

**OFFICIAL GENERAL ELECTION BALLOT
LINCOLN COUNTY, OREGON • NOVEMBER 2, 2004**

National

United States President and Vice President

Your vote for the candidates for United States President and Vice President shall be a vote for the electors supporting those candidates.

vote for one

Democrat

U.S. President, **John F. Kerry**
U.S. Vice President, **John Edwards**

Pacific Green

U.S. President, **David Cobb**
U.S. Vice President, **Patricia La Marche**

Constitution

U.S. President, **Michael Anthony Peroutka**
U.S. Vice President, **Chuck Baldwin**

Libertarian

U.S. President, **Michael Badnarik**
U.S. Vice President, **Richard V. Campagna**

Republican

U.S. President, **George W. Bush**
U.S. Vice President, **Dick Cheney**

United States Senator

vote for one

Teresa Keane
Pacific Green

Al King
Republican

Dan Fitzgerald
Libertarian

Ron Wyden
Democrat

David Brownlow
Constitution

National (Continued)

United States Representative in Congress, 5th Congressional District

vote for one

Jerry Defoe
Libertarian

Darlene Hooley
Democrat

Jim Zupancic
Republican

Joseph H. Bitz
Constitution

State

Secretary of State

vote for one

Betsy L. Close
Republican

Richard Morley
Libertarian

Bill Bradbury
Democrat

State Treasurer

vote for one

Randall Edwards
Democrat

Jeff Caton
Republican

Carole D. Winegarten
Constitution

Mitch Shults
Libertarian

State (Continued)

