

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

Ordinance No. 81

FEB 2 1978

ALBERTA M. BRYANT
County Clerk

By *Edward H. ...*
Deputy

AN ORDINANCE TO QUALIFY LINCOLN COUNTY FOR USING THE STATE VOTERS PAMPHLET TO PUBLICIZE COUNTY INITIATIVE AND REFERENDUM MEASURES AND DECLARING AN EMERGENCY.

WHEREAS, section 3, chapter 516, Oregon Laws 1977, provides for publication in the state voters pamphlet of county measures submitted to county voters in exercise of the initiative or referendum and for like publication of ballot titles for, explanatory statements of, and arguments for and against, those measures; and

WHEREAS, Lincoln County wishes to qualify for exercising the publishing option;

THEREFORE, the Board of County Commissioners of Lincoln County ordains as follows:

Section 1. Ballot Titles and Explanatory Statements--
Judicial Review--Petition.

If

(1) a county measure is, in accordance with the law of the state of Oregon, on exercise of the initiative or referendum, referred to the voters of the county; and

(2) a ballot title for the measure and an explanatory statement of the measure or both are filed with the county clerk in accordance with that law; and

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1 (3) the

2 (a) county governing body decides, as to a county
3 measure that the governing body proposes, or

4 (b) chief petitioners decide, as to a county
5 measure that the petitioners propose by the initiative
6 or the referendum,

7 that the measure shall be published in the state voters pamphlet;
8 and

9 (4) a county voter is dissatisfied with the title or
10 the statement or both, on the ground that the title is not a concise
11 and impartial statement of the purpose of the measure or the expla-
12 natory statement is not an impartial, simple, and understandable
13 statement explaining the measure and it's effect,
14 the voter may, within 20 days after the ballot title is filed with
15 the county clerk and within a period not earlier than 5 days and
16 not later than 10 days after the explanatory statement is filed with
17 the county clerk, petition the Circuit Court of the 17th Judicial
18 District to prepare another ballot title or another explanatory
19 statement for the measure. Attached to the petition shall be a
20 copy of the measure, of the challenged ballot title or explanatory
21 statement, and a statement why the title or statement dissatisfy
22 the petitioner.

23 Section 2. Ballot Titles and Explanatory Statements--

24 Judicial Review--Procedures

25 The court may then solicit additional written information pertinent
26 to the measure, the ballot title, and the explanatory statement,

1 shall afford the petitioner access to the information, and may
 2 then hear oral argument about the title and statement. The court
 3 shall adjudicate the petition within 15 days after the petition
 4 is filed with the clerk of the court.

5 Section 3. Ballot Titles and Explanatory Statements--
 6 Judicial Review--Standards.

7 (1) If the court finds that the ballot title is a concise
 8 and impartial statement of the purpose of the measure, the court
 9 shall sustain the title as being so. If the court finds to the
 10 contrary, it shall prepare another ballot title that is a concise
 11 and impartial statement of the purpose of the measure.

12 (2) If the court finds that the explanatory statement is
 13 an impartial, simple and understandable statement explaining the
 14 measure and it's effect, the court shall sustain the statement as
 15 being so. If the court finds to the contrary, it shall prepare
 16 another explanatory statement of the measure that is an impartial,
 17 simple, and understandable statement explaining the measure and it's
 18 effect.

19 Section 4. Ballot Titles and Explanatory Statements--
 20 Submission to Secretary of State.

21 When filing the measure with the Secretary of State, the county
 22 clerk shall also file the ballot title originally prepared for the
 23 measure, if that title has not been subjected to judicial review or
 24 has been so subjected but sustained, and shall so file the title
 25 prepared by the court if the original title has been subjected to
 26 judicial review and not sustained. The clerk shall likewise file

1 the explanatory statement originally prepared for the measure, if
 2 that statement has not been subjected to judicial review or has
 3 been so subjected but sustained, and shall likewise file the state-
 4 ment prepared by the court if the original statement has been
 5 subjected to judicial review and not sustained. Filing of the
 6 ballot title and explanatory statement with the Secretary of
 7 State shall be no later than the 70th day before the election.

8 Section 5. Arguments Regarding Measures.

9 If the

10 (1) County governing body decides, as to a county
 11 measure that the governing body proposes; or

12 (2) chief petitioners decide, as to a county measure
 13 that the petitioners propose by the initiative or the referendum;
 14 that the measure shall be published in the state voters pamphlet,
 15 the county clerk shall accept from any county voter or group of
 16 voters, and shall file with the Secretary of State, not later than
 17 the 70th day before the election, together with the measure, argu-
 18 ment(s) supporting or opposing the measure, and a disclaimer
 19 statement in substantially the following form:

20 "The printing of this argument does not constitute an
 21 endorsement by the State of Oregon or the County of Lincoln, nor
 22 does the state/county warrant the accuracy of truth of any statement
 23 made in this argument."

24 provided:
 25 (1) the argument is typewritten and can be printed in the
 26 voter's pamphlet in 29.8 square inches, and shall likewise file

(2) the argument is filed with the clerk at least 10 days before the time when the clerk is required to file the measure with the Secretary of State, and

(3) the voter or group, when filing the argument, either (a) pays the county \$300 to apply to the cost of the printing or

(b) files with the clerk a petition signed by 1,000 voters or 10 percent of the total number of voters in the county 10 days before the submission, whichever number is the lesser, and

(4) the argument is accompanied by the name of the person who submitted the argument, the name of the organization the person represents, if any, and whether the argument supports or opposes the measure.

Section 6. Emergency Clause.

That this Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its adoption.

DATED this 1st day of February, 1978.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jack W. Postle
Jack W. Postle, Chairman

Albert R. Strand
Albert R. Strand

Andy Zedwick
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