

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 1-98

) IN THE MATTER OF AMENDING CHAPTER 2 OF
) LANE CODE TO REVISE PROCEDURES AND
) DEADLINES FOR VOTERS' PAMPHLET, ADD
) PROCEDURES FOR A COUNTY VOTERS'
) PAMPHLET, MAKE MODIFICATIONS TO CON-
) FORM TO CURRENT STATE LAW AND DECLARE
) AN EMERGENCY

The Board of County Commissioners of Lane County ordains as follows:

Chapter 2 of Lane Code is hereby amended by adding the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

2.620 - 2.625 to
2.655(3) - 2.657,
i.e. 2-12 to 2-16
(a total of five pages)

2.620 - 2.625(2) to
2.655(3) - 2.657,
i.e. 2-12 to 2-16
(a total of five pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to revise procedures and deadlines for voters' pamphlet, add procedures for a county voters' pamphlet and make modifications to conform to current state law.

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately upon adoption.

Enacted this 25 day of February, 1998.

FILED

FEB 27 1998

COUNTY CLERK

BY M. Bullock

[Signature]
Chair, Lane County Board of
Commissioners

[Signature]
Recording Secretary for this
Meeting of the Board

1-98

APPROVED AS TO FORM

Date 2/10/98 lane county
[Signature]
OFFICE OF LEGAL COUNSEL

ELECTIONS/INITIATIVE AND REFERENDUM

2.620 Definitions. For the purposes of LC 2.625 to 2.657 below, the following words and phrases shall have the meaning ascribed to them by this section:

County Legislation. Those matters covered in LC 2.625 to 2.657 below and includes any measure proposing the adoption, repeal or amendment of any ordinance of the County or the repeal, revision or amendment of the Charter.

County Measure. Any other measure placed on the ballot by the County.

Final Petition. Refers to the petition signed by the number of qualified voters required by LC 2.625 below.

Prospective Petition. The prospective petition is subject to approval under ORS 250.165 and relates only to those matters covered in LC 2.625 and 2.657 below.

State Law and Regulations. Any reference to State law or administrative rule or regulation in LC 2.620 through 2.657 below, whether generally or by specific citation, shall be to those laws, rules and regulations in effect on February 1, 1998.

2.625 Incorporation of State Law.

(1) With respect to County legislation submitted to the voters through the exercise of the initiative and referendum powers, the procedure for filing prospective petitions, the form of petitions, the verification of signatures, the determination of ballot titles and statements and their judicial review, and the manner of conducting elections shall be as provided with respect to County measures for non-Home Rule counties under State law and regulations, except that the duties required of the District Attorney shall be performed by the County Counsel, and the petitions shall be signed only by electors residing in the County.

(2) With respect to any County measure other than County legislation where State law regarding elections requires certain duties of the District Attorney, including, but not limited to, the preparation of ballot titles, those duties shall be performed by County Counsel. This section shall not apply to the criminal prosecution of any persons for election law crimes, which duty shall be performed by the District Attorney. This section shall also not apply to where a special district is the election authority, in those cases, the District Attorney is charged with responsibility to prepare ballot titles.

2.630

Lane Code

2.630(1)

2.630 Voters' Pamphlet. The Board may, by order, direct that measures with respect to County legislation or County measures, be included in the voters' pamphlet, prepared either by the Secretary of State or by the County Clerk. If so, the measure, ballot title, explanatory statement and arguments, if any, shall be printed, if they conform to the requirements of state law and administrative rule and the following:

(1) Explanatory Statement. The Board shall appoint a committee of not less than three nor more than five persons to write an explanatory statement that is an impartial, simple and understandable statement explaining the measure and its effect. To the extent possible, the committee shall include a balance of persons supporting and opposing the measure and one who is neutral. The statement shall not exceed 500 words. The committee shall file an explanatory statement to be included in the state voters' pamphlet with the County Clerk not later than the 80th day before the general election or the 78th day before a special election held on the date of any biennial primary election. Explanatory statements for the County voters' pamphlet shall be filed with the County Clerk not later than 10 days before the filing deadline for the notice of measure election.

