



Eugene City Recorder's Office

City of Eugene Referendum Process

This is a summary of the process for filing a **Referendum Petition** with the City of Eugene. For additional information, please contact City Recorder Beth Forrest at 541-682-5010.

What is a referendum?

The referendum is part of Oregon's system of direct legislation by the voters. This process gives voters the ability to reject legislation adopted by the Eugene City Council but not yet in effect.

Who may file a referendum petition?

Any elector may refer legislation adopted by the Eugene City Council by filing with the City Recorder a prospective referendum petition requesting that the ordinance adopting the legislation be referred to the electors of the city for approval or rejection. The individual responsible for preparation and organization of a referendum petition is the "chief petitioner." Up to three persons may be designated as chief petitioners for any one referendum petition.

The steps for filing a referendum petition are summarized below.

Chief Petitioners Submit Prospective Referendum Petition

Prior to circulation of a referendum petition, the chief petitioner(s) must submit the prospective referendum petition to the City Recorder's Office. The City Recorder shall review the prospective referendum petition for sufficiency as to form, and advise the petitioners of the election filing deadline (Eugene Code Section 2.973). Please call the City Recorder to schedule an appointment. The prospective referendum petition must include the following:

1. **An exact copy of the ordinance to be referred, as passed by the Eugene City Council.**
2. **State Form SEL 370: Prospective Petition for Local Measure.** This form requests that the City Attorney prepare a ballot title. The form must include a statement designating the names and addresses of not more than three persons or entities as chief petitioners. If the chief petitioner is an organization, its name and address, and the addresses of each of the principal officers of the organization, must be provided. (Eugene Code Section 2.974). This form also includes a statement signed by the chief petitioner(s) declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures on the initiative or referendum petition.
3. **SEL 369 Cover Sheet**, which must include the following and be printed on the reverse side of each signature sheet (EC 2.975):
 - a. Instructions to circulators and signers.
 - b. The title of the ordinance to be referred **OR** the ballot title as it will appear at the election.¹
 - c. Names and addresses of Chief Petitioners.
 - d. An attached copy of the complete and correct text of the ordinance being referred. (EC 2.975)

¹ Eugene Code 2.975(3) allows that each signature sheet may contain the number of the ordinance to be referred and the date it was adopted instead of the caption of the ballot title. If petitioners place the Ballot Title language on the cover and signature sheet, and the ballot title is later changed through the appeal process, all signatures collected with the original language would be invalid. Therefore, it is recommended that the Ordinance number and title be used on the signature and cover sheets instead.

4. SEL 371 Signature Sheet, which must contain the following:

- a. The number of the ordinance to be referred and the date it was adopted by the council.
- b. A clear statement as to whether petition circulators are being paid. State Form SEL 373 is to be used if some circulators are being paid. The SEL 371 is to be used if no circulators are being paid.
- c. A signed statement by the circulator that he/she personally witnessed each individual's signing of the sheet.

6. SEL 222 Statement of Organization

Chief petitioners sponsoring an initiative or referendum petition must file a Statement of Organization if they are active. Registration must occur within three (3) business days of first receiving a contribution or making an expenditure, but no later than the date the petition is approved for circulation. The City Recorder cannot approve cover and signature sheets for circulation until a Statement of Organization has been filed.

To register, the treasurer or Chief Petitioner must file a Statement of Organization for a Chief Petitioner Committee using the Oregon Secretary of State's electronic filing system, ORESTAR, or completing the paper form (SEL 222), and filing it with the State Elections Division either by mail, fax or hand-delivery. The form may be downloaded from the Election's Division website at www.oregonvotes.org. Once filed with the Elections Division, an identification number is assigned.

Ballot Title

On the next business day after a prospective petition is filed, the City Recorder will provide a copy to the City Attorney. Within five (5) business days, the City Attorney will review the prospective petition for legal sufficiency and, if appropriate, issue a ballot title. Unless a successful appeal is filed, this text will appear on the ballot if an election is held on the referendum petition. Once the chief petitioners have received written approval to circulate, the ballot title drafting process and the collection of signatures may occur simultaneously.

Appeal of Ballot Title

Upon receipt of the ballot title, the City Recorder publishes a notice in the next available edition of the *Register-Guard* (a newspaper of general circulation) that the ballot title has been received. Any elector dissatisfied with the ballot title may, within seven (7) business days after it is delivered to the City Recorder's Office, file an appeal with Lane County Circuit Court. An appellant must notify the City Recorder that an appeal has been filed no later than 5 p.m. on the first business day after the petition has been filed with the circuit court. The court rules on such appeals in an expedited hearing and makes the final determination of the ballot title that shall appear before the voters at the election.

Circulators Collect Signatures

Number of signatures required to place a referendum petition on the ballot:

A referendum petition requires 10 percent of the number of votes cast for mayor at the most recent mayoral election preceding the date when circulation of the petition begins. Based on the November 6, 2012, election, the number of signatures required is **5,097** who must be registered voters living in Eugene.

Many signatures are rejected during the verification process because they are illegible, duplications, or the electors do not reside within the boundaries of the city of Eugene. Therefore, petitioners are advised to collect at least 10 percent more signatures than are required (an additional 510 or total of 5,607) in order to increase the likelihood of enough valid signatures to meet the requirement.

Time limit for collection of signatures:

As specified in the Eugene Charter Section 32, an ordinance takes effect 30 days after it has been approved by the council and signed by the mayor, unless it is passed with an emergency clause.

All signatures must be collected and filed with the City Recorder prior to the ordinance taking effect, or no later than 5 p.m. on the 30th day following passage of the ordinance.

If the petitioners fail to complete the process within the 30 days, the petition is void. However, the petitioners may later file an initiative petition.

Chief Petitioners File Petition Signature Sheets for Verification

When a petition is filed with the City Recorder, the petition signature sheets will be forwarded to Lane County Elections. The elections division, acting on behalf of the City, shall verify the legality of the signatures within 15 calendar days of the filing date (Eugene Code 2.979(1)).

Petitioners File Financial Reports

Oregon law requires that chief petitioners file reports of all financial transactions. A transaction is due within seven (7) days of its occurrence beginning on the date the treasurer is appointed and the chief petitioner committee is filed with the Elections Division and ending on the deadline for submitting signatures for verification. Beginning on the day after the deadline for submitting signatures, a transaction is due not later than the 30th day after its occurrence. A transaction is due no later than 12 midnight on the deadline for filing the transaction.

If the referendum qualifies to the ballot and will subsequently be voted on at an election, and the chief petitioner committee intends to be active at the election, a political committee must be formed by completing and filing a Statement of Organization (form SEL 221) and Campaign Account Information (form SEL 223).

For more information, please see the 2012 Campaign Finance Manual published by the Oregon Elections Division.

Election

Placement on an election:

As specified in Eugene Code Section 2.981, a referendum that is certified to have sufficient signatures will appear on the next available election date under state law that is not sooner than 90 days after the certification, with the following exceptions.

- (1) No later than 61 days prior to the next available election date after verification of signatures on the referendum petition, the City Council may vote to repeal the ordinance referred by petition (Eugene Code 2.980).
- (2) The council may choose to place the referendum on an earlier or later special election. The special election may not be held earlier than 66 days after certification of the petition.

Timing of effect:

If a sufficient number of signatures are collected to refer the ordinance to the voters, the ordinance does not take effect before the election. Unless specified otherwise in the measure, an ordinance referred to and approved by the voters shall take effect immediately upon the mayor's proclamation that the measure has passed (Eugene Code Section 2.987).

Eugene Code Sections pertaining to the referendum process and copies of forms referred to in these instructions are included with this packet:

- SEL 370 Prospective Petition for Local Measure
- SEL 371 Petition for Local Measure Signature Sheet
- SEL 369 Cover Sheet – Local Initiative and Referendum
- SEL 222 Statement of Organization for Chief Petitioner Committee
- SEL 221 Statement of Organization for Political Action Committee
- SEL 223 Campaign Account Information
- Eugene Code Chapter 2 Sections 2.960-2.1005

Prospective Petition

Local Initiative and Referendum

SEL 370

rev 01/16 ORS 250.045,
250.165, 250.265, 255.135

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Each chief petitioner is required to provide, on the same form, their name, residence address, a contact phone number and a signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status below must be reported to the Elections Division no later than the 10th day after you first have knowledge or should have had knowledge of the change.

Petition Information		Type		
This filing is an	<input type="checkbox"/> Original	<input type="checkbox"/> Amendment	<input type="checkbox"/> Initiative	<input type="checkbox"/> Referendum

Jurisdiction			Some Circulators may be Paid	
<input type="checkbox"/> County	<input type="checkbox"/> City	<input type="checkbox"/> District	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Title Subject or name you give your petition.

Website if applicable

Petition Correspondence Select the method of receiving notices or other correspondence from the Filing Officer.

Correspondence Recipient Email Chief Petitioners Mail Chief Petitioners

Recipient Information

Name	Email Address
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Chief Petitioner Information At least one original chief petitioner must remain throughout the petition process or the petition is void.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

Signature Sheet | Local **Initiative** **Referendum**

Petition ID _____

! It is against the law to sign a petition more than one time. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

SOME Circulators **NO** Circulators for this petition are being paid.

To the Elections Official of:

→ We, the undersigned voters, request this measure to be submitted to the residents of the jurisdiction listed below for their approval or rejection. A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure.

County	City	District
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Ballot Title Caption (Initiative) **or Number of Ordinance or Resolution and Date Adopted** (Referendum)

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i Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.

	Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____
6	_____	_____	_____	_____
7	_____	_____	_____	_____
8	_____	_____	_____	_____
9	_____	_____	_____	_____
10	_____	_____	_____	_____

Circulator Certification This certification **must** be completed by the circulator and additional signatures **should not** be collected on this sheet once the certification has been signed and dated!

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 198.750, 221.031, 250.165, 250.265, 255.135). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature **Date Signed** mm/dd/yy

Sheet Number
Completed by
chief petitioner

Printed Name of Circulator **Circulator's Address** street, city, zip code

Initiative or Referendum Petition

County:

City:

District:

Ballot Title or Measure Title

→ Insert the final ballot title of the initiative or the title of the measure as enacted by the local governing body. If there is no title chief petitioners may supply one that must include the number of the ordinance/resolution being referred and the date the local governing body adopted the ordinance/resolution.

Text Proposed charter or ordinance or text of ordinance as enacted by local governing body.

Available from Circulator

Included below

Chief Petitioners Names and Residence Addresses

Instructions for Circulators

- 1 Only active registered voters of the county, city or district may sign the petition.
 - 2 Have signers use a pen when signing petitions. Use a pen when you are certifying petitions.
 - 3 Only one circulator may collect signatures on any one signature sheet of the petition.
 - 4 You must personally witness all signatures you collect and you should not collect additional signatures on the petition sheet once you have signed and dated the circulator certification.
 - 5 **It is against the law for circulators to:**
 - Circulate a petition containing a false signature.
 - Make false statements to any person who signs the petition or requests information about it.
 - Attempt to obtain the signature of a person who is not qualified to sign the petition.
 - Offer money or anything of value to another person to sign or not sign the petition.
 - Sell or offer to sell signature sheets.
 - Write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or the signer initials after the changes are made.
 - Accept compensation to circulate a petition that is based on the number of signatures obtained.
-  **Warning** Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

Instructions for Signers

- 1 Only active Oregon voters may sign the petition. Sign your full name, as you did when you registered to vote.
- 2 Fill in the date you signed the petition, your printed name and residence address in the spaces provided. Only you may complete your optional information.
- 3 Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.
- 4 Use a pen when signing the petition.
- 5 **It is against the law for signers to:**
 - Sign another person's name under any circumstances.
 - Sign a petition more than one time.
 - Sign a petition when you are not qualified to sign it.

Statement of Organization for Petition Committee

SEL 222

rev 01/16
ORS 260.118

Statement of Organization Information

Filing a New Committee: This form, along with the Campaign Account Information Form (SEL 223), must be completed and filed **not later than 3 business days** of first receiving a contribution or making an expenditure, and no later than the date the petition is approved for circulation. The "Original" box should be marked.

Chief Petitioners: A petition committee must list all chief petitioners of the petition. A recall committee may only have one chief petitioner.

Amending Information on this Form: Any change in the information on this form must be filed **not later than 10 days** of the change. To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. A newly appointed treasurer must be a signer on the campaign account, therefore an amended SEL 223 must also be filed.

Discontinuing: A committee may discontinue if there are no outstanding debt or obligations, a zero cash balance is achieved and by filing a completed SEL 222 with the "Discontinuation" box marked. Discontinuation of a state initiative or referendum petition committee prior to the deadline for submitting signatures for verification can occur only if the petition is withdrawn.

This filing is an: Original Amendment Discontinuation

Committee Information

Name of Committee (if changing the committee name, please include the former name)

Acronym (optional)

Committee Address (no post office box and must be an address in Oregon)

Street City State Zip

Campaign Phone Extension

Treasurer Information

Name of Treasurer

Mr. First MI Last Suffix Title
 Ms.

Mailing Address and Contact information for Treasurer Correspondence (only one phone number is needed, all other fields are required except Fax)

Street Address or PO Box City State Zip

Work Phone Home Phone Fax (not required) Email Address

Chief Petitioner(s) Information: A recall petition may have only one chief petitioner

Name of Chief Petitioner (1) (all fields are required)

Mr. First MI Last
 Ms.

Mailing Address for Chief Petitioner

Street Address or PO Box City State Zip Work Phone

Name of Chief Petitioner (2) (all fields are required)

Mr. First MI Last
 Ms.

Mailing Address for Chief Petitioner

Street Address or PO Box City State Zip Work Phone

Name of Chief Petitioner (3) (all fields are required)

Mr. First MI Last
 Ms.

Mailing Address for Chief Petitioner

Street Address or PO Box City State Zip Work Phone

Alternate Transaction Filer Information (a person other than the treasurer) (all fields are required)**Name of Alternate Transaction Filer**

<input type="checkbox"/> Mr.	First	MI	Last
<input type="checkbox"/> Ms.			

Mailing Address and Contact Information for Alternate Transaction Filer Correspondence

Street Address	City	State	Zip
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Work Phone	Email Address
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Petition Information**Type of Petition Committee**

<input type="checkbox"/> Initiative	<input type="checkbox"/> Recall	<input type="checkbox"/> Referendum
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Jurisdiction

<input type="checkbox"/> State	<input type="checkbox"/> County	<input type="checkbox"/> City	<input type="checkbox"/> District
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Additional Information

Date Prospective Petition Filed (mm/dd/yy) (only required for a local petition)

Date of Election (mm/dd/yy) (only required for a state petition)

Petition Information

Subject/Title:

Petition ID Number (Assigned by filing officer and only required for a local initiative/referendum petition)

Recall

Identify the following information about the public official the committee intends to recall:

First Name	Last Name
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Office	District, Position, County or City (include position number if applicable)
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SEL 223

Attached is a Campaign account Information Form (SEL 223)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Treasurer's Attestation

By signing this document, I attest that the information on the form is true and correct and acknowledge that I am personally liable for any penalties imposed under ORS Chapter 260.

