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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

Lincoln County Legal Counsel

ORDINANCE # 215

AN ORDINANCE AMENDING ORDINANCE #155, AS AMENDED, CHAPTER EIGHT, SECTIONS 8.105 THROUGH 8.120, AND DECLARING AN EMERGENCY

WHEREAS there have been amendments to ORS 251.285 relating the county measures included in the state voters pamphlet; and

WHEREAS the Lincoln County Board of Commissioners agrees that it is in the public interest to make changes in the Lincoln County Code to reflect these changes;

NOW, THEREFORE, the Board ORDAINS as follows:

SECTION I: That the following changes in chapter Eight of the Lincoln County Code shall be made:

8.105 Purpose

The purpose of sections 8.105 to 8.130 is to allow inclusion of county measures, ballot titles and explanatory statements therefor, and arguments relating thereto in the state voters pamphlet in accordance with ORS 251.285 and these code provisions.

8.110 County Measures Included in Pamphlet

A county measure shall qualify for and be subject to the provisions of LCC 8.105 to 8.130 and ORS 251.285 only if:

(1) The measure is to be submitted to the electors at an election for which a state voters pamphlet is printed;

(2) All procedures set forth in LCC 8.105 to 8.130 relating to the preparation of the ballot title and to the explanatory statement for the measure, have been completed on or before the 75th day before the election at which the measure is to be submitted to the electors.

(3) In the case of a measure proposed by initiative or referendum petition:

(a) All chief petitioners indicate their decision to include the measure, its ballot title, explanatory statement and arguments in the state voters pamphlet, by filing with the county clerk a statement of that decision, in such form as the clerk shall prescribe, at the time the prospective petition for the measure is filed with the clerk;

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1 (b) A petition containing sufficient numbers of
2 qualified signatures to require submission of the measure to the
3 electors is filed with the clerk on or before the 90th day preced-
ing the election at which the measure is to be submitted to the
electors.

4 (4) In the case of a measure referred to the electors
5 by the board of county commissioners, the board indicates its de-
6 cision to include the measure, its ballot title, explanatory state-
7 ment and arguments in the state voters pamphlet, by filing with the
clerk its order reflecting that decision on or before the 85th day
preceding the election at which the measure is to be submitted to
the electors.

8 (5) In the case of any county measure supported or op-
9 posed by a political committee, as defined in ORS chapter 260, such
10 committee indicates its decision in a statement signed by every
11 committee director, as defined in ORS chapter 260, and files such
statement with the clerk on or before the 80th day preceding the
election at which the measure is to be submitted to the electors.

12 8.115 Preparation of Ballot Titles and Explanatory Statements

13 (1) In the case of a measure proposed by initiative or
14 referendum petition, upon the filing of the prospective petition,
15 the clerk shall convey two copies of the prospective petition to
16 the district attorney, who shall, within five days after receiving
it, prepare a ballot title and explanatory statement for the mea-
sure and return a copy of the prospective petition, together with
the ballot title and explanatory statement to the clerk and to one
of the chief petitioners.

17 (2) In the case of a measure referred to the electors
18 by the board of county commissioners which will be voted upon at an
19 election for which there is a state voters pamphlet, the board
20 shall file with the clerk a ballot title and explanatory statement
for the measure at the time it files the order described in sub-
section 8.110(4).

21 (3) Ballot titles shall consist of:

22 (a) a caption of not more than 10 words by which
the measure is commonly referred to;

23 (b) a question of not more than 20 words which
24 plainly states the purpose of the measure, and is phrased so that
an affirmative response to the question corresponds to an affir-
25 mative vote on the measure;

26 (c) a concise and impartial statement of not more
than 75 words of the chief purpose of the measure.

1 (4) Explanatory statements shall be impartial, simple,
2 and understandable, explaining the measure and its effect and
shall not exceed 500 words.

3 8.120 Judicial Review of Ballot Titles and Explanatory Statements

4 Within five days after the ballot title and explanatory
5 statements are received by the clerk under subsection (1) or (2) of
6 LCC 8.115, any elector dissatisfied with the ballot title or explan-
7 atory statement or both may petition the Oregon State Circuit Court
8 of Lincoln County for review of the title or statement, and shall
9 set forth the reasons why the title or statement does not conform
10 to the requirements of LCC 8.105 to 8.130 or other applicable law.
11 If the court finds that the ballot title or explanatory statement
12 complies with the requirements of LCC 8.105 to 8.130 and other ap-
13 plicable law, it shall enter an appropriate order to that effect.
14 If the court determines that the ballot title or explanatory state-
15 ment does not comply with the requirements of LCC 8.105 to 8.130 or
16 other applicable law, the court shall prepare an alternative ballot
17 title or explanatory statement. The title or statement so prepared
18 shall supercede and replace that of the district attorney for pur-
19 poses of LCC 8.105 to 8.130. The order of the circuit court shall
20 not be appealable.

13 8.125 Arguments Favoring or Opposing Measures

14 (1) Arguments favoring or opposing a measure which quali-
15 fies for and is subject to LCC 8.105 to 8.130 may be filed with the
16 clerk on or before the 75th day preceding the election at which the
measure is to be submitted to the electors by:

17 (a) any elector eligible to vote on the measure, or
18 any organization eligible to file arguments under Oregon Law, upon
19 payment to the clerk of a fee of \$300 and the filing of a statement,
20 in such form as the clerk shall prescribe, which identifies the name
of the person or persons who submitted the argument, the name of the
organization the person or persons represent, if any, and whether
the argument supports or opposes the measure, or;

21 (b) one thousand or more electors eligible to vote
22 on the measure or 10% of the total of such electors, whichever is
23 less, whose representative files with their argument a petition for
24 its inclusion in the state voters pamphlet, in such form as the
clerk shall prescribe or provide, which contains the qualified sig-
natures of at least 1,000 such electors or 10% of the total electors
eligible to vote on the measure, whichever is less.

25 (2) Prior to the circulation of a petition under subsec-
26 tion (1)(b) of this section, a prospective petition shall be filed
with the clerk, in such form as the clerk shall prescribe or provide,
which sets forth the text of the proposed argument and which iden-

1 tifies the name of the person or persons who submitted the argument,
2 the name of the organization the person or persons represent, if
3 any, and whether the argument supports or opposes the measure. A
4 copy of the contents of the prospective petition shall be attached
5 to each signature sheet of the petition circulated among the elec-
6 tors. The procedures for circulation of the petition shall be the
7 same as the applicable procedures for circulation of initiative or
8 referendum petitions, and the clerk shall verify the signatures on
9 the petition in the same manner signatures are verified on refer-
10 endum or initiative petitions. Arguments shall be typewritten, and
11 shall be prepared for printing on not more than 29.8 square inches
12 of the state voters pamphlet and shall comply with all applicable
13 laws and rules pertaining to arguments in the state voters pamphlet.

8.130 Filing of Material with Secretary of State

9 On or before the 70th day preceding the election at which
10 any measure which qualifies for and is subject to LCC 8.105 to
11 8.130 is to be submitted to the electors, the clerk shall file with
12 the secretary of state the measure, ballot title, explanatory state-
13 ments, and any arguments which have been filed and completed in ac-
14 cordance with the requirements of LCC 8.105 to 8.130 and of any
15 other applicable law. The county shall pay the secretary of state
16 the cost of including the material in the state voters pamphlet.

SECTION II: That this ordinance shall be adapted so that it
14 conforms with the Lincoln County Code of which it shall become a
15 part.

SECTION III: That this ordinance, being necessary for the imme-
16 diate preservation of the public peace, health, and safety, an
17 emergency is declared to exist and this ordinance takes effect upon
18 its adoption.

DATED this 6 day of June, 1984.

LINCOLN COUNTY BOARD OF COMMISSIONERS

R. D. Jantz
Chairman

Bob Deskins
Commissioner

[Signature]
Commissioner

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