Attorney General

vote for one

Richard D. Hake
Constitution

Paul Connolly
Republican

Hardy Myers
Democrat

Donald G. Smith, Jr.
Libertarian

State Senator, 5th District

vote for one

Joanne Verger
Democrat

Al Pearn
Republican

State Representative, 10th District

vote for one

Jean Cowan
Democrat

Alan Brown
Republican

County

Lincoln County Commissioner, Position 2

vote for one

Bill Hall
Democrat

Karen Gerttula
Republican

Nonpartisan Judiciary

Judge of the Court of Appeals, Position 3

vote for one

Darleen Ortega
Incumbent

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Nonpartisan County

Lincoln County Sheriff
vote for one

Dennis Dotson
Ed Stallard

Lincoln County Treasurer
vote for one

Linda Pitzer

Lincoln County Soil & Water Conservation District

Director, Zone 3, 4-year Term
vote for one

Sterling Grant

Director, Zone 4, 4-year Term
vote for one

Wayne DeMoray

Director, Zone 5, 4-year Term
vote for one

W. G. (Rennie) Ferris

Director, Position at Large, 4-year Term
vote for one

Robert Van Creveld

Director, Position at Large, 2-year Unexpired Term
vote for one

Austin N. Lentz

Central Lincoln People's Utility District

Director, Subdivision No. 3
4-year term
vote for one

Curt Abbott

Larry Nixon

City of Depoe Bay

Mayor, 2-year term
vote for one

James L. White

Bruce Silver

Council Member, Position 1
4-year term
vote for one

Alice I. Brown

Council Member, Position 2
4-year term
vote for one

Pete Cameron

Council Member, Position 3
4-year term
vote for one

Philip A. Taunton

City of Lincoln City

Council Member, Ward I,
4-year term
vote for one

Rick Brissette

Council Member, Ward II,
4-year term
vote for one

Douglas Holbrook

Council Member, Ward III,
4-year term
vote for one

Edward P. Kuntz

City of Newport

Mayor, 2-year term
vote for one

Mark D. Jones

Council Members,
3 Positions At Large, 4-year terms
vote for three

Larry Henson

David Miller

Peggy Sabanskas

Jeff Bertuleit

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City of Siletz

Mayor, 2-year term
vote for one

Daniel Smith

Elizabeth J. Bynum

Council Member, Position 2
4-year term
vote for one

Tina M. Retasket

Council Member, Position 3
4-year term
vote for one

Leslie Button

City of Toledo

Mayor, 2-year term
vote for one

Misty Lambrecht

Edward Johnston

Sharon R. Branstiter

Council Members,
3 Positions At Large, 4-year terms
vote for three

Jim Chambers

Rodney Cross

Bob Manning

City of Waldport

Mayor, 2-year term
vote for one

Scott Beckstead

Council Member,
1 Position At Large,
2-year unexpired term
vote for one

Sue Woodruff

Council Members,
3 Positions At Large, 4-year terms
vote for three

Peter J. Kelly

Shirley Hanes

Curt Abbott

Mark C. Campbell

City of Yachats

Mayor, 2-year term
vote for one

Rachel G. Vanderthorne

Susanne Smith

Council Members,
2 Positions At Large, 4-year terms
vote for two

Joel Evans

Yvonne Wulff

referred to the people by the legislative assembly

31 AMENDS CONSTITUTION: AUTHORIZES LAW PERMITTING POSTPONEMENT OF ELECTION FOR PARTICULAR PUBLIC OFFICE WHEN NOMINEE FOR OFFICE DIES

Result of "Yes" Vote: "Yes" vote amends constitution to authorize law providing that an election for a particular public office may be postponed when nominee for that office dies.

Result of "No" Vote: "No" vote retains existing law, which contains no provision permitting postponement of an election for a particular public office when nominee for that office dies.

Summary: Amends constitution. Current law does not provide for the enactment of a law postponing an election for a particular public offices when a nominee for that office dies. Measure authorizes the legislature to enact a law permitting postponement of an election for a particular public office when a candidate nominated for that office dies; in that circumstance, the legislature may enact a law: (1) allowing the postponement of the regularly scheduled election for the office in question; (2) allowing the office in question to be filled at a subsequent election; and (3) prohibiting the votes cast for candidates at the regularly scheduled election for the office in question from being considered. Measure does not affect election process for other candidates or measures on the ballot.

Estimate of Financial Impact: There is no financial effect on state or local government expenditures or revenues.

32 AMENDS CONSTITUTION: DELETES REFERENCE TO MOBILE HOMES FROM PROVISION DEALING WITH TAXES AND FEES ON MOTOR VEHICLES.

Result of "Yes" Vote: "Yes" vote allows taxes and fees on mobile homes to be used for nonhighway purposes.

Result of "No" Vote: "No" vote retains restriction on use of taxes and fees on mobile homes.

Summary: This measure authorizes expenditure of taxes and fees on mobile homes for nonhighway purposes. Under current law, taxes and fees on mobile homes are required to be spent for highway or administrative purposes, but may also be used for park purposes.

Estimate of Financial Impact: There is no financial effect on state or local government expenditures or revenues.

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State Measures (Continued)

proposed by initiative petition

33 AMENDS MEDICAL MARIJUANA ACT: REQUIRES MARIJUANA DISPENSARIES FOR SUPPLYING PATIENTS/CAREGIVERS; RAISES PATIENTS' POSSESSION LIMIT

Result of "Yes" Vote: "Yes" vote amends Medical Marijuana Act: Requires creating marijuana dispensaries to supply patients/caregivers; allows dispensary/caregiver sales to patients; increases amount patients may possess.

Result of "No" Vote: "No" vote retains current Oregon Medical Marijuana Act, which allows registered patients to possess limited amounts of marijuana for medical purposes, and prohibits marijuana sales.

Summary: Oregon Medical Marijuana Act currently allows registered patients to possess/deliver/produce limited amounts of marijuana for medical purposes. Current law prohibits all marijuana sales, including sales to patients. Measure creates licensing program for nonprofit, regulated medical marijuana dispensaries, which may supply six pounds marijuana yearly per patient. Permits dispensaries to sell marijuana to registered patients/caregivers; percentage of proceeds funds program. Requires dispensaries to provide indigent patients marijuana. Requires county health departments in counties without licensed dispensaries to become dispensaries and supply marijuana to registered patients. Allows designated caregivers to sell marijuana to their registered patients. Increases marijuana registered patients may possess to ten mature plants, any number seedlings, one pound usable marijuana (six pounds if patient grows only one crop yearly). Other provisions.

Estimate of Financial Impact: The measure would require state expenditures of \$340,000 to \$560,000 per year on a recurring basis, with additional one-time start-up costs of \$135,000. All but \$75,000 of these costs may be offset by fees to be established by the Department of Human Services as provided in the measure. The financial effect on local government revenues and expenditures cannot be determined.