(a) Any person dissatisfied with the explanatory statement may petition the circuit court seeking a different statement and stating the reasons the statement filed is insufficient or unclear. If the petition is filed not less than the fifth day after the deadline for filing the explanatory statement, the court shall review the matter in the same manner and time frame as the Supreme Court in ORS 251.235, and shall certify an explanatory statement to the County Clerk.

18-77; 11.23.77

19-81; 1.8.82

3-88; 5.13.88

18-91; 1.10.92

9-92; 7.27.92

2-13

WP I/co/00008/T

WP I/cr/98004/T

(2) Arguments. Arguments must be filed with the County Clerk not less than 71 days before the general election or 69 days before the primary election at which the legislation is to be voted upon. Typewritten arguments supporting or opposing the measure shall be printed on 29.8 square inches of the voters' pamphlet if the argument is accompanied by either a payment of \$300 or a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 electors eligible to vote on the measure or either 10 percent of the total such electors, if the matter is for the state voters' pamphlet or 4 percent if for a County voters' pamphlet, whichever is less.

(3) Candidate Statements. Candidate statements shall conform to the applicable requirements of state law for the state or County voters' pamphlet, as appropriate.

(4) The form of voters' pamphlet, the determination of statements and arguments entitled to be included in the pamphlet and the space to be allotted to them, filing fees and the payment of costs of printing and distributing the pamphlets shall be as provided by ORS 251.285 or 251.305-251.435 and administrative rule.

2.635 Initiative. On the filing with the County Clerk responsible for election matters of an initiative petition which proposes in a proper manner a measure of County legislation and which is signed by a number of qualified voters equal to six percent of the total number of votes cast in the County for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition, the measure shall be submitted at the next regular primary or general election following the filing of the final petition provided that, if the final petition is filed within four months prior to such election, it shall be submitted at the next succeeding primary or general election.

2.640 Referendum. Except for any ordinance containing an emergency clause, a referendum on any ordinance enacted by the Board shall be held following the filing with the County Clerk responsible for election matters according to the proper form and procedure of a referendum petition signed by a number of qualified voters equal to four percent of the total number of votes cast in the County for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. The final petition shall be filed with the County Clerk responsible for election matters within 90 days of the passage of the ordinance by vote of the Board. With the filing of the final petition, the effect of the ordinance shall be suspended until the date of the proclamation of the results of the referendum on the ordinance. The referendum shall be held at the next regular primary or general election following the filing of the final petition or at such earlier date as the Board may order, provided that, if the final petition is filed within four months prior to such primary or general election, it shall be held at the next succeeding primary or general election or at such earlier date as the Board may order.

18-77; 11.23.77

2-14

WP 1/co/00008/T

19-81; 1.8.82

WP 1/cr/98004/T

3-88; 5.12.88

18-91; 1.10.92

2.645

Lane Code

2.655(2)

2.645 Revision of Charter. Any measure relating to the amendment, revision or repeal of the Charter may be initiated by proper petition according to the procedure of LC 2.620 to 2.655 herein, except such measures shall be voted on only at the next succeeding primary or general election. The petition must be signed by a number of qualified voters equal to eight percent of the total number of votes cast in the County for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

2.650 Board Referral of Charter Revision.

(1) The Board may order not less than 120 days prior to any regular primary or general election that any measure relating to the amendment, revision or repeal of the Charter be referred to the electorate of the County at such election. The order shall set forth the changes in the language of the Charter which are proposed by the measure. If a majority of votes cast in such election favor the measure, the Charter shall be amended, revised or repealed as set forth in the order. The amendment, revision or repeal shall be effective on the date provided in the order, or if no date is provided, on the date of the formal certification of the results of the election by the County Clerk responsible for election matters.