Treasurer's Signature	Date Signed
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Statement of Organization Information

Filing a New Committee: This form, along with the Campaign Account Information form (SEL 223), must be completed and filed within 3 business days of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

Committee Directors: All political action committees must designate at least one committee director who is not the treasurer. The treasurer may be a committee director if the treasurer meets the definition of "committee director" in ORS 260.005(2), but the treasurer may not be the only committee director. If a committee has more than two directors, attach a list of additional directors and include all the information required on the form for each director.

Amending Information on this Form: Any change in the information on this form must be filed **within 10 days** of the change. To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. A newly appointed treasurer must be a signer on the campaign account, therefore an amended SEL 223 must also be filed.

Discontinuing: A committee may discontinue by disclosing all transactions that achieve a zero cash balance and filing a completed SEL 221 with the "Discontinuation" box marked.

This filing is an: Original Amendment Discontinuation

Committee Information

Name of Committee (if changing the committee name, please include the former name)		Acronym	
Committee Address (no post office box)			
Street	City	State	Zip
Campaign Phone		Extension	

Treasurer Information

Name of Treasurer			
<input type="checkbox"/> Mr.	First	MI	Last
<input type="checkbox"/> Ms.	Suffix		Title
Mailing Address for Treasurer Correspondence			
Street Address	City	State	Zip
Contact Information – Email Address is required			
Work Phone	Home Phone	Fax	Email Address

Director(s) Information

Name of Director (1)			
<input type="checkbox"/> Mr.	First	MI	Last
<input type="checkbox"/> Ms.			
Mailing Address for Director			
Street Address or PO Box	City	State	Zip
Occupational Information			
Work Phone	<input type="checkbox"/> Self-Employed <input type="checkbox"/> Not Employed	Occupation (if Self Employed indicate the nature of your business)	
Employer's Name		City	State
Name of Director (2)			
<input type="checkbox"/> Mr.	First	MI	Last
<input type="checkbox"/> Ms.			
Mailing Address for Director			
Street Address or PO Box	City	State	Zip
Occupational Information			
Work Phone	<input type="checkbox"/> Self-Employed <input type="checkbox"/> Not Employed	Occupation (if Self Employed indicate the nature of your business)	
Employer's Name		City	State

Alternate Transaction Filer Information			
Name of Alternate Transaction Filer			
<input type="checkbox"/> Mr.	First	MI	Last
<input type="checkbox"/> Ms.			
Mailing Address for Alternate Transaction Filer Correspondence			
Street Address or PO Box		City	State Zip
Contact Information – Email Address is required			
Work Phone		Email Address	

Correspondence Recipient Information (someone other than the treasurer)

Name of Correspondence Recipient			
<input type="checkbox"/> Mr.	First	MI	Last
<input type="checkbox"/> Ms.			
Mailing Address for Correspondence Recipient			
Street Address or PO Box		City	State Zip
Contact Information – Email Address is required			
Work Phone		Email Address	

Political Action Committee Type Information

Type of Political Action Committee (select one)				
<input type="checkbox"/> Caucus	<input type="checkbox"/> Recall	<input type="checkbox"/> Measure → Exclusively support or oppose one or more measures on a ballot	<input type="checkbox"/> Political Party → A major or minor party defined in ORS Chapter 248 → A committee established by a major or minor party under party bylaws	<input type="checkbox"/> Miscellaneous Support or oppose one or more of the following: → Specific candidates → Entire ticket of a political party → Multiple candidates and measures

Party Affiliation: For Caucus and Political Party Committees (select one)

<input type="checkbox"/> Constitution	<input type="checkbox"/> Democratic	<input type="checkbox"/> Independent	<input type="checkbox"/> Libertarian	<input type="checkbox"/> Pacific Green
<input type="checkbox"/> Progressive	<input type="checkbox"/> Republican	<input type="checkbox"/> Working Families	<input type="checkbox"/> Other	

Nature of Committee:

Is this committee a controlled committee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, identify the individual(s) who controls the committee:		

Election Activity

<input type="checkbox"/> Primary 20	<input type="checkbox"/> General 20	<input type="checkbox"/> Other Election Date
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Measure

Year 20	Measure Number/Title:	<input type="checkbox"/> Support	<input type="checkbox"/> Oppose
Year 20	Measure Number/Title:	<input type="checkbox"/> Support	<input type="checkbox"/> Oppose
Year 20	Measure Number/Title:	<input type="checkbox"/> Support	<input type="checkbox"/> Oppose
Year 20	Measure Number/Title:	<input type="checkbox"/> Support	<input type="checkbox"/> Oppose

Recall (Attach an additional list if necessary)

Year 20	Name:	Office:	<input type="checkbox"/> Support	<input type="checkbox"/> Oppose
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SEL 223

Attached is a Campaign account Information Form (SEL 223)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Treasurer's Attestation

By signing this document, I acknowledge that I am personally liable for any penalties imposed under ORS Chapter 260 and attest that the information on the form is true and correct.

Treasurer's Signature	Date Signed
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Campaign Account Information

SEL 223

rev 01/16
ORS 260.054

Filing a New Committee: This form, along with the appropriate Statement of Organization form (SEL 220, 221 or 222), must be completed and filed **not later than 3 business days** of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

Amending Information on this Form: Any change in the information on this form must be filed **not later than 10 days** of the change.

To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. An amended SEL 220, 221 or 222 should not be filed unless the information on that form also changes.

Confidentiality: The SEL 223 and any information it contains is exempt from public records disclosure and shall be kept confidential by the Elections Division.

This filing is an: Original Amendment

Committee Information		
Name of Oregon Financial Institution		
Name of Account (must be identical to the name of committee, if changing the committee name, please include the former name)		
Name of Account Holder		
Names of Persons Who Have Signature Authority		
First	MI	Last
First	MI	Last
First	MI	Last
First	MI	Last
First	MI	Last

 **Important:** The information on this form is exempt from public records disclosure and shall be kept confidential by the Elections Division.

By signing this document I attest that the above information is true and correct.

Candidate Signature	Date Signed
Treasurer Signature	Date Signed

For Office Use Only Initials _____ Committee Number _____ Date Attached to Committee _____

Elections

2.960 **Elections - State Law.** City elections shall be conducted in accordance with this code and the Eugene Charter 2002. Insofar as not governed by the city charter, special ordinances or this code, city elections shall be conducted in accordance with the state law governing popular elections.

(Section 2.960 added by Ordinance No. 18106, enacted January 18, 1978; and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.961 **Elections – Definitions.** As used in sections 2.960 to 2.1005 of this code, the following words and phrases mean:

Ballot Title. A ballot title describes a city measure and includes a caption, a question and a summary of the measure. All ballot titles for city measures must comply with the requirements of ORS 250.035 or successor statute.

Candidate. An individual whose name is printed or expected to be printed on the ballot, an individual who campaigns for write-in votes, or an individual who collects or spends money to secure nomination or election to office at any time, even if the specific office is not indicated and the candidate's name does not appear on a ballot.

