

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

FILED IN COUNTY
TIME 11:18 AM, OR.

MAY 12 1 29 PM '88

1 IN THE MATTER OF AN ORDINANCE TO AUTHORIZE)
WASCO COUNTY TO INCLUDE COUNTY MEASURES,)
2 BALLOT TITLES AND EXPLANATORY STATEMENTS)
AND ARGUMENTS RELATING THERETO IN THE)
3 STATE VOTERS PAMPHLET.)

ORDINANCE
COUNTY OF WASCO

4 THE COUNTY COURT OF WASCO COUNTY, OREGON, DOES ORDAIN AS FOLLOWS:

5 SECTION 1. STATE VOTERS' PAMPHLET. The County Court of Wasco
6 County considers it to be in the interest of the people of Wasco
7 County for County measures, ballot titles and explanatory statements
8 therefore and arguments relating thereto to be included in the State
9 Voters' Pamphlet, in accordance with ORS 251.285 and the provisions
10 of this Ordinance.

11 SECTION 2. DEFINITIONS. For the purpose of this Ordinance,
12 unless the context requires otherwise, "Clerk" means the Clerk of
13 Wasco County, or the Clerk's Designee.

14 SECTION 3. COUNTY MEASURES INCLUDED IN PAMPHLET. A County
15 measure shall qualify for and be subject to the provisions of this
16 Ordinance only if:

17 (A) The measure is submitted to the electors at an
18 election for which a State Voters' Pamphlet is printed.

19 (B) All procedures set forth in this Ordinance relating to
20 the preparation of the ballot title and of the explanatory
21 statement for the measure, including final adjudication in any
22 judicial review thereof, have been completed on or before the
23 80th day before the election at which the measure is to be
24 submitted to the electors.

25 (C) In the case of a measure proposed by initiative or
26 referendum petition:

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(1) 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 Clerk of Wasco County 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; and

(2) A petition containing sufficient qualified signatures to require submission of the measure to the electors is filed with the Clerk on or before the 90th day preceding the election at which the measure is to be submitted to the electors.

(D) In the case of a measure referred to the electors by the County Court, the Court indicates its decision to include the measure, its ballot title, explanatory statement 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.

(E) In the case of any County measure opposed by a political committee, as defined in ORS Chapter 260, such committee indicates its decision in a statement signed by every 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.

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1 SECTION 4. PREPARATION OF BALLOT TITLES AND EXPLANATORY
2 STATEMENTS.

3 (A) In the case of a measure proposed by initiative or
4 referendum petition, upon the filing of its prospective petition,
5 the Clerk shall convey two copies of the petition to the District
6 Attorney of Wasco County, who shall, within five business days
7 after receiving it, prepare a ballot title and explanatory state-
8 ment for the measure and return a copy of the prospective
9 petition, together with the ballot title and explanatory state-
10 ment, to the Clerk and to one of the chief petitioners.

11 (B) In the case of a measure referred to the electors by the
12 County Court, which will be voted upon at an election for which
13 there is a State Voters' Pamphlet, the Court shall file with the
14 Clerk a ballot title and explanatory statement for the measure
15 at the time it files the Order described in Subsection (D),
16 Section 3 of this Ordinance.

17 (C) Ballot titles shall consist of:

18 (1) A caption of not more than 10 words by which the
19 measure is commonly referred to;

20 (2) A question of not more than 20 words which plainly
21 states the purpose of the measure, and is phrased so that an
22 affirmative response to the question corresponds to an
23 affirmative vote on the measure; and

24 (3) A concise and impartial statement of not more than
25 85 words of the chief purpose of the measure.