(2) The County Counsel shall prepare a ballot title for a measure and shall file the title with the County Clerk responsible for election matters within five days after the date that the measure is referred to the electorate by order of the Board. The ballot title shall consist of a caption not exceeding 10 words in length by which the measure is concisely identified, a question of not more than 20 words which plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote, and an abbreviated statement summarizing the measure not exceeding 175 words in length. Any person dissatisfied with a ballot title as filed with the County Clerk may petition the Circuit Court of Lane County in accordance with the provisions of ORS 250.195.

2.655 Inclusion in the Voters' Pamphlet.

(1) The Board may at its option order that a description and discussion of the measure, ordered pursuant to LC 2.650 above, be included in the voters' pamphlet prepared by the Secretary of State or the County Clerk which shall contain, in addition to a copy of the ballot title of the measure, a statement explaining the measure and arguments for and against the measure.

(2) The statement and the argument, if included in the voters' pamphlet, shall conform to the requirements of state law as modified by LC 2.630.

18-77; 11.23.77

2-15

WPI/co/00008/T

19-81; 1.8.82

WP 1/cr/98004/T

3-88; 5.13.88

18-91; 1.10.92

2.655(3)

Lane Code

2.657

(3) The Board may appoint a committee of three to five persons to prepare the arguments in support of the referred Charter amendment.

2.657 Board Referral of a Measure. The Board may place on the ballot any County measure or refer a measure of County legislation to be voted on according to the procedures and deadlines specified by state law. The matter may be included in the voters' pamphlet, by order of the Board, in accordance with LC 2.630 above.

18-77; 11.23.77
19-81; 1.8.82
9-86; 8.6.86
18-91; 1.10.92
3-94; 2.9.94

2-16

WP I/co/00008/T
WP I/mr/98004/T

REDELINING indicates material being added**STRIKEOUT** indicates material being deleted

2.620

Lane Code

LEGISLATIVE
FORMAT

2.625(2)

ELECTIONS, INITIATIVE AND REFERENDUM

2.620 **Definitions.** For the purposes of LC 2.625 to 2.657 below, the following words and phrases shall have the meaning ascribed to them by this section:

County Legislation. Those matters covered in LC 2.625 to 2.657 below and includes any measure proposing the adoption, repeal or amendment of any ordinance of the County or the repeal, revision or amendment of the Charter.

County Measure. Any other measure placed on the ballot by the County.

Final Petition. Refers to the petition signed by the number of qualified voters required by LC 2.625 below.

Prospective Petition. The prospective petition is subject to approval under ORS 250.165 and relates only to those matters covered in LC 2.625 and 2.657 below.

State Law and Regulations. Any reference to State law or administrative rule or regulation in LC 2.620 through 2.657 below, whether generally or by specific citation, shall be to those laws, rules and regulations in effect on October 1, 1992/February 1, 1998.

2.625 **Incorporation of State Law.**

(1) With respect to County legislation submitted to the voters through the exercise of the initiative and referendum powers, the procedure for filing prospective petitions, the form of petitions, the verification of signatures, the determination of ballot titles and statements and their judicial review, and the manner of conducting elections shall be as provided with respect to County measures for non-Home Rule counties under State law and regulations, except that the duties required of the District Attorney shall be performed by the County Counsel, and the petitions shall be signed only by electors residing in the County.

(2) ~~With the exception that the appointment of a committee to draft the explanatory statement shall occur 120 days prior to the primary or general election and that the committee shall file its statement within 10 days of appointment, the procedure for explanatory statements for County legislation shall be as provided with respect to State legislation under ORS 251.205 to 251.235 except that duties with respect to State regulations required of the Secretary of State, Attorney General, and Oregon Supreme Court shall be performed for County legislation by the County Clerk responsible for election matters, the County Counsel and the Circuit Court of the County, respectively. County Counsel shall also perform the Legislative Counsel Committee's duties, specified in ORS 251.225.~~

(3) With respect to any County measure other than County legislation where State law regarding elections requires certain duties of the District Attorney, including, but not limited to, the preparation of ballot titles, those duties shall be performed by County Counsel. This section shall not apply to the criminal prosecution of any persons for election law crimes, which duty shall be performed by the District Attorney. ~~This section shall also not apply to where a special district is the election authority, in those cases, the District Attorney is charged with responsibility to prepare ballot titles.~~