Certify. With respect to a completed petition means the city recorder's determination that the completed petition includes all of the information required by law and at least the number of elector signatures required by section 2.972 of this code.

Chief petitioner. The elector responsible for the preparation and organization of an initiative or referendum petition. Not more than three electors may be designated as chief petitioners for any one initiative or referendum petition.

City attorney. An attorney or law firm appointed by the city manager to provide legal advice to the manager and council on election matters.

City office. The office of mayor, city councilor or Eugene Water & Electric Board member.

City official. The mayor, a city councilor or a Eugene Water & Electric Board Member.

City recorder. The city manager or the manager's designee.

Completed petition. An initiative or referendum petition that includes all of the information required by law and at least the number of signatures required by section 2.972 of this code.

Eugene Code

Conflicting measures. Measures are conflicting when any part of one measure cannot operate concurrently with a provision of the other measure or when one or both measures expressly provide that they are intended to be the exclusive enactment for that area of legislation.

Election. A general election, primary election, special election or emergency election.

Elector. A resident of the city qualified to vote under the Oregon Constitution, Article II, section 2.

Emergency Election. An election held on a date other than those dates described in ORS 221.230(1) or successor statutes. To call an emergency election, the city council must find by resolution that an emergency exists that requires an election sooner than the next available election date under ORS 221.230(1) in order to avoid extraordinary hardship to the community. In calling an emergency election the city council must comply with the requirements of ORS 221.230(2)-(4) or successor statutes.

General election. An election held on the first Tuesday after the first Monday in November of each even numbered year, or as otherwise defined by the Oregon Legislative Assembly.

Initiative petition. A petition by one or more qualified electors to initiate proposed legislation to be approved or rejected by the electors at an election.

Legislation. A law of a permanent or general character which creates policy as opposed to executing policy already in existence, and which is within the meaning of "legislation" as that term is used in Oregon Constitution, Article IV, Section 1(5).

Measure. A proposed city ordinance, charter revision, charter amendment, or a proposition, question, or advisory measure placed on the ballot by the council, including a measure referred on the recommendation of the Eugene Water & Electric Board. "Measure" also includes municipal legislation, charter revisions and charter amendments placed on the ballot by initiative or referendum petition.

Organization. Includes a corporation, association, firm, partnership, joint stock company, club or other combination of individuals having collective capacity.

Primary election. An election held on the third Tuesday in May of each even-numbered year, or as otherwise defined by the Oregon Legislative Assembly.

Eugene Code

Prospective petition. The information, including the text of the proposed measure, required to be included in a completed petition, except signatures and other identification of petition signers.

Protected ordinance. An ordinance adopted by initiative in accordance with the Eugene Charter of 2002, section 32-A. A protected ordinance may be amended or repealed only by the electors or by unanimous vote of councilors present and voting at a council meeting. The initiative petition and the ballot measure for a protected ordinance must state that it is proposed as a protected ordinance and must explain the limitations on its repeal or amendment.

Referendum petition. A petition by one or more qualified electors to refer legislation adopted by the council to the electors for their approval or rejection at an election.

Special election. An election other than a primary or general election, held on one of the dates described in ORS 221.230(1) or successor statute (the second Tuesday in March, the third Tuesday in May, the third Tuesday in September or the first Tuesday after the first Monday in November).

(Section 2.961 added by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.962 **Elections - Wards.** The city council shall by resolution divide the city into eight wards but neither this requirement nor any action pursuant to it disqualifies, or shortens the term of office of, a member of the council or the Eugene Water & Electric Board.

(Section 2.962, previously numbered 2.960, amended by Ordinance 18106, enacted January 18, 1978.)

2.964 **Elections - Nomination.**

- (1)** A candidate for a city council office representing a particular ward shall be nominated by the electors residing in that ward.
- (2)** A candidate for a Eugene Water & Electric Board office representing a pair of wards shall be nominated by the electors residing in those wards.
- (3)** A candidate for the office of mayor or an office on the Eugene Water & Electric Board representing the city at large shall be nominated by electors who reside in the city.
- (4)** In a year for filling an office referred to in subsection (1), (2), or (3) of this section, a nomination of a candidate for the office shall be conducted in accordance with the state law governing popular elections, except that the nominating petition shall be submitted to the city recorder at least 76 days before the first election for filling the office and it shall be signed by 25 electors who reside in the area to be represented by the office.

Eugene Code

- (5) The city recorder or designee shall verify the signatures on a nominating petition as provided in section 2.979(1) of this code. Any signature which is not the signature of an elector who resides in the area to be represented by the office for which the nominating petition was circulated shall not be counted toward the number of signatures required by subsection (4) of this section.

(Section 2.964, previously numbered 2.970, amended by Ordinance No. 18106, enacted January 18, 1978; Ordinance No. 18697, enacted September 10, 1980; Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.965 **Elections - Residency.** A candidate for a city office must be an elector and must have been a resident of the city for at least one year immediately preceding the election that results in election to the office. A candidate for city office must be registered to vote as a resident of the city at the time his or her nominating petition is submitted to the city recorder. A candidate for city office shall maintain his or her residence within the city and the area he or she seeks to represent at the time of nomination and throughout his or her term of office if elected. If a city official or candidate for city office fails to maintain his or her residence within the city and the area he or she represents or seeks to represent, he or she shall be removed from office or be ineligible to serve as a city official. The vacancy thus created shall be filled in the manner other vacancies in that office are filled. If a city official or candidate for city office has more than one residence, the requirements of this section apply to the principal place of residency, which is the residence where the city official or candidate for city office spends more than 50% of his or her time.

(Section 2.965 added by Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; amended by Ordinance No. 20301, enacted November 10, 2003, effective December 10, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.966 **Elections - Officers.**

- (1) In 2002 and every fourth year thereafter a councilor shall be elected from each of the following wards:
- (a) Ward 3.
 - (b) Ward 4.
 - (c) Ward 5.
 - (d) Ward 6.
- (2) In 2004 and every fourth year thereafter a mayor shall be elected from the city at large and a councilor shall be elected from each of the following wards:
- (a) Ward 1.
 - (b) Ward 2.
 - (c) Ward 7.
 - (d) Ward 8.
- (3) In 1978 and every fourth year thereafter two members shall be elected

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to the Eugene Water & Electric Board, one from wards 4 and 5 and one from the city at large. In 1980 and every fourth year thereafter, three members shall be elected to the board, one from wards 1 and 8, one from wards 2 and 3, and one from wards 6 and 7.

- (4) Except as provided in section 24 of the Eugene Charter, the first voting for mayor, councilor, or Eugene Water & Electric Board member during a year shall take place at an election held at the same time as the statewide primary election that year.
- (5) If at the primary election one candidate for a city office receives a majority of the votes cast for that office, that candidate shall be the only one whose name appears on the ballot at the general election that year as a candidate for that particular office.
- (6) If at the primary election no candidate receives a majority of votes cast for the office, the two candidates receiving the two highest numbers of votes cast for the office shall be the only candidates whose names appear on the ballot at the general election that year as candidates for that particular office.
- (7) The candidate who receives a majority of the votes cast for the office at the general election is elected to that office and is entitled to a certificate of election thereto.
- (8) A candidate who has been elected to office at the November election shall take office upon the later of:
 - (a) Filing of the oath or affirmation of office; or
 - (b) The first Monday in January following the election.

