

file

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In Re: An Ordinance to Qualify Columbia  
County for Using the State Voters  
Pamphlet to Publicize County  
Initiative and Referendum Measures. )

No. 80-11

O R D I N A N C E

WHEREAS, section 3, chapter 516, Oregon Laws 1977, provides for publica-  
tion 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, Columbia County wishes to qualify for exercising this publica-  
tion option;

NOW, THEREFORE, THE COLUMBIA COUNTY BOARD OF COMMISSIONERS 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 on  
exercise of the initiative and 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

(3) the

(a) county governing body decides, as to any county measure, or

(b) chief petitioners of the initiative or referendum with regard

to a county measure initiated or referred by the people decide in a statement  
signed by all of the chief petitioners, and filed with the county clerk, or

(c) political committee, as defined in ORS 260.005, that opposes the county measure decides in a statement signed by every committee director as defined in ORS 260.005, and filed with the county clerk, that the measure shall be published in the state voter's pamphlet, and

(4) a county voter is dissatisfied with the title or the statement or both, on the ground that the title is not a concise and impartial statement of the purpose of the measure or the explanatory statement is not an impartial, simple and understandable statement explaining the measure and its effect, the voter may, within 20 days after the ballot title is filed with the county clerk and within a period not earlier than 5 days and not later than 10 days after the explanatory statement is filed with the county clerk, petition the Circuit Court of the Nineteenth Judicial District to prepare another ballot title or another explanatory statement for the measure. Attached to the petition shall be a copy of the measure, of the challenged ballot title or explanatory statement, and a statement why the title or statement dissatisfy the petitioner.

SECTION 2. BALLOT TITLES AND EXPLANATORY STATEMENTS -- JUDICIAL REVIEW -- PROCEDURES.

The court may then solicit additional written information pertinent to the measure, the ballot title, and the explanatory statement, shall afford the petitioner access to the information, and may then hear oral argument about the title and statement. The court shall adjudicate the petition within 15 days after the petition is filed with the clerk of the court.

SECTION 3. BALLOT TITLES AND EXPLANATORY STATEMENTS -- JUDICIAL REVIEW -- STANDARDS.

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

(2) If the court finds that the explanatory statement is an impartial, simple, and understandable statement explaining the measure and its effect, the court shall sustain the statement as being so. If the court finds to the

contrary, it shall prepare another explanatory statement of the measure that is an impartial, simple, and understandable statement explaining the measure and its effect.

SECTION 4. BALLOT TITLES AND EXPLANATORY STATEMENTS -- SUBMISSION TO SECRETARY OF STATE.

When filing the measure with the Secretary of State, the county clerk shall also file the ballot title originally prepared for the measure, if that title has not been subjected to judicial review, or has been so subjected but sustained, and shall so file the title prepared by the court if the original title has been subjected to judicial review and not sustained. The clerk shall likewise file the explanatory statement originally prepared for the measure, if that statement has not been subjected to judicial review, or has been so subjected but sustained, and shall likewise file the statement prepared by the court if the original statement has been subjected to judicial review and not sustained. Filing of the ballot title and explanatory statement with the Secretary of State shall be no later than the 70th day before the election.

SECTION 5. ARGUMENTS REGARDING MEASURES.

If the

(1) county governing body decides, as to any county measure, or  
(2) chief petitioners of the initiative or referendum with regard to a county measure initiated or referred by the people decide in a statement signed by all of the chief petitioners, and filed with the county clerk, or  
(3) political committee, as defined in ORS 260,005, that opposes the county measure decides in a statement signed by every committee director as defined in ORS 260.005, and filed with the county clerk, that the measure shall be published in the state voter's pamphlet, the county clerk shall accept from any county voter or group of voters, and shall file with the Secretary of State, not later than the 70th day before the election, together with the measure, argument(s) supporting or opposing the measure, and a disclaimer statement in substantially the following form:

"The printing of this argument does not constitute an indorsement by the State of Oregon or the County of Columbia, nor does the state/county warrant the accuracy or truth of any statement made in this argument."

provided:

(1) the argument is typewritten and can be printed in the voter's pamphlet in 29.8 square inches, and

(2) the argument is filed with the county 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. EFFECTIVE DATE.

This ordinance shall be in full force and effect on the 3rd day of

December, 1980.

ENACTED this 3rd day of September, 1980, being the date of the second reading held at least thirteen (13) days from the first reading, before the Board of County Commissioners for Columbia County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Brenton Hunt  
Chairman

Marion Sahagun  
Commissioner

J. Ahlborn  
Commissioner

Alonia Salvey  
Recording Secretary

First Reading: Aug. 20, 1980

Second Reading: Sept. 3, 1980

Vote: Ayes: 3

Nays: