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11.005. Intent and Purpose. It is the intent and purpose of this chapter to exercise to the fullest extent possible all available power and authority granted to municipalities by the Oregon Constitution for holding and conducting elections, and to provide a complete procedure for nomination and election of officers and for the voters to exercise initiative and referendum power. (Ord No. 201-79; Ord No. 41-82)

11.010. Elections When Held.

(a) Nominating elections for the nomination of candidates for the elective offices of the city and regular or general elections for the election of such officers shall be held biennially at the same time that the primary nominating and general biennial election for state and county officers are held; provided that whenever a vacancy occurs in the office of mayor or councilor and at that time there is not more than one year to the next primary election, the council shall fill the vacancy in the manner provided by council rule.

(b) Initiative and referendum measures shall be submitted to the voters at such dates as provided in SRC 11.276. Measures proposed by the council shall be submitted to the voters at such dates as may be determined and declared by the council. (Ord No. 3842; Ord No. 201-79; Ord No. 41-82; Ord No. 92-89; Ord No. 51-96)

11.020. Nominating Petitions; Generally.

(a) The names of all candidates for elective city officers to be voted upon at the primary nominating election shall be presented for nomination by individual nominating petitions. No petition shall present more than one candidate. Before or at the time of beginning to circulate any such petition, the candidate shall file with the City Recorder a copy of his or her petition for nomination, signed by the candidate. Such petition shall set forth the name of the candidate, place of residence, including street address, and, in the case of a candidate for councilor, shall also set forth the number or name of the ward within which he or she resides and for which the candidate seeks to represent in the council. Such petition shall make no reference to any party ballot or to the party affiliation of the candidate. Such petition shall be in forms as provided by the City Recorder.

(b) Every such petition shall be signed by the candidate in the City Recorder's presence, prior to collection of signatures.

(c) Before such petition is offered for filing, the candidate shall have the signatures of each sheet thereof certified as to their genuineness by the county clerk and such clerk's certificate of authentication shall be attached to and made a part of the petition. Only such signatures as are thus certified to be genuine signatures of registered voters shall be considered and counted by the City Recorder. It shall be unlawful for an elector to knowingly sign more than once the petition of any candidate, or to sign to any such petition any name other than his own. An elector may sign the petition of more than one candidate. (Ord No. 3842; Ord No. 201-79; Ord No. 129-87; Ord No. 30-97)

11.030. Petitions; Number of Signatures Required. Nominating petitions for candidates for offices elective from the city at large shall be signed by not less than 200 qualified electors residing within the city and shall include electors residing in at least one-fifth of the voting precincts in the city. Nominating petitions of candidates for the office of councilor shall be signed by not less than 50 qualified electors residing within the ward in which the candidate resides and which the candidate seeks to represent in the council. (Ord No. 3842; Ord No. 51-96)

11.040. Petitions; When to Be Filed. All nominating petitions, together with such attached certificates of the county clerk as are required by SRC 11.020, shall be filed with the City Recorder not less than 70 days nor sooner than 250 days before the day of the primary election. (Ord No. 15-68; Ord No. 129-87)

11.050. Certification of Candidates in Primary Election. Not less than 61 days before the day fixed by law for the primary nominating election, the City Recorder shall arrange the names and other information concerning all the candidates named in valid nominating petitions which have been filed and the City Recorder shall:

(a) Prepare certifications of such information under the seal of the city and file the same with

the appropriate county clerk and in the City Recorder's office; and

(b) Post a duplicate thereof in a conspicuous place in the City Recorder's office. (Ord No. 15-68; Ord No. 201-79)

11.095. Certificate of Nomination. The two candidates receiving the highest number of votes for each office shall be entitled to a certificate of nomination as the nominees for such office, and their names shall appear on the ballot at the general election; provided, however, that whenever any candidate shall receive a majority of all votes cast for the office for which he or she is a candidate, that person shall be the only nominee for such office and only that person shall receive such certificate of nomination and his or her name only shall be printed on the general election ballot. The City Recorder shall file with the council a report of the canvass of the election as may be submitted by the respective county clerks. (Ord No. 201-79)