(Section 2.966 previously numbered 2.962, amended by Ordinance No. 18106, enacted January 18, 1978; Ordinance No. 20239, enacted December 10, 2001; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.968 Elections - Eugene Water & Electric Board - Composition.

- (1) Except as subsection (2) of this section provides to the contrary, each member elected to the Eugene Water & Electric Board has a term of office thereon of four years.
- (2) The board may fill a vacant office thereon by appointing thereto a person from the same constituency as the member who last occupied that office. If an elected member leaves the office vacant less than 14 months after the member's term on the board begins, at the next primary and general elections after the vacancy occurs, a member shall be elected to the vacant office from the same constituency as the member who last occupied that office. The term of office of the person so elected begins January 1st of the immediately ensuing year and continues for two years.

(Section 2.968, previously numbered 2.180, amended by Ordinance No. 18106, enacted January 18, 1978; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

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2.970 **Submissions During Business Hours.** Prospective and completed petitions must be submitted to the city recorder in person at the office of the city recorder during regular business hours.

(Section 2.970 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance 19883, enacted October 26, 1992, effective November 26, 1992; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.971 **Elections – Initiative and Referendum, Manner of Initiating or Referring Legislation.**

- (1) Any elector may initiate proposed legislation by submitting a completed initiative petition proposing the legislation to the city recorder.
- (2) Any elector may refer council legislation to the electors by submitting a completed referendum petition to the city recorder prior to the effective date of the legislation.
- (3) The council may order submission of proposed or adopted legislation to the electors.
- (4) An ordinance for which a prospective referendum petition has been submitted to the city recorder does not take effect during the period of signature collection and signature verification, and if petitioners collect the number of elector signatures required under section 2.972 of this code, the ordinance shall not take effect except as provided in section 2.987 of this code.

(Section 2.971 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008; and clerically corrected October 24, 2008.)

2.972 **Elections - Initiative and Referendum, Requisite Number of Signatures.** The number of signatures required for an initiative petition is 15 percent, and for a referendum petition 10 percent, of the number of votes cast for the office of mayor at the mayoral election last preceding the date when circulation of the petition begins.

(Section 2.972 added by Ordinance No. 18106, enacted January 18, 1978; and amended by Ordinance No. 20393, enacted September 24, 2007, effective October 26, 2007.)

2.973 **Elections - Initiative and Referendum, Prospective Petition.**

- (1) An initiative or referendum petition shall be in the form prescribed by the city recorder.
- (2) When a prospective petition is submitted to the city recorder, the city recorder shall, as soon as possible, determine whether the prospective petition is in the proper form, including but not limited to compliance with the requirements of subsection 2.974(a) of this code, and;
 - (a) If the prospective petition is not in the proper form, return the prospective petition to the person submitting it and advise that person what the defects are;
 - (b) If the prospective petition is in the proper form:
 1. Advise the person submitting the prospective petition of the number of signatures necessary to place the petition on the ballot;
 2. Advise the person submitting the petition of the deadlines in subsections (c) and (d) of section 2.974 of this code;
 3. Specify the size and kind of paper on which the prospective

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- petition is to be duplicated;
4. Date and time stamp the prospective petition; and
 5. Initial the prospective petition and approve it for circulation.
- (3) On the next business day after a prospective petition in the proper form is submitted to the city recorder, the city recorder shall transmit a copy of the prospective petition to the city attorney for review and action under section 2.977 of this code.
- (4) The prospective petition shall include a statement signed by the chief petitioner(s) declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures on the initiative or referendum petition. Once the prospective petition is approved for circulation, the chief petitioners shall notify the city recorder not later than the tenth day after any of the chief petitioners first has knowledge or should have had knowledge that:
- (a) Any person is being compensated for obtaining signatures, if the statement included with the prospective petition declared that no such person would be compensated.
 - (b) No person is being compensated for obtaining signatures, if the statement included with the prospective petition declared that one or more such persons would be compensated.

(Section 2.973 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 26, 1992; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

- 2.974 Elections - Initiative and Referendum, Petition Requirements.** No completed initiative or referendum petition may be submitted to the city recorder unless:
- (a) Prior to its circulation a prospective petition was submitted to the city recorder. The prospective petition must contain a copy of the legislation sought to be submitted to the electors and a signed statement on the face of the petition of the names and addresses of not more than three chief petitioners. If one or more of the chief petitioners is an organization, the prospective petition shall disclose the name and address of the organization, the name and address of each of the principal officers of the organization and the signature of the chief officer of the organization;
 - (b) As circulated, the prospective petition complies with the city recorder's specifications and the requirements of this code, contains the caption or ordinance title required by section 2.975 of this code, and contains the names and addresses of the chief petitioners;
 - (c) The date of the first signature on the petition is no later than 90 days after the issuance of the ballot title on the measure; and
 - (d) The completed petition is submitted to the city recorder for signature verification no later than 100 days after the date of the first signature on the petition. A completed referendum petition shall be submitted to the city recorder by that time or by the effective date of the legislation

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sought to be referred, whichever is earlier.

(Section 2.974, formerly section 2.976, added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 18311, enacted December 6, 1978; Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.975 Elections – Form of Petition and Signature Requirements.

- (1) Signature sheets for an initiative or referendum petition shall be double-sided.
- (2) The front side of each signature sheet shall contain:
 - (a) The names and residence addresses of all chief petitioners;
 - (b) Instructions adopted by the Secretary of State for persons obtaining signatures on the petition; and
 - (c) If the petition is an initiative petition, the caption of the ballot title issued pursuant to section 2.977 of this code;
 - (d) If the petition is a referendum petition, either the caption of the ballot title issued pursuant to section 2.977 of this code or the title of the ordinance to be referred.
- (3) The reverse side of an initiative or referendum petition shall:
 - (a) Be used for obtaining signatures;
 - (b) If the petition is an initiative petition, include the caption of the ballot title for the initiative measure;
 - (c) If the petition is a referendum petition, include the number of the ordinance to be referred and the date it was adopted by the council.
 - (d) If one or more persons will be paid for obtaining signatures on the petition, contain a notice stating: "Some circulators for this petition are being paid."
- (4) Not more than 20 signatures on each signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:
 - (a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and
 - (b) Believes each individual is an elector registered in the city.
- (5) Each person collecting signatures must carry at least one complete and correct copy of the text of the initiative measure or the ordinance being referred and must allow any person to review the text upon request.

(Section 2.975 added by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.977 Elections - Initiative and Referendum, Preparation of Ballot Title; Appeal.

- (1) Within five business days following the city attorney's receipt of a prospective petition for an initiative or referendum measure, the city attorney shall review the prospective petition for legal sufficiency, and, if appropriate, issue a ballot title.

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- (a) If the city attorney determines that the prospective petition is legally insufficient, the city attorney shall inform the city recorder in writing of the reasons for that determination. The city recorder shall return the prospective petition to the chief petitioners, along with a copy of the city attorney's written determination.
 - (b) If the city attorney determines that the prospective petition is legally sufficient, the city attorney shall prepare a ballot title and deliver it to the city recorder. The city recorder shall provide a copy of the ballot title to the chief petitioners.
- (2) Within five business days following the council's decision to submit legislation to the electors under subsection 2.971(3) of this code, the city attorney shall prepare a ballot title and deliver it to the city recorder.
 - (3) The ballot title of any measure to be initiated or referred shall comply with the state statutes in effect at the time the ballot title is prepared. The ballot title shall not resemble, to the extent it creates confusion, any ballot title previously prepared for a measure to be submitted to the electors at the same election.
 - (4) Upon receiving a ballot title for a city measure from the city attorney, the city recorder shall publish in the next available edition of a newspaper of general circulation in the city 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 (5) of this section.
 - (5) An elector dissatisfied with the ballot title may, within seven business days after it is delivered to the city recorder, petition the Lane County Circuit Court seeking a different ballot title and stating the reasons that the title prepared by the city attorney is insufficient, not concise or unfair. The petition shall name the city attorney as respondent. The court shall review the ballot title and measure to be initiated or referred, hear arguments, if any, and certify to the city recorder a ballot title for the measure which meets the requirements of state statutes in effect at the time the ballot title is prepared.

