, 93-517 and 93-520 from the Clerk of the Council on Dec 15, 1993.