11.100. Procedure in Case of Tie Votes. Whenever at a primary nominating election two or more candidates receive an equal number of votes and, on account thereof, it is impossible to determine the nominees, the determination shall be made by lot as between the candidates having received the same number of votes. Whenever at a general election two or more candidates have an equal and the highest number of votes, the result shall be determined by lot. The City Recorder shall notify the candidates receiving the same number of votes to attend at her office at a time appointed by her, and at such time the City Recorder shall publicly decide by lot which candidate of those having received an equal number of votes shall be declared nominated or elected and the person thus declared nominated or elected shall be entitled to receive a certificate of nomination or election, as the case may be. (Ord No. 4615; Ord No. 92-89)

11.110. Withdrawal of Candidates. Any person who has been nominated to an elective office, as provided in this chapter, may cause his or her name to be withdrawn from nomination not later than the 69th day prior to the general election, by a written statement declining the nomination, stating the reason, which such person shall sign and file with the City Recorder. (Ord No. 3842; Ord No. 92-89)

11.120. Nominations after Primary. In case any candidate nominated at the primary nominating election shall die, withdraw, or for any reason be ineligible, or if there shall occur a vacancy by death, resignation, or otherwise in any elective officer, on or after the day set by law for holding primary nominating elections, or if such vacancy occurs before such nominating election, but within such time that a candidate for such vacancy could not be nominated at such election, candidates for such elective office shall be nominated by individual nominating petitions in the same manner as provided for the presentation of candidates for nomination at the primary nominating election, and the same form of petition, as far as applicable, may be used; provided that no slogan or declaration of principles shall appear on the ballot. No elector shall sign more than one petition for any office when a nomination is made pursuant to this section. The name of any candidate so nominated shall be printed on the official ballot in the same manner as the names of candidates nominated at the primary nominating election. Completed nominating petitions filed pursuant to this section shall be filed with the City Recorder not more than 100 days and not less than 70 days before the day of the general election. (Ord No. 3842)

11.130. Roster of Candidates for General Elections. After the primary nominating election and before the general election, within the time fixed by law, the City Recorder shall arrange the names and other information concerning all the candidates contained in the certificates of nomination which have been filed according to the provisions of this chapter, and the City Recorder shall forthwith certify the same and file the same in the City Recorder's office. The City Recorder shall also post a duplicate thereof in a conspicuous place in said office and keep the same posted until after the general election has taken place. (Ord No. 201-79; Ord No. 30-97)

11.140. Procedures for Primary and General Elections. At the primary and general elections the election boards for state and county elections shall be the election boards for the city elections, and as far as practicable the ballots used for state and county elections shall be arranged to include the names of city officers and measures to be voted upon at the city election. Except as in this chapter otherwise provided, the laws of the state relating to primary nominating elections and general elections shall govern the nomination and election of elective city officers. (Ord No. 15-68; Ord No. 201-79)

11.145. Certificate of Election. Upon the counting and canvassing of votes cast at the general election, the candidate receiving the highest number of votes for a particular office shall be entitled to a certificate of election for said office. (Ord No. 201-79)

WARD BOUNDARIES

11.231. Adoption of Ward Boundary Map. The ward boundaries for the eight wards of the City of Salem are hereby declared to be as shown on that certain map entitled "City of Salem Council Wards," dated November 1, 2011, attached to Ordinance Bill No. 34-11 as "Exhibit 1," and by this reference, adopted and made part of this section as if fully reproduced herein. (Ord No. 68-2001; Ord No. 34-11)