(Section 2.977 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.979 Elections - Initiative and Referendum, Verification of Signatures, Completed Petition.

- (1) A completed initiative or referendum petition shall be submitted to the city recorder for signature verification. The city recorder may not accept for signature verification any petition sheets that do not comply with the requirements contained in state statute and this code for signature sheets. Within 15 days of submission of a completed initiative or referendum petition for signature verification, the city recorder or the recorder's designee shall, by reference to the records in the Lane County Elections office, verify the number and genuineness of the

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signatures and the voting qualifications of the signers; and, if electors in a number sufficient under section 2.972 of this code have signed the petition, the city recorder shall so certify the petition. If the city recorder determines that the petition contains an insufficient number of elector signatures, the petition shall be returned to the chief petitioners.

- (2) If the number of elector signatures required under section 2.972 of this code exceeds 4,500, the city recorder or designee may utilize the statistical sampling technique established by rule of the Secretary of State to determine whether a petition contains the required number of elector signatures. If signatures on an initiative or referendum petition are verified using this procedure, a petition may not be rejected for the reason that it contains fewer than the required number of elector signatures unless two separate sampling processes establish the lack of requisite signatures. The second sampling must contain a larger number of signatures than the first sampling.

(Section 2.979 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19844, enacted October 26, 1992, effective November 26, 1992; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.980 Elections - Initiative and Referendum, Presentation of Measure to Council.

- (1) No later than 20 days after the city recorder certifies a completed initiative or referendum petition, the city manager shall present the petition to the council for consideration. At that time, or thereafter, the council may:
 - (a) Adopt an ordinance proposed by an initiative petition;
 - (b) Repeal an ordinance referred by referendum petition;
 - (c) Vote to urge adoption or defeat of the initiated or referred measure;
 - (d) Order submission of an alternative measure or measures to be voted upon at the same election as the initiated or referred measure.
- (2) During the 61 day period prior to an election on an initiative or referendum measure the council shall refrain from adopting an ordinance proposed by an initiative petition or repealing an ordinance referred by a referendum petition.

(Section 2.980 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.981 Elections - Initiative and Referendum, Voting on Measure.

- (1) Initiative.
 - (a) A charter or charter amendment or revision proposed by initiative petition, a protected ordinance proposed by initiative petition, and an ordinance proposed by initiative petition but not enacted in accordance with section 2.980 of this code, shall be submitted to the electors.

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- (b) The time for voting on an initiative measure submitted to the electors under subsection (1) of this section shall be the first primary or general election held more than 90 days after the city recorder's certification of the completed petition under section 2.979 of this code, unless the council calls an earlier special election on the measure. The special election called by the council may not be held earlier than 66 days after the city recorder's certification of the completed petition.
- (2) **Referendum.**
- (a) An ordinance referred by petition but not repealed in accordance with section 2.980 of this code shall be submitted to the electors.
- (b) An election on legislation referred to the electors by petition shall be held on the next available election date as described in ORS 221.230(1) or successor statutes that is not sooner than the 90th day after the city recorder's certification of the completed referendum petition under section 2.979 of this code, unless the council calls an earlier or later special election on the measure. The special election called by the council may not be held earlier than 66 days after the city recorder's certification of the completed petition.
- (3) **Legislation Referred by Council.** The time for voting on legislation referred to the electors by the council shall be the first primary or general election held more than 90 days after the date that the council orders the legislation referred under section 2.971 of this code, unless the council calls an earlier special or emergency election on the measure. In any event, an election on a council-referred measure may not be held earlier than 90 days after the date that council orders the legislation referred.

(Section 2.981 added by Ordinance No. 18106, enacted January 18, 1978, amended by Ordinance No. 18311, enacted December 6, 1978; Ordinance No. 19160, enacted June 29, 1983; Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.982 **Elections - Initiative and Referendum, Furnishing Information to County Clerk.** Where legislation is to be voted on at an election, the date of which is prescribed by state law, the city recorder shall submit to the Lane County elections clerk, in accordance with the time limit established by state law for the submission, a certified copy of the ballot title.

(Section 2.982 added by Ordinance No. 18106, enacted January 18, 1978; and amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992.)

2.983 **Elections - Initiative and Referendum, Designation on Ballot.** Legislation submitted under this chapter shall appear on the ballot by ballot title only. Initiative measures shall be distinguished from referendum measures.

(Section 2.983 added by Ordinance No. 18106, enacted January 18, 1978; and amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992.)

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2.984 **Elections - Notice.** The city recorder shall give 10 days' notice of an election by one publication of the notice in a newspaper of general circulation in the city. The notice need not set forth in full any measure to be submitted to the electors at the election, but the notice shall state the ballot title of each measure.

(Section 2.984, formerly section 2.990, amended by Ordinance No. 18106, enacted January 18, 1978; Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; and renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.985 **Elections - Initiative and Referendum, Election Returns.** The votes on a measure shall be counted, canvassed and returned as follows:

- (a) In case of an election held at a time prescribed by state law, in the same manner as other votes cast at such an election in the city.
- (b) In case of special elections held at other times, in the manner prescribed by the city manager.

(Section 2.985, formerly section 2.984, added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; and renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.986 **Elections - Initiative and Referendum, Proclamation by Mayor.**

- (1) Upon completion of the canvass of votes on a measure submitted pursuant to this chapter, the mayor shall issue a proclamation:
 - (a) Recapitulating the vote on the measure; and
 - (b) If the majority of votes cast on the measure were in favor of the measure, announcing the effective date of the legislation in accordance with section 2.987 of this code.
- (2) The city recorder shall give public notice of the proclamation by release to the media or by posting a copy thereof at the city hall.
- (3) The proclamation shall be retained with the measure in the office of the city recorder.

(Section 2.986, formerly section 2.985, added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; and renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.987 **Elections - Initiative and Referendum, Effective Date of Measure.** A measure which has been approved by a majority of the electors who voted on the measure takes effect upon the mayor's proclamation that the measure has passed, or at a later date, if specified in the measure.

(Section 2.987, formerly section 2.986, added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 20287, enacted March 10, 2003, effective April 9, 2003; and renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.988 **Elections - Initiative and Referendum, Conflicting Measures.** Of two

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conflicting measures approved by the electors at the same election, the measure receiving the greater number of affirmative votes shall be deemed approved and the other measure deemed not approved.

(Section 2.988, formerly 2.987 added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; and renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.989 Elections - Initiative and Referendum, Unlawful Acts.

