



Staff Report

File #: 23-297
Version: 1

Date: 7/24/2023
Item #: 6.c.

TO: Mayor and City Council
THROUGH: Keith Stahley, City Manager
FROM: Dan Atchison, City Attorney

SUBJECT:

Referendum Petition for Ordinance No. 12-23, the Safe Salem Employee Payroll Tax

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance.

SUMMARY:

On July 14, 2023, petitioner Preston Mann submitted a prospective petition for a referendum of Ordinance No. 12-23, the Safe Salem Employee Payroll Tax. Petitioner was authorized to begin circulating the petition for Salem voter signatures.

ISSUE:

Information only.

RECOMMENDATION:

Information only.

FACTS AND FINDINGS:

The City Council passed Ordinance No. 12-23 on July 10, 2023 (the "ordinance"). On July 14, 2023 a referendum petition was filed and the petitioner was authorized to begin collecting signatures from Salem voters. Petitioner has 30 days from the date of passage of the ordinance to collect 3,986 valid signatures (10% of the votes in the last mayoral election) and turn them in to the City Recorder for verification.

Pursuant to SRC 11.266, within five days of receipt of the petition, the City Attorney is required to

draft the Ballot Title and submit it to the City Recorder for publication in a newspaper of general circulation. The Ballot Title has been drafted and is set to be published in today's (July 24, 2023) edition of the *Statesman Journal*.

Interested parties have five business days from the date the City Attorney provides the Ballot Title to the City Recorder to file an appeal with the Salem Municipal Court. The Ballot Title was formally submitted to the City Recorder on July 21, 2023, and therefore the appeal period will expire on July 28, 2023 (accounting for Saturday and Sunday).

By August 9, 2023, petitioner must submit at least 3,986 valid signatures to the City Recorder. For signatures to be valid, persons signing the petition must be active registered voters who reside within the Salem city limits. The City Recorder will verify an adequate number of signatures has been received and deliver the signatures to the Marion County elections official to verify the individuals are active registered voters within the Salem city limits. If an adequate number of valid signatures are received and verified the referendum will qualify for the ballot.

August 9, 2023 is the deadline for a ballot measure to be submitted to the county elections official to qualify for the November 7, 2023 special election. If Marion County has verified the signatures by August 9th, the referendum will be certified as a measure for the November 7, 2023 special election. Under Oregon law, Marion County will have 15 days to review and verify the signatures; if Marion County verifies the signatures and certifies the referendum for the ballot after August 9th, the referendum will appear on the May 2024 primary election ballot.

Pursuant to State law, the City is responsible for all publication and election costs for special elections, including the November 2023 special election. If the referendum is placed on the November 2023 special election, the City's elections costs are estimated to be in the range of \$200,000 for Marion County and approximately \$20,000 for Polk County. For even year primary and general elections, the counties would be primarily responsible for the cost.

No action is required of the City Council at this time. If the referendum qualifies for the ballot, staff will provide an update to City Council as soon as practical.

BACKGROUND:

The City Council passed the ordinance on July 10, 2023. State law provides that a non-emergency ordinance that concerns municipal legislation is subject to a potential referendum petition.

Dan Atchison
City Attorney

Attachments:

1. Referendum Petition