11.232. Assignments to Ward 1 upon Annexation. In the event property is annexed to the City of Salem in West Salem, that portion of the city in the area northerly of Cameo Drive NW, easterly of the centerline of Wallace Road NW, westerly of the centerline of the Willamette River and southerly of the easterly extension of the northern line of Tulip Farm Homes, a duly recorded subdivision in Polk County, to the Urban Growth Boundary (UGB) line, and in that area southwesterly of the centerline extended of Rosewood Drive NW, southerly of the Salem-Dallas Highway, and northerly and westerly of the centerline of the Willamette River, electors residing within the annexed area shall be assigned to Ward 1. (Ord No. 68-2001; Ord No. 1-12)

11.233. Assignments to Ward 2 upon Annexation. In the event property is annexed to the City of Salem in the southeast portion of the city in the area southerly of State Street and northerly of a line defined as follows: beginning at the intersection of the east line of the Interstate Highway 5 right-of-way and the centerline extended of Munkers Street SE, thence along the centerline extended and centerline of Munkers Street SE to the intersection of the centerline of Connecticut Avenue SE, thence southerly along the centerline of Connecticut Avenue SE to the intersection of the centerline of Macleay Road SE, thence easterly along the centerline of Macleay Road SE to the north line of Macleay Village, a duly recorded subdivision in Marion County, thence northeasterly along the north line of Macleay Village to the north line of Evergreen Village, a duly recorded subdivision in Marion County, thence along the north line of Evergreen Village to the UGB line, and in that area that is northerly of State Street, southerly of Center Street NE and westerly of Lancaster Drive NE, electors residing within the annexed area shall be assigned to Ward 2. (Ord No. 68-2001; Ord No. 1-12)

11.234 Assignments to Ward 3 upon Annexation. In the event property is annexed to the City of Salem in the southeast portion of the city in the area southerly of a line defined as follows: beginning at the intersection of the east line of the Interstate Highway 5 right-of-way and the centerline extended of Munkers Street SE, thence along the centerline extended and centerline of Munkers Street SE to the intersection of the centerline of Connecticut Avenue SE, thence southerly along the centerline of Connecticut Avenue SE to the intersection of the centerline of Macleay Road SE, thence easterly along the centerline of Macleay Road SE to the north line of Macleay Village, a duly recorded subdivision in Marion County, thence northeasterly along the north line of Macleay Village to the north line of Evergreen Village, a duly recorded subdivision in Marion County, thence along the north line of Evergreen Village to the UGB line, and northerly and easterly of a line defined as follows: beginning at the intersection of the east line of the Interstate Highway 5 right-of-way and the centerline of Kuebler Boulevard SE and running southerly along the east line of the Interstate Highway 5 right-of-

way to the intersection of the centerline extended of Boone Road SE; thence easterly along the centerline extended and the centerline of Boone Road SE to the centerline of the Union Pacific Railroad; thence southeasterly along the centerline of the Union Pacific Railroad to the centerline of Eastland Avenue SE; thence southerly along the centerline of Eastland Avenue SE to the centerline of Markham Street SE; thence southeasterly along the centerline of Markham Street SE extended to the UGB line, electors residing within the annexed area shall be assigned to Ward 3. (Ord No. 68-2001; Ord No. 1-12)

11.235. Assignments to Ward 4 upon Annexation. In the event property is annexed to the City of Salem in the southerly portion of the city in the area southerly and westerly of a line defined as follows: beginning at the intersection of the east line of the right-of-way of Interstate Highway 5 and the centerline of Kuebler Boulevard SE and running southerly along the east line of the right-of-way of Interstate Highway 5 to the intersection of the centerline extended of Boone Road SE; thence easterly along the centerline extended and the centerline of Boone Road SE to the centerline of the Union Pacific Railroad; thence southeasterly along the centerline of the Union Pacific Railroad to the centerline of Eastland Avenue SE; thence southerly along the centerline of Eastland Avenue SE to the centerline of Markham Street SE; thence southeasterly along the centerline of Markham Street SE extended to the UGB line; and that area easterly of the centerline of Liberty Road S-, electors residing within the annexed area shall be assigned to Ward 4. (Ord No. 68-2001; Ord No. 1-12)