- (1) No person other than an elector shall knowingly sign a city initiative or referendum petition.
- (2) No person shall sign a city initiative or referendum petition with a name not his or her own.
- (3) No person shall sign his or her name to a city initiative or referendum petition with knowledge of previously signing the petition.
- (4) No person shall circulate or submit to the city recorder a city initiative or referendum petition which to his or her knowledge contains a signature signed in violation of this chapter.
- (5) No person shall procure or attempt to procure a signature to a city initiative or referendum petition by fraud.
- (6) No person shall make a statement concerning a city initiative or referendum petition that the person knows to be false.
- (7) No person shall knowingly make a document under this chapter that contains a false statement.
- (8) No city officer shall willfully violate a provision of this chapter.

(Section 2.989, formerly section 2.988, added by Ordinance No. 18106, enacted January 18, 1978; amended by Ordinance No. 18120, enacted February 15, 1978; Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; renumbered and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.993 Elections – Voters’ Pamphlet.

- (1) The following definitions apply to sections 2.993 to 2.998:
 - (a) “Measure” means both city measures and school district measures.
 - (b) “City measure” means a proposed city ordinance, charter revision, charter amendment, or a proposition, question or advisory measure placed on the ballot by the council, including a measure referred on the recommendation of the Eugene Water & Electric Board. “City measure” also includes municipal legislation, charter revisions and charter amendments placed on the ballot by initiative or referendum petition.
 - (c) “School district measure” means a measure placed on the ballot by the school district.
 - (d) “School district” means Eugene School District 4J or Bethel School District 52.
 - (e) School district elector means a resident of the school district qualified to vote under the Oregon Constitution, Article II, section

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2.

- (2) The city manager shall publish and distribute a local voters' pamphlet for each election in which a city measure is on the ballot.
- (3) The city manager shall include in a voters' pamphlet published pursuant to subsection (2) of this section statements from candidates in races for city offices (council, mayor, or Eugene Water & Electric Board member) if such statements are submitted by the candidates, together with a fee in the amount of \$100.00.
- (4) If a candidate for city office wishes to publish a statement in the city voters' pamphlet for an election at which no city measure is submitted for a vote, the city manager shall publish a voters pamphlet containing candidate statements submitted pursuant to subsection (3) of this section, unless the city council waives the requirement. Candidate statements to be published pursuant to this subsection shall be submitted to the city recorder not less than 70 days prior to the date of the election for which the voters' pamphlet is published. If the city recorder does not receive a candidate statement by the 70th day prior to the election, the city manager shall not publish a voters' pamphlet pursuant to this subsection.
- (5) Prior to the inclusion of a statement from a candidate for the Eugene Water & Electric Board in a voters' pamphlet published pursuant to subsection 2.993(4), the Eugene Water & Electric Board shall agree to pay to the city the cost of the Eugene Water & Electric Board's portion, as determined by the city recorder, for the printing, advertising, mailing and personnel expenses associated with publishing the voters' pamphlet and distributing it within the city limits. Nothing in this subsection shall relieve Eugene Water & Electric Board candidates of the obligation to pay the fee required by subsection (3) of this section.
- (6) A voters' pamphlet published by the city manager pursuant to subsection (3) of this section shall be distributed as provided in section 2.997 of this code.
- (7) Any time a voters' pamphlet is produced under this section, the city manager shall include in the voters' pamphlet any school district measure and any candidate statement for a school board position for which timely notice and payment is received. The contents of a school district measure shall comply with subsection 2.994(1)(a) of this code; the contents of a candidate's statement shall comply with subsection 2.994(2) of this code.
 - (a) Timely notice.
 1. For notice of a school district measure to be timely, the school district must submit the text of the measure to the city recorder not later than the second business day following the 61st day before the date of the election.
 2. For notice of a school board candidate's statement to be timely, the candidate for a school board position must submit the statement to the city recorder not less than 56 days prior to the date of the election.

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- (b) Payment.
1. Prior to the inclusion of a school district measure in the voters' pamphlet, the school district shall agree to pay to the city the cost of the school district's portion, as determined by the city recorder, of the printing, advertising, mailing, and personnel expenses associated with publishing the voters' pamphlet and distributing it within the city limits. The school district shall agree to pay to the city the full cost of the expenses associated with the distribution of voters' pamphlets outside the city limits.
 2. Candidates for school board positions shall pay to the city a fee in the amount of \$100 at the time they submit their statements to the city recorder.
- (c) Submission of arguments for or against school district measure.
1. Written arguments in favor of or in opposition to a school district measure may be submitted by following the procedure described in subsections 2.996(1) and (1)(b) of this code, except that one or more school board members voting in favor of the measure shall be substituted for the city councilors.
 2. Additional arguments in favor of or in opposition to a school district measure may be submitted by following the procedure described in subsection 2.996(4) of this code, except that the required petition signatures shall be those of school district electors.

(Section 2.993 added by Ordinance No. 19533, enacted February 8, 1988; amended by Ordinance No. 20030, enacted December 4, 1995, effective January 3, 1996; Ordinance No. 20190, enacted February 28, effective March 29, 2000; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.994 Elections – Voters' Pamphlet - Contents.

- (1) A voters' pamphlet published under section 2.993 of this code shall contain for each measure the following items in the following order:
- (a) The ballot title and text of the measure to be submitted to the electors at the election for which the pamphlet is prepared;
 - (b) One argument in favor of the measure not to exceed 350 words, followed by a rebuttal to the argument not to exceed 200 words; and one argument in opposition to the measure not to exceed 350 words, followed by a rebuttal to the argument not to exceed 200 words. Such arguments and rebuttals shall be submitted in the manner provided in subsection 2.996(1) of this code;
 - (c) Additional arguments in favor of, or in opposition to, the measure may be submitted in the manner provided in subsection 2.996(4) of this code. Each additional argument shall not exceed 325 words and shall not exceed 3-5/8 inches in width by 8 inches in length.
- (2) Following the information contained in subsection (1) of this section, the

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voters' pamphlet shall include statements from those candidates for city offices and school board positions who submit such statements and pay the required fee. The statements shall not exceed 325 words and may include a photograph of the candidate. Until such time as the city manager adopts rules governing the size and/or type of candidate information, the city shall apply the criteria adopted by the state relating to candidate information in state voters' pamphlets.

- (3) In addition, the voters' pamphlet also may contain other general information about the election process that may be economically feasible to publish. This information may include, but is not limited to, hours of operation and location of sites available for ballot deposit, a sample ballot, requirements for a citizen to qualify as an elector, when an elector is required to re-register, how to register to vote, how an elector may obtain and use an absentee ballot, how and where to obtain a replacement ballot and other relevant information, pictures, figures, and data relevant to the election.
- (4) The order in which the arguments related to a city measure are printed in the voters' pamphlet shall be as follows: first, the written argument in favor of the city measure, as described in subsection 2.996(1); second, the rebuttal to the argument in favor, as described in subsection 2.996(1); third, the written argument in opposition to the measure, as described in subsection 2.996(1); fourth, the rebuttal to the argument in opposition, as described in subsection 2.996(1); fifth, any additional arguments in favor of the city measure, as described in subsection 2.996(4), in the order in which they are received by the city recorder; and finally, any additional arguments in opposition to the measure, as described in subsection 2.996(4), in the order in which they are received by the city recorder.
- (5) If two or more conflicting measures are to be voted on in a particular election, the voters' pamphlet shall identify those measures and explain the provisions of section 2.988.

(Section 2.994 added by Ordinance No. 19533, enacted February 8, 1988; amended by Ordinance No. 20030, enacted December 4, 1995, effective January 3, 1996; Ordinance No. 20190, enacted February 28, 2000, effective March 29, 2000; Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008; administratively corrected on May 1, 2013.)