State Measures (Continued)

34 REQUIRES BALANCING TIMBER PRODUCTION, RESOURCE CONSERVATION/PRESERVATION IN MANAGING STATE FORESTS; SPECIFICALLY ADDRESSES TWO FORESTS

Result of "Yes" Vote: "Yes" vote requires managing state forests balancing, as equally beneficial, conservation/preservation and timber production; manages Tillamook, Clatsop forests half for restoration, half for production.

Result of "No" Vote: "No" vote retains current law allowing mixed use state forest management; rejects: requiring management that values conservation and production equally, separately managing Tillamook, Clatsop Forests.

Summary: Current law directs that Board of Forestry manage all state forests to maximize "permanent value" (defined by board) through mixed use, including timber sales, mining, protecting, conserving, utilizing forests. Measure requires management defining "permanent value" as balancing sustainable timber production with water, wildlife, watershed protection, recreation, forest restoration, considering resource conservation equally beneficial to timber production. Manages Tillamook, Clatsop Forests half for forest restoration, prioritizing drinking water, habitat, fish protection; half for sustainable timber production, with restoration management steps recommended by restoration science team. Addresses using timber revenues for common School Fund, forest restoration management (board providing additional funding as needed); continues current local school funding levels. Measure declares it replaces any other management plan for Clatsop, Tillamook Forests adopted in 2004 election. Other provisions.

Estimate of Financial Impact: With respect to the Tillamook and Clatsop State Forests:

The measure is estimated to increase state expenditures by \$1.5 million to \$6.3 million per year;

The measure is estimated to decrease state revenue by \$4.2 million to \$10.3 million per year;

The measure is estimated to require approximately \$2 million of one-time state expenditures;

The measure is estimated to decrease revenues for local governments by \$17.2 million to \$19.4 million per year; and

State Measures (Continued)

35 AMENDS CONSTITUTION: LIMITS NONECONOMIC DAMAGES (DEFINED) RECOVERABLE FOR PATIENT INJURIES CAUSED BY HEALTHCARE PROVIDER'S NEGLIGENCE OR RECKLESSNESS

Result of "Yes" Vote: "Yes" vote limits recovery of noneconomic damages (defined) for negligent or reckless injury to patient by healthcare provider to \$500,000 (adjusted annually for inflation).

Result of "No" Vote: "No" vote retains current law, which places no limit on jury award of noneconomic damages (defined) for injury caused by negligence, recklessness of healthcare provider.

Summary: Amends constitution. Under current law, there is generally no limit on jury's award of noneconomic damages to patient, patient's legal representative, or patient's spouse for injury caused by healthcare provider. Measure limits recovery of noneconomic damages for negligent or reckless injury caused by an Oregon licensed healthcare provider or healthcare entity to \$500,000. Defines noneconomic damages to include pain; mental suffering; emotional distress; loss of society, companionship, services; loss of sexual relations; inconvenience; interference with normal and usual activities apart from employment. Specifies formula to adjust for inflation annually. Limitation applies regardless of extent of injuries, number of people entitled to damages, or number of defendants sued. Does not apply to wrongful death claims. Applies to suits filed after January 1, 2005. Other provisions.

Estimate of Financial Impact: There is no financial effect on state or local government expenditures or revenues.

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State Measures (Continued)

36 AMENDS CONSTITUTION: ONLY MARRIAGE BETWEEN ONE MAN AND ONE WOMAN IS VALID OR LEGALLY RECOGNIZED AS MARRIAGE

Result of "Yes" Vote: "Yes" vote adds to Oregon constitution declaration of policy that only marriage between one man and one woman is valid or legally recognized as marriage.

Result of "No" Vote: "No" vote retains existing constitution without a provision declaring that only marriage between one man and one woman is valid or legally recognized as marriage.

Summary: Amends constitution. Oregon statutes currently provide that marriage is a civil contract entered into in person between individuals of the opposite sex, that is, between males and females at least 17 years of age who solemnize the marriage by declaring "they take each other to be husband and wife." The existing Oregon Constitution contains no provision governing marriage. Currently, the State of Oregon recognizes out-of-state marriages that are valid in the state where performed, unless the marriage violates a strong public policy of Oregon. Measure adds to Oregon Constitution a declaration that the policy of the State of Oregon and its political subdivisions is that "only a marriage between one man and one woman shall be valid or legally recognized as a marriage."