11.236. Assignments to Ward 5 upon Annexation. In the event property is annexed to the City of Salem in the northeast portion of the city in the area easterly of the City of Keizer and northerly of Silverton Road NE, electors residing within the annexed area shall be assigned to Ward 5. (Ord No. 68-2001)

11.237. Assignments to Ward 6 upon Annexation. In the event property is annexed to the City of Salem in the eastern portion of the city in the area southerly of Sunnyview Road NE, ~~and~~ northerly of State Street and easterly of Lancaster Drive NE, electors residing within the annexed area shall be assigned to Ward 6. In the event property is annexed to the City of Salem in the northeast portion of the city in the area southerly of Silverton Road NE, northerly of Sunnyview Road NE and easterly of Interstate Highway 5, electors residing within the annexed area shall be assigned to Ward 6. (Ord No. 68-2001; Ord No. 1-12)

11.238. Assignments to Ward 7 upon Annexation. In the event property is annexed to the City of Salem in the area westerly of Liberty Road South and southerly of the centerline of the Willamette River, electors residing within the annexed area shall be assigned to Ward 7. (Ord No. 68-2001)

11.239. Assignments to Ward 8 upon Annexation. In the event property is annexed to the City of Salem in the area northerly and westerly of the centerline of Wallace Road NW and northerly of the Salem-Dallas Highway; and in that area easterly of the centerline of Wallace Road NW, westerly of the centerline of the Willamette River, and northerly of the easterly extension of the northern line of Tulip Farm Homes, a duly recorded subdivision in Polk County to the UGB line, electors residing within the annexed area shall be assigned to Ward 8. (Ord No. 68-2001; Ord No. 1-12)

INITIATIVE AND REFERENDUM

11.240. Resolution Submitting Measure to Voters. Whenever the council shall deem it expedient to submit to the legal voters of the city a municipal measure or amendment to the charter, the council shall declare the same by resolution prior to the date when the City Recorder is required to furnish a statement of the measure to the County Clerk pursuant to State law. (Ord No. 1464; Ord No. 5280; Ord No. 5587; Ord No. 201-79; Ord No. 133-85; Ord No. 129-87; Ord No. 30-97)

11.262. Form of Petition.

(a) The form of petition for any ordinance or amendment to the charter proposed by the initiative or petition for referendum to the people on any ordinance passed by the council shall be as provided by the City Recorder.

(b) An initiative or referendum petition shall designate the name and residence address of not more than three persons as chief sponsors, or, if the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization. Before circulation of an initiative or referendum petition the cover thereof shall contain a ballot title provided by the city attorney under SRC 11.266. Each sheet of signatures on a referendum petition shall contain the number of the ordinance to be referred, and the date it was passed by the council. Each sheet of signatures shall contain the caption of the ballot title in the foot margin and there shall be attached thereto a full and correct copy of the measure to be initiated or referred.

(c) Not more than 20 signatures on each sheet of the initiative or referendum petition shall be counted. Each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed the cover or sheet in the presence of the circulator and that the circulator believes each individual is a registered elector and resident of the city.

(d) The forms given in subsections (a), and (c) are not mandatory and, if substantially followed in any petition, it shall be sufficient, provided signatures on a petition sheet shall not be counted unless:

- (1) A copy of the measure or ordinance is attached thereto at the time of the signing, and
- (2) They are verified as required pursuant to subsection (c) of this section. (Ord No. 201-79; Ord No. 41-82; Ord No. 48-83; Ord No. 129-87; Ord No. 92-89; Ord No. 51-96; Ord No. 30-97; Ord No. 79-98)

11.264. Submitting Prospective Petition.

(a) Before circulating a petition to initiate or refer a city measure, the petitioner shall deposit with the City Recorder a prospective petition on a form as provided by SRC 11.262.