18-77; 11.23.77 18-91; 1.10.92 2-12
19-81; 1.8.82 9-92; 7.27.92
3-88; 5.13.88

WP 1/co/00008/T
WP 1/cr/98003/T

2.630

Lane Code

2.630(1)

~~2.630 — Voters' Pamphlet. Arguments supporting or opposing County legislation proposed by an initiative or referendum petition may be filed with the County Clerk responsible for election matters for inclusion in the voters' pamphlet prepared by the Secretary of State.~~

~~2.630 Voters' Pamphlet. The Board may, by order, direct that measures with respect to County legislation or County measures, be included in the voters' pamphlet, prepared either by the Secretary of State or by the County Clerk. If so, the measure, ballot title, explanatory statement and arguments, if any, shall be printed, if they conform to the requirements of state law and administrative rule and the following:~~

~~(1) Explanatory Statement. The Board shall appoint a committee of not less than three nor more than five persons to write an explanatory statement that is an impartial, simple and understandable statement explaining the measure and its effect. To the extent possible, the committee shall include a balance of persons supporting and opposing the measure and one who is neutral. The statement shall not exceed 500 words. The committee shall file an explanatory statement to be included in the state voters' pamphlet with the County Clerk not later than the 80th day before the general election or the 78th day before a special election held on the date of any biennial primary election. Explanatory statements for the County voters' pamphlet shall be filed with the County Clerk not later than 10 days before the filing deadline for the notice of measure election.~~

~~(a) Any person dissatisfied with the explanatory statement may petition the circuit court seeking a different statement and stating the reasons the statement filed is insufficient or unclear. If the petition is filed not less than the fifth day after the deadline for filing the explanatory statement, the court shall review the matter in the same manner and time frame as the Supreme Court in ORS 251.235, and shall certify an explanatory statement to the County Clerk.~~

18-77; 11.23.77
19-81; 1.8.82
3-88; 5.13.88
18-91; 1.10.92
9-92; 7.27.92

2-13

WP I/co/00008/T
WP I/cr/98003/T

2.630(12)

Lane Code

2.640

(12) Arguments. Arguments must be filed with the County Clerk not less than 71 days before the general election or 69 days before the primary election at which the legislation is to be voted upon. Typewritten arguments supporting or opposing the measure shall be printed on 29.8 square inches of the voters' pamphlet if the argument is accompanied by either a payment of \$300 or a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 electors eligible to vote on the measure or either 10 percent of the total such electors, if the matter is for the state voters' pamphlet or 4 percent if for a County voters' pamphlet, whichever is less.

(3) Candidate Statements. Candidate statements shall conform to the applicable requirements of state law for the state or County voters' pamphlet, as appropriate.

(24) The form of voters' pamphlet, the determination of statements and the arguments entitled to be included in the pamphlet and the space to be allotted to them, filing fees and the payment of costs of printing and distributing the pamphlets shall be as provided by ORS 251.285 or 251.305-251.435 and administrative rule. Typewritten arguments supporting or opposing the measure shall be printed on 29.8 square inches of the voters' pamphlet if the argument is accompanied by either a payment of \$300 or a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 electors eligible to vote on the measure or 10 percent of the total such electors, whichever is less.

2.635 Initiative. On the filing with the County Clerk responsible for election matters of an initiative petition which proposes in a proper manner a measure of County legislation and which is signed by a number of qualified voters equal to six percent of the total number of votes cast in the County for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition, the measure shall be submitted at the next regular primary or general election following the filing of the final petition provided that, if the final petition is filed within four months prior to such election, it shall be submitted at the next succeeding primary or general election.