2.996 Voters' Pamphlet - Submission of Arguments For or Against Measure and Statements from Candidates.

- (1) Not less than 56 days prior to the date of the election, the written arguments authorized by subsection 2.994(1)(b) of this code in favor of, and in opposition to a measure shall be submitted to the city recorder. Any rebuttals to the arguments shall be submitted not less than 46 days prior to the date of the election. Such arguments and rebuttals shall be prepared and submitted in the following manner:
 - (a) Citizen-initiated measures. The written argument in favor of the city measure, and the rebuttal to the argument in opposition to the measure, shall be submitted by one or more of the chief

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petitioners. The written argument in opposition to the city measure, and the rebuttal to the argument in support of the measure, shall be submitted by a three-person committee. The committee shall be chosen by the city recorder by lot, at a time and place announced to all applicants, from among persons who file an application for a position on the committee within a time specified by the city recorder after appropriate notice of opportunity to apply. An applicant shall certify under penalty of perjury that he or she is a bona fide opponent to the city measure. If no one applies for appointment to prepare the argument in opposition, the voters' pamphlet shall so state.

- (b) City council-referred measures. The written argument in favor of the city measure, and the rebuttal to the argument in opposition to the measure, shall be submitted by one or more of the city councilors who voted in favor of the measure; except that in the case of a city measure referred on the recommendation of Eugene Water & Electric Board, one or more members of the Eugene Water & Electric Board voting in favor of the measure shall be substituted for the city councilors. The written argument in opposition to the city measure, and the rebuttal to the argument in support of the measure, shall be submitted by a three-person committee chosen in the same manner as provided by paragraph (a) of this subsection.
 - (c) Citizen-referred measures. The written argument in favor of the city measure, and the rebuttal to the argument in opposition to the measure, shall be submitted by one or more of the city councilors who voted in favor of the ordinance referred. The written argument in opposition to the city measure, and the rebuttal to the argument in support of the measure, shall be submitted by one or more of the chief petitioners of the referendum petition, so long as the persons who submit the argument and rebuttal first certify under penalty of perjury that they are bona fide opponents of the ordinance. If the chief petitioners are not bona fide opponents (e.g., if they merely favor the opportunity to vote on the issue), the argument in opposition to the city measure, and the rebuttal to the argument in support of the measure, shall be submitted by a three-person committee chosen in the same manner as provided by paragraph (a) of this subsection.
- (2) If one or more members of the committees preparing the arguments or rebuttals cannot agree on a committee statement, he or she may write his or her own statement not exceeding 116 words if the statement is one of argument or 66 words if the statement is one of rebuttal. The length of the committee argument or rebuttal, if any, shall be reduced by the same amount.
 - (3) Statements from candidates for city offices, other than those statements submitted pursuant to subsection 2.993(4), shall be submitted not less than 56 days prior to the date of an election.

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- (4) Not less than 56 days prior to the date of an election, additional arguments, authorized by subsection 2.994(1)(c) of this code, in support of, or in opposition to a measure may be submitted, providing that each additional argument is accompanied by the signatures of 300 electors supporting the argument or by a fee of \$300.
 - (a) Each person signing a petition shall subscribe to a statement that the person has read and agrees with the argument.
 - (b) The city recorder or designee shall verify the signatures on a petition as provided in subsection 2.979(1) of this code. The city recorder or designee shall attach to the petition a certificate stating the number of elector signatures on the petition. A signature that is not the signature of an elector shall not be counted by the city recorder for determining compliance with this subsection.
- (5) The city recorder shall reject any argument or statement which
 - (a) Contains any defamatory language;
 - (b) Contains any language which may not legally be circulated in the mails; or
 - (c) Otherwise does not comply with sections 2.993 to 2.998 of this code.
- (6) The city recorder shall include in the voters' pamphlet on each page containing a printed candidate statement or arguments on a measure, the name of the person who submitted the statement or argument, the name of the organization the person represents, if any, whether the argument supports or opposes the measure, the statement(s) required by subsection 2.996 (1)(a) and (c) of this code, if applicable, and a disclaimer in substantially the following form: "The printing of this (argument or statement) does not constitute an endorsement by the City of Eugene, nor does the City of Eugene warrant the accuracy or truth of any statement made."

(Section 2.996 added by Ordinance No. 19533, enacted February 8, 1998; amended by Ordinance No. 20030, enacted December 4, 1995, effective January 3, 1996; Ordinance No. 20135, enacted December 7, 1998, effective January 6, 1999; Ordinance No. 20190, enacted February 28, 2000, effective March 29, 2000; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008; clerically corrected July 7, 2008.)

- 2.997** **Voters' Pamphlet - Distribution.** No later than the 18th day before the election at which a city measure is to be voted upon, the city manager or the manager's designee shall mail a voters' pamphlet to each residence within the appropriate geographical area(s) and make voters pamphlets available for public distribution at city hall, the city library, and at other municipal facilities within the city. The appropriate geographical area means the following:
- (a) For voters' pamphlets containing city measures or statements from candidates for mayor or Eugene Water & Electric Board at large member, the city limits of Eugene;
 - (b) For voters' pamphlets containing school district measures or statements

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from candidates for school board positions, the boundaries of the school district.

- (c) For voters' pamphlets containing only statements from candidates for city council or Eugene Water & Electric Board positions, the wards which those candidates would represent if elected.

(Section 2.997 added by Ordinance No. 19533, enacted February 8, 1988; and amended by Ordinance No. 20190, enacted February 28, 2000, effective March 29, 2000; and Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.998 Voter's Pamphlet - Rulemaking Power. The city manager shall have the authority to issue rules and regulations governing:

- (a) The content, form and deadline for filing any material required to be filed under sections 2.993 to 2.998 of this code;
- (b) Verification of signatures;
- (c) Such other matters as are necessary for the administration of sections 2.993 to 2.998 of this code.

Such rules and regulations shall be adopted using the process set forth at section 2.019 of this code.

(Section 2.998 added by Ordinance No. 19533, enacted February 8, 1988; administratively amended by Ordinance No. 19742, enacted January 14, 1991; and amended by Ordinance No. 20030, enacted December 4, 1995, effective January 3, 1996.)

2.999 Advisory Elections.

- (1) Whenever the city council deems it necessary, it may send a question or proposition to the electors for their advice. The calling of such an election shall occur during the time set by state and local law for the submission of legislation to the electorate for adoption or rejection.
- (2) The advisory ballot title shall be in a form approved by the city council. The advisory ballot measure may seek selection between substantive options or choices, or it may seek an affirmative or negative response to the proposition or question.

(Section 2.999, added by Ordinance No. 19534, enacted February 8, 1988.)

2.1000 Elections – Conduct of Elections. Elections shall be conducted in the manner provided by state law. Any ballot and any elector casting a ballot may be challenged in the manner provided by state law.

(Section 2.1000 added by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992; and amended by Ordinance No. 20405, enacted March 19, 2008, effective April 19, 2008.)

2.1005 Elections - Prohibitions.

- (1) No person shall knowingly make a false statement, oath or affidavit where a statement, oath or affidavit is required under the election laws.
- (2) No person shall request or sign a ballot in a name other than the person's own name.
- (3) No person shall attempt to vote more than once at the same election.

(Section 2.1005 added by Ordinance No. 19883, enacted October 26, 1992, effective November 25, 1992.)