(b) Upon the depositing of a prospective petition, the City Recorder shall:

- (1) Check the prospective petition for compliance with this chapter and, if it does not, advise the person depositing the petition how to correct it;
- (2) Date and time stamp the prospective petition;
- (3) Send a copy to the city attorney as prescribed by SRC 11.266; and
- (4) Retain a copy thereof in the City Recorder's office. (Ord No. 201-79; Ord No. 131-80; Ord No. 41-82)

11.266. Preparation of Ballot Title; Appeal.

(a) When a prospective petition to initiate or refer a city measure is deposited with the City Recorder, the City Recorder immediately shall send two copies of the prospective petition to the city attorney.

(b) Not later than the fifth business day after receiving a copy of the prospective petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the City Recorder. A copy of the ballot title shall be furnished by the City Recorder to the chief sponsor.

(c) When the council refers a measure to the voters, the City Recorder shall send two copies to the city attorney on the date the resolution referring the measure is passed. Not later than the fifth business day after receiving the copies the city attorney shall provide a ballot title for the measure, and send a copy of it to the council and the City Recorder.

(d) Any registered voter of the city not satisfied with the title may, within five business days after it is prepared and deposited with the City Recorder, appeal to the municipal judge by a written appeal filed with the City Recorder, requesting a different ballot title for the measure

and stating why the title prepared is unsatisfactory. Within eight business days after the ballot title is prepared and deposited with the City Recorder, the municipal judge shall provide the appellant a hearing and either approve the title or prescribe another ballot title for the measure. The title thus adopted shall be the ballot title for the measure. (Ord No. 201-79; Ord No. 41-82; Ord No.129-87; Ord No. 92-89; Ord No. 68-93; Ord No. 51-96; Ord No. 30-97)

11.272. Number of Signatures Required. An initiative petition for a proposed ordinance or charter amendment shall be signed by registered voters of the City of Salem in number not less than 15 percent of the votes cast for the office of mayor at the last preceding election. A referendum petition shall be signed by registered voters in number not less than 10 percent of the votes cast for the office of mayor at the last preceding election. (Ord No. 201-79; Ord No. 41-82)

11.274. Filing Requirements.

(a) No later than the 100th day after the initiative is filed with the City Recorder, an initiative or referendum petition relating to a city measure shall be deposited with the Marion and Polk County Clerks for signature verification. Within ten days after a duly prepared petition is deposited with the Marion and Polk County Clerks, the Marion and Polk County Clerks shall verify the number and genuineness of the signatures and the voting qualifications of the persons signing the petition by reference to the registration books in the offices of the Marion and Polk County Clerks. If the Marion and Polk County Clerks determine that there is an insufficient number of signatures, the petition shall be returned to the sponsor or person offering the petition for filing.

(b) No initiative or referendum petition shall be accepted for filing unless:

- (1) It contains 100 percent of the required number of signatures;
- (2) Prior to its circulation a copy of a prospective petition was deposited with the City Recorder pursuant to SRC 11.264;
- (3) As circulated, it complies with the requirements of SRC 11.262;
- (4) The signatures on an initiative petition have been deposited with the City Recorder within 110 days after the date stamped on the prospective petition by the City Recorder under SRC 11.264; and
- (5) The petition relates to a measure involving municipal legislation.

(c) In addition to the requirements provided in subsection (a) and (b), a referendum petition must be filed with the City Recorder not later than the 30th day after passage of the legislation sought to be referred.

(d) A petition which fulfills the requirements of this section shall be so certified by the City Recorder and filed. (Ord No. 201-79; Ord No. 131-80; Ord No. 41-82; Ord No. 92-89; Ord No. 22-94; Ord No. 30-97)

11.276. Procedure Following Filing Petition.

(a) An initiative or referendum petition certified and filed by the City Recorder pursuant to SRC 11.274(d) shall be forwarded to the council at its next regular meeting.