2.640 Referendum. Except for any ordinance containing an emergency clause, a referendum on any ordinance enacted by the Board shall be held following the filing with the County Clerk responsible for election matters according to the proper form and procedure of a referendum petition signed by a number of qualified voters equal to four percent of the total number of votes cast in the County for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. The final petition shall be filed with the County Clerk responsible for election matters within 90 days of the passage of the ordinance by vote of the Board. With the filing of the final petition, the effect of the ordinance shall be suspended until the date of the proclamation of the results of the referendum on the ordinance. The referendum shall be held at the next regular primary or general election following the filing of the final petition or at such earlier date as the Board may order, provided that, if the final petition is filed within four months prior to such primary or general election, it shall be held at the next succeeding primary or general election or at such earlier date as the Board may order.

18-77; 11.23.77 3-88; 5.12.88 2-14
19-81; 1.8.82 18-91; 1.10.92

WP I/co/00008/T
WP I/cr/98003/T

2.645

Lane Code

2.655(2)

2.645 Revision of Charter. Any measure relating to the amendment, revision or repeal of the Charter may be initiated by proper petition according to the procedure of LC 2.620 to 2.655 herein, except such measures shall be voted on only at the next succeeding primary or general election. The petition must be signed by a number of qualified voters equal to eight percent of the total number of votes cast in the County for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

2.650 Board Referral of Charter Revision.

(1) The Board may order not less than 120 days prior to any regular primary or general election that any measure relating to the amendment, revision or repeal of the Charter be referred to the electorate of the County at such election. The order shall set forth the changes in the language of the Charter which are proposed by the measure. If a majority of votes cast in such election favor the measure, the Charter shall be amended, revised or repealed as set forth in the order. The amendment, revision or repeal shall be effective on the date provided in the order, or if no date is provided, on the date of the formal certification of the results of the election by the County Clerk responsible for election matters.

(2) The County Counsel shall prepare a ballot title for a measure and shall file the title with the County Clerk responsible for election matters within five days after the date that the measure is referred to the electorate by order of the Board. The ballot title shall consist of a caption not exceeding 10 words in length by which the measure is concisely identified, a question of not more than 20 words which plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote, and an abbreviated statement of the chief purpose of summarizing the measure not exceeding 85175 words in length. Any person dissatisfied with a ballot title as filed with the County Clerk may petition the Circuit Court of Lane County in accordance with the provisions of ORS 250.195.

2.655 Inclusion in the Voters' Pamphlet.

(1) The Board may at its option order that a description and discussion of the measure, ordered pursuant to LC 2.650 above, be included in the voters' pamphlet prepared by the Secretary of State or the County Clerk which shall contain, in addition to a copy of the ballot title of the measure, a statement explaining the measure and arguments for and against the measure.

(2) The statement and the argument, if included in the State-voters' pamphlet, shall conform to the requirements of ORS 251.185 to 251.285 state law as modified by LC 2.630.

18-77; 11.23.77

2-15

WPI/co/00008/T

19-81; 1.8.82

WP 1/cr/98003/T

3-88; 5.13.88

18-91; 1.10.92

2.655(3)

Lane Code

2.657

(3) The Board may appoint a committee of three to five persons to prepare the arguments in support of the referred Charter amendment.

2.657 Board Referral of a Measure. ~~Board referral of a measure to be voted on at the regular primary, general or a statewide special election shall follow the same procedures as those prescribed for the Board Referral of Charter Revision, LC 2.650 to 2.655 above, referring to the inclusion of material in the voters' pamphlet. In the event the Board does not wish to provide for inclusion of the measure in the voters' pamphlet pursuant to LC 2.655, the order referring the matter must be filed not later than the latest date provided by state law for filing measures referred by a county governing body (ORS 254.103, 1993 ed.), for the next available election date specified in ORS 203.085 (1993 ed.). The Board may place on the ballot any County measure or refer a measure of County legislation to be voted on according to the procedures and deadlines specified by state law. The matter may be included in the voters' pamphlet, by order of the Board, in accordance with LC 2.630 above.~~

18-77; 11.23.77

19-81; 1.8.82

9-86; 8.6.86

18-91; 1.10.92

3-94; 2.9.94

2-16

WP 1/co/00008/T

WP 1/mr/98003/T