Estimate of Financial Impact: There is no financial effect on state or local government expenditures or revenues.

State Measures (Continued)

37 GOVERNMENTS MUST PAY OWNERS, OR FORGO ENFORCEMENT, WHEN CERTAIN LAND USE RESTRICTIONS REDUCE PROPERTY VALUE

Result of "Yes" Vote: "Yes" vote requires that governments pay owners, or forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions reduce owners' property value.

Result of "No" Vote: "No" vote rejects requiring that governments pay owners or forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions reduce property value.

Summary: Currently, Oregon Constitution requires government(s) to pay owner "just compensation" when condemning private property or taking it by other action, including laws precluding all substantial beneficial or economically viable use. Measure enacts statute requiring that when state, city, county, metropolitan service district enacts or enforces land use regulation that restricts use of private real property or interest thereon, government must pay owner reduction in fair market value of affected property interest, or forgo enforcement. Governments may repeal, change, or not apply restrictions in lieu of payment; if compensation not timely paid, owner not subject to restrictions. Applies to restrictions enacted after "family member" (defined) acquired property. Creates civil right of action including attorney fees. Provides no new revenue source for payments. Certain exceptions. Other provisions.

Estimate of Financial Impact:

The measure would require state administrative expenditures to respond to claims for compensation of between \$18 million and \$44 million per year.

The measure may require compensation to landowners. The amount of state expenditures needed to pay claims for compensation cannot be determined.

There is no financial effect on state revenues.

The measure would require local government administrative expenditures to respond to claims for compensation of between \$46 million and \$300 million per year.

The measure may require compensation to landowners. The amount of local government expenditures needed to pay claims for compensation cannot be determined.

The effect of the measure on local government revenues cannot be determined.

State Measures (Continued)

38 ABOLISHES SAIF; STATE MUST REINSURE, SATISFY SAIF'S OBLIGATIONS; DEDICATES PROCEEDS, POTENTIAL SURPLUS TO PUBLIC PURPOSES

Result of "Yes" Vote: "Yes" vote abolishes SAIF; state must reinsure, satisfy SAIF's current obligations (including pending policyholder claims against SAIF); dedicates proceeds, potential surplus to specified public purposes.

Result of "No" Vote: "No" vote retains law authorizing SAIF, a public corporation, to sell and administer workers compensation insurance and to administer an accident fund for that purpose.

Summary: State Accident Insurance Fund (SAIF) is a public corporation selling, administering workers compensation insurance, and administering accident fund for that purpose. Measure abolishes SAIF. Requires state to assume SAIF's authority over accident fund; reinsure fund; satisfy SAIF's obligations under its existing policies; use fifty percent of any excess surplus (meaning any funds exceeding reserves and surplus necessary to satisfy future liabilities) to satisfy policyholder claims in litigation before October 2003; transfer forty percent of any excess surplus to new fund; sell SAIF's assets; transfer proceeds to same fund; and reinsure, otherwise resolve SAIF's remaining liabilities. Dedicates new fund to supporting schools, local law enforcement; providing medications to seniors, medically needy; promoting job growth. Requires certain reports to legislature regarding rates for insurance premiums. Other provisions.

Estimate of Financial Impact:

The measure would reduce state revenue by approximately \$405 million per year and would reduce state expenditures by approximately \$301 million per year due to the elimination of SAIF.

The measure would require additional state government expenditures of \$1.8 million to \$5.5 million per year on a recurring basis with an additional one-time expenditure of \$2.2 billion to \$2.4 billion.

There will be a one time increase of state revenues of \$32.6 million from sale of real property.

The measure would require local government expenditures of \$2.6 million to \$10.5 million per year on a recurring basis.

There is no financial effect on local government revenues.

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Lincoln County Library District

21-97 Local Option Tax for Library Funding

Question: Shall Lincoln County Library District levy 9¢ per \$1000 assessed value for five years, beginning 2005-2006, to fund your library?

Summary: Approval of this measure will provide funding for libraries in Lincoln City, Newport, Siletz, Toledo and Waldport.

It is estimated that this measure would raise approximately \$241,885 in tax revenues for 2005-2006, \$247,932 in tax revenues for 2006-2007, \$254,130 in tax revenues for 2007-2008, \$260,483 in tax revenues for 2008-2009, and \$266,995 in tax revenues for 2009-2010.

City of Depoe Bay

21-100 Local Option Tax Levy

Question: Shall the City be authorized to levy a local option tax of 35¢/\$1,000 valuation for five years commencing in 2005-2006?

This measure may cause property taxes to increase more than three percent.

Summary: This measure authorizes the City to levy a property tax at a rate of 35¢ per thousand dollars assessed valuation each year commencing the fiscal year beginning July 1, 2005 for five consecutive years. The City estimates that this measure would raise approximately \$97,678 in tax revenues in 2005-2006, \$102,562 in 2006-2007, \$107,687 in 2007-2008, \$113,072 in 2008-2009 and \$118,725 in 2009-2010. The taxes would be used, in conjunction with dedicated transient room tax revenues, to finance the City Public Safety and Law Enforcement Program including a contract with the Lincoln County Sheriff's Department for the services of one deputy sheriff, an office with furnishings and office equipment, administrative support and to pay related costs.

City of Lincoln City

21-99 Bonds to Improve and Expand Lincoln City's Sanitary Sewer System

Question: To improve and expand sewage treatment plant and collection system, shall Lincoln City issue \$22 million in general obligation bonds? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary: To protect the environment, meet Federal and State requirements, and have sufficient capacity, the City must:

- Upgrade the 20-year old sewage treatment plant;
- Upgrade the plant's aeration basins to stop sewage leaks;
- Upgrade the system's pump stations to eliminate sewage overflows;
- Make other improvements.

The estimated cost is \$22 million.

This measure approves up to \$22 million in general obligation bonds to pay for design and construction of these improvements and related studies and planning. Covered projects are listed in the 2004 Wastewater Facilities Plan, which may be revised periodically. The bonds will mature in up to 30 years. The average estimated bond cost, if only property taxes are used to pay off the bonds, is \$1.75 per \$1,000 of assessed value per year, based on a 25-year term. However, the City plans to use other funds to help pay the bonds, such as money received from developers and sewer ratepayers. The actual property tax cost for the bonds therefore should be less, averaging 85 cents per \$1,000 of assessed value per year.

City of Toledo

21-101 City of Toledo General Obligation Bonds for Fire Station

Question: Shall the City of Toledo issue \$2.1 million of general obligation bonds to provide a new fire station? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary: The present fire hall was constructed in 1979; it has developed severe structural problems. There is a slide area that affects the fire station site and has caused structural damage to the building. At least three geotechnical engineers have investigated the site in the past ten years without a definitive, cost-effective solution. The last investigation, completed in 2000, recommended that for safety reasons the building no longer be occupied. The City Council is submitting this measure to the voters to allow the city to build and equip a new fire station on a different site.

A City Council subcommittee, staff and architects have worked to propose a new structure which is approximately the same size as the existing facility. The architect's cost estimate is \$2,100,000.

You are being asked to approve a general obligation bond to pay for the new fire station. The bond cost at today's rates is estimated for a property assessed at \$100,000 to be about \$60 per year for twenty years.

City of Yachats

21-98 Approval of City of Yachats City Charter

Question: Shall the voters of the City of Yachats approve a revised city charter?

Summary: The current Yachats Charter has become outdated since the incorporation of the City of Yachats in 1967, and therefore the City Council of Yachats desires to update the city charter for the city. A charter review committee reviewed the existing charter and has recommended submitting to the voters a revised charter. The committee agreed that the proposed revision of the charter should be based on the League of Oregon Cities' Model Charter for Oregon cities. This is an updated version of previous models with footnotes and appendixes to back up and give analysis of various sections. In this revised edition certain topics have been eliminated because the state has preempted the City's authority. In addition, the language has been made gender neutral. However the committee made some amendments, additions or deletions to the model language to reflect provisions in the existing Yachats Charter in either the same wording or as modified by the committee. This new charter, if adopted by the voters at this November General Election, will go into effect on February 1, 2005.