(b) In the case of an initiative petition not proposing a tax levy, bond issue, charter or charter amendment, the council, not later than the 30th day after the measure is forwarded to it, shall adopt or reject the measure. If the measure is not adopted, or if the measure proposed a tax levy, bond issue, charter or charter amendment, the City Recorder shall submit it to the voters on the next available election date in May or November after the City Recorder certifies and files the petition. The council may refer a competing measure to the voters at the same election at which the initiated measure is submitted. If the council refers a competing measure to the voters, it must prepare the measure not later than the 30th day after the initiated measure is filed with it.

(c) Referendum petitions filed within 30 days after the passage of the ordinance against which

the referendum has been invoked shall be submitted to the voters of the city on the next available election date in May or November unless council calls a special election for the purpose of submitting the measure. (Ord No. 201-79; Ord No. 41-82; Ord No. 48-83; Ord No. 92-89; Ord No. 51-96)

11.278. Certifying and Designating Measures.

(a) The City Recorder shall certify measures consecutively in the order in which the measures are filed with the City Recorder to be printed on the ballot.

(b) The City Recorder shall prepare and furnish to the county clerk in each county a certified statement of the city measures to be voted on, and the ballot title for each measure, not later than the times specified in ORS 254.095.

(c) Measures referred to the voters by petition shall be designated "Referendum ordered by petition of the people." Measures proposed by initiative shall be designated "Proposed by initiative petition." Charter amendments and measures submitted by the council without initiative petitions shall be designated "Measures submitted to the voters by the council." (Ord No. 201-79; Ord No. 129-87; Ord No. 92-89)

11.282. Retention of Petition Materials. The City Recorder shall retain the signature sheets of a filed initiative or referendum petition with a copy of the city measure. If the measure is approved by the voters, a copy of the measure shall be preserved as a permanent public record, and the signature sheets shall be preserved for six years. (Ord No. 201-79)

11.284. Referendums under Uniform Revenue Bond Act. Any petition deposited or filed with the City pursuant to ORS 288.815 (5) shall be governed by ORS 288.815, this section and SRC 11.262 through 11.450 provided that SRC 11.272; 11.274(b)(4) and (5); 11.274(c) and 11.276(b) and (c) shall not apply to such a petition. In addition, if the City Recorder has certified and filed a petition meeting the requirements of ORS 288.815 and this section, the council may refer a competing revenue bond or general obligation bond measure to the voters at the same election at which the petitioned measure is submitted. (Ord No. 4-94)

11.310. Number of Affirmative Votes Required. No measure shall be adopted unless it shall receive the affirmative majority of the total number of lawful votes cast on such measure and entitled to be counted thereon. (Ord No. 1464)

11.320. Adoption of Conflicting Measures. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the act receiving the greatest number of affirmative votes shall be, and shall be proclaimed to be, the law adopted. (Ord No. 1464)

11.340. Proclamation of Results.

(a) Immediately upon receipt of the canvass of the votes in an election, the mayor shall proclaim the results of the election, the adoption of each measure which shall have received the majority of the votes cast thereon and, proclaim the law adopted as provided for in SRC 11.320, with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall be in effect or cease to be in effect according to such result.

(b) The City Recorder shall give public notice of the proclamation by posting a copy thereof at the city hall.

(c) The proclamation shall be filed with the measure in the office of the City Recorder.

(d) A measure becomes effective 30 days after the day on which it is enacted or approved by

the majority of the votes cast thereon, or such later date as is prescribed in the measure. (Ord No. 1464; Ord No. 41-82; Ord No. 30-97)

11.450. Unlawful Acts.

(a) It shall be unlawful for any person to:

- (1) Sign any name other than his or her own to a petition;
- (2) Knowingly sign his or her name more than once for the same measure at one election;
- (3) Sign any petition when said person is not, at the time of signing, a registered voter of the city;
- (4) Knowingly circulate or deposit at the office of the City Recorder a petition that contains a signature signed in violation of this chapter; or
- (5) Procure or attempt to procure a signature on a petition by fraud.

Violation of this section is a misdemeanor. (Ord No. 1464; Ord No. 193-79; Ord No. 41-82)

