



# Oregon Communities

For a Voice In Annexations

Promoting and Protecting Citizen Involvement in Land Use Issues

PO Box 1388, North Plains, OR 97133 • (541) 747-3144 • www.ocva.org

## *How To Pursue A City Charter Amendment: PUBLIC VOTE ON ANNEXATIONS*

*Note: Instructions for obtaining documents listed within may be found in the endnotes.*

**1. Before you embark on this endeavor, you need to understand the rules.** You must assume that you'll be conducting an action that city government will consider hostile. If you do not dot all the "I's" and cross all the "T's", the city can be expected to use this to keep you off the ballot. You should read & understand the state ordinances governing city initiatives, which are in ORS Chapter 250<sup>1</sup>. Both the "General Provisions" (ORS 250.005 – 250.044) and the "City Measures" (ORS 250.255 – 250.355) sections are of interest. Contact OCVA if you need copies of these statutes.

You'll also want to obtain a copy of the City Elections Manual<sup>2</sup>, from the [Secretary of State Elections Division](#). These are the state rules for city initiatives - **but they do not preclude a city from having its own set of rules for initiatives - so - contact your city recorder**, or if there is no such officer, your county elections official. Ask for a copy of the city elections manual. Be generic as to your reason: we've found that cities generally become very hostile when they find out what you're up to. Ask also about any other city ordinances that pertain to citywide initiatives. It is critical that you understand the requirements.

Read and understand the section in the manual referring to the City Initiative Petition Process. Step-by-step instructions should be in the manual with the necessary forms. Your city or county elections official can answer your questions and guide you through the process. Typically, the number of signatures required is 15% of the number of people who voted in the last mayoral election. **However, the city can require 15% of the total number of registered voters, as provided for in state law, if it wants to make it difficult for you.**

**2. Form a citizens' organization - it doesn't have to be large.** You'll need some kind of formal organization to keep track of expenses & contributions, and to gather signatures - if it comes to that. **From the organization, select no more than 3 chief petitioners.**

**3. Draft a "prospective initiative petition."** OCVA has available a sample<sup>3</sup> (the "City of \_\_\_\_\_ Initiative Petition" document) that has been used successfully in other Oregon cities. Use our suggested language. **But again be forewarned: The city may have its own forms and rules.** You'll have determined if this is the case in step 1 above. Petition language is further discussed below.

By taking the foregoing initial actions, you're prepared and ready to go immediately if the next step fails:



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**4. Formally present (in writing) a request** to your city council at a council meeting that they submit to the voters, by referendum, an amendment to the city charter that will read as shown in the [City Council Referendum Resolution](#) document<sup>4</sup>.

You may want to add exclusions for schools or public facilities. Such exclusions sometimes make a council more amenable to your request.

Note that this is NOT your prospective petition. This is a request for a council-generated referendum.

Some, though not many, councils have abided by these requests. This would save your group from going through the formal procedure of gathering signatures on a petition - if the council abides by your request. **If they do NOT abide by your request, proceed with the following steps:**

**A) Be sure your prospective petition adheres to the following guidelines (see our example in endnote 4):**

- Chief petitioners must be registered voters of the municipality (city).
- ***Caption:*** must not exceed 10 words
- ***Question:*** must not exceed 20 words
- ***Statement*** or ***Summary:*** must not exceed 85 words
- ***Text:*** There must be a separate section specifically labeled “Text.” It is essentially a shortened version of the summary.
- Include a statement declaring whether or not circulators will be paid for gathering signatures. If they are, the proper language is outlined in the state regs. **OCVA’s suggested language meets all of the above criteria.**

**B) Submit the prospective petition to your city elections official (usually the city recorder) during business hours. Make sure he/she dates it and stamps it “received.”** Ask for a copy of the stamped page.

What happens next depends on which rules apply. Under state law, the elections official is required to “immediately send two copies of the prospective petition to the city attorney” (ORS 250.275(1)) -or - must do so “not later than the sixth business day after a prospective petition...has been filed...” (ORS 250.275(2)).

The attorney is required by state law (ORS 250.275(3)) to review the ballot title - or provide one - no later than the 5th business day after receiving the copies. You can follow the rest of what happens next under state rules. Refer to the ORS sections mentioned in the first paragraph.



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The city can be expected to delay any way it can. **Use the state law as a lever...even if the city has its own rules.** Make sure you photocopy and date all relevant correspondence to and from the city.

C) After you have secured approval of the petition from the city, you can begin gathering signatures. The state law gives guidelines for what the signature sheet should look like. **Be sure you're using one approved by the city!** The approved petition language must appear on the reverse of the signature sheet. **But...again...your city may require something else.** It is best to get the form from the city.

D) You will very likely need to spend money on your effort. This is where the state campaign finance laws come in. Get a copy of the latest Campaign Finance Manual<sup>5</sup> from the [Secretary of State Elections Division](#). You will need to form a Measure Committee by filing form SEL 221, and we recommend that you also file Form PC 7 if you intend to spend less than \$2000 annually. (This figure may change – refer to the Campaign Finance Manual). Filing Form PC 7 allows you to avoid most of the reporting requirements. In any case, you must keep an accurate record of collections & expenditures. You must also maintain a separate bank account for your Committee, which may require that you obtain a Federal Tax ID number. None of this is as complicated as it might seem, and most of it can be done over the phone or online.

E) Obtain more than the required number of signatures to cover the likelihood that some signatures will be ruled invalid. When done, copy your signature sheets and submit the originals to the city election official for validation.

F) **Allow plenty of lead time for this process.** Government works slowly! Refer to your city charter for lead time requirements, which can vary by location. Typically, signatures must be validated by your elections official **90 days prior to the election.** **Insist and check that the city follows all time requirements.** There are 4 elections during the year: in March, May, September & November.

Your organization should NOT approach this process from the standpoint of being anti-growth. Instead, you are promoting the constitutional right of citizens to have input into local decision making. It's all about Citizen Involvement, which is the cornerstone **-GOAL #1-** of Oregon State land use law!



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## **Endnotes: OCVA's guide to obtaining documents**

All of the documents mentioned below are linked on the main OCVA “Voting on Annexations” page, <http://www.ocva.org/annex/index.html>, which also contains links to Word versions of OCVA documents. Links are current as of the date of publication.

Note 1: ORS governing city elections: <http://www.leg.state.or.us/ors/250.html>

Note 2: City Elections Manual: Visit the Secretary of State Elections Division web site, <http://www.sos.state.or.us/elections>. Select “Publications and Forms”, then under “Manuals” find “City Elections Manual”

Note 3: Initiative Petition with Charter Amendment Language:  
[http://www.ocva.org/annex/Initiative\\_Language.pdf](http://www.ocva.org/annex/Initiative_Language.pdf).

Note 4: City Council Referendum Resolution: <http://www.ocva.org/annex/cityres.pdf>.

Note 5: Campaign Finance Manual: Visit the Secretary of State Elections Division web site as described above, then under “Manuals” find “Campaign Finance Manual”.