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

SECTION 5. JUDICIAL REVIEW OF BALLOT TITLES AND EXPLANATORY STATEMENTS. Within five days after the ballot title and explanatory statement are received by the Clerk under Subsection (A) or (B) of Section 4 of this Ordinance, any elector dissatisfied with the ballot title or explanatory statement or both may petition the Circuit Court of the State of Oregon for the County of Wasco for review of the title or statement, and shall set forth the reasons why the title or statement does not conform to the requirements of this Ordinance or other applicable law. If the Court finds that the ballot title or explanatory statement complies with the requirements of this Ordinance and other applicable law, it shall enter an appropriate Order to that effect. If the Court determines that the ballot title or explanatory statement does not comply with the requirements of this Ordinance or other applicable law, the Court shall prepare an alternative ballot title or explanatory statement and shall include the text in its Order. In the event the Court prepares an alternative ballot title or explanatory statement, the title or statement so prepared shall supersede and replace the District Attorney's for purposes of this Ordinance. The Circuit Court's Order shall not be appealable.

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SECTION 6. ARGUMENTS FAVORING OR OPPOSING MEASURES.

(A) Arguments favoring or opposing a measure which qualifies for and is subject to this Ordinance may be filed with the Clerk on or before the 80th day preceding the election at which the measure is to be submitted to the electors by:

(1) Any elector eligible to vote on the measure, or any organization eligible to file arguments under the laws of Oregon, upon payment to the Clerk of a fee of \$250.00 and the filing of a statement, 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

(2) Any elector eligible to vote on the measure, or any organization eligible to file arguments under the laws of Oregon, who files with their argument a petition for its inclusion in the State Voters' Pamphlet, in such form as the Clerk shall prescribe or provide, containing more than a number of qualified signatures equal to 1,000 electors eligible to vote on the measure or 10% of the total electors eligible to vote on the measure, whichever is less.

(B) Prior to the circulation of a petition under Paragraph (2) of Subsection (A) 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

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1 argument and which identifies the name of the person or persons
2 who submitted the argument, the name of the organization the
3 person or persons represent, if any, and whether the argument
4 supports or opposes the measure. A copy of the contents of the
5 prospective petition shall be attached to each signature sheet
6 of the petition circulated among the electors. The procedures
7 for circulation of the petition shall be the same as applicable
8 procedures for circulation of initiative or referendum petitions,
9 and the Clerk shall verify the signatures on the petition in the
10 same manner signatures are verified on referendum or initiative
11 petitions.

12 (C) Arguments subject to this Ordinance shall be type-
13 written, shall be prepared for printing on not more than 29.8
14 square inches of the Voters' Pamphlet and shall comply with all
15 applicable laws and rules pertaining to arguments in Voters'
16 Pamphlet.

17 SECTION 7. FILING OF MATERIAL WITH SECRETARY OF STATE. On or
18 before the 70th day preceding the election at which any measure
19 which qualifies for and is subject to this Ordinance is to be
20 submitted to the electors, the Clerk shall file with the Secretary of
21 State the measure, ballot title, explanatory statement and any
22 arguments which have been filed and completed in accordance with the
23 requirements of this Ordinance and of other applicable law. The
24 County shall pay the Secretary of State the cost of including the
25 material in the Voters' Pamphlet.

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SECTION 8. EFFECT OF THIS ORDINANCE. Nothing in this Ordinance shall require the printing of a County Voters' Pamphlet. Nothing in this Ordinance shall supersede or repeal any other County legislation relating to elections or initiative and referendum procedures, except insofar as the provisions of this Ordinance are in necessary conflict with that other legislation.

SECTION 9. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect on May 11, 1988.

Regularly passed and adopted by a unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

DONE AND DATED this 11 day of May, 1988.

WASCO COUNTY COURT
William L. Hulse
William L. Hulse, County Judge
Jim Comini
Jim Comini, County Commissioner
Scott McKay
Scott McKay, County Commissioner

ATTEST:
Karen LeBreton
Karen LeBreton
Wasco County Clerk

APPROVED AS TO FORM:
Bernard L. Smith
Bernard L. Smith
Wasco County District Attorney

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