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D.M. PENFOLD, Director of
General Services of Lane County

[Signature]
DEPUTY

112 PAGE 782

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO.)
 19-81)
) IN THE MATTER OF AMENDING CHAPTER 2
) OF LANE CODE REVISE PROCEDURES WITH
) REGARD TO INITIATIVE AND REFERENDUM
)

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

Chapter 2 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

2.620 - 2.630(2) to
2.659(1) - 2.659(3)
(a total of five pages)

INSERT THESE PAGES

2.620 - 2.630(2) to
2.659(1) - 2.659(3)
(a total of five pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to revise procedures with regard to initiative and referendum.

Enacted this 9th day of December 1981.

[Signature]

 Chairman, Lane County Board of
 Commissioners

[Signature]

 Recording Secretary for this Meeting
 of the Board

In the Matter of Amending Chapter 2 of Lane Code to Revise Procedures With Regard to Initiative and Referendum

APPROVED AS TO FORM
 DATE 11-16-81 _____ lane county
[Signature]
 OFFICE OF LEGAL COUNSEL

2.620

Lane Code

2.630(2)

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.

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.

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 the manner of conducting elections shall be as provided with respect to County measures for non-Home Rule counties under State law, 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 110 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 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.

(3) With respect to any 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.

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 a voters' pamphlet:

(1) Not less than 95 days before the election at which the legislation is to be voted upon, and

(2) Not less than 15 days before such election, the County Clerk responsible for election matters shall cause copies of the voters' pamphlet to be placed in the mail to each post office mailing address in the County.

2.630(3)

Lane Code

2.640

(3) The form of voters' pamphlet, the determination of the arguments entitled to be included in the pamphlet and the space to be allotted to them, and the payment of costs of printing and distributing the pamphlets shall be as provided by ORS 251.285. 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.

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.

2.650 Board Referral of Charter Revision.

(1) The Board may order not less than 110 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 the measure not exceeding 75 words in length. Any person dissatisfied with a ballot title may petition the Circuit Court within 20 days of the date that the ballot title is filed with the County Clerk responsible for election matters praying for a different title and setting forth the reasons why the title is insufficient or unfair. The Circuit Court shall review the title and the measure, hear arguments, if any, and certify to the County Clerk responsible for election matters a title for the measure that meets the requirements of this section. The review by the Circuit Court shall be determined as expeditiously as may be appropriate for the orderly and timely conduct of the election at which the measure is to be submitted to the voters.

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 State voters' pamphlet 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 as modified by LC 2.630(3).

2.655(3)

Lane Code

2.657

(3) The Board may provide for the ballot title, the statement and arguments for or against the measure to be included in a County voters' pamphlet. The statement and arguments, if included in a County voters' pamphlet, shall conform to the requirements of ORS 251.185 to 251.285, as modified by LC 2.630(3).

(4) The Board may appoint a committee of 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 above, and LC 2.655 above, referring to the inclusion of material in the voters' pamphlet.

2.659(1)

Lane Code

2.659(3)

2.659 Board Referral of Advisory Questions.

(1) The Board may refer advisory questions relating to any matter to the people not less than 70 days prior to any primary, general or Statewide special election, nor less than 35 days prior to any election held on the dates specified in ORS 203.085, which do not also qualify as a regular primary, general or Statewide special election.

(2) The ballot title shall be referred by the Board in the form that it shall appear on the ballot. The title shall consist of a caption of not more than 10 words, a question of not more than 20 words in length, and an explanatory statement of not more than 150 words. The explanatory statement shall contain a concise and impartial statement of the issue presented to the voter.

(3) The general procedure for conducting advisory question elections shall be consistent with ORS Chapter 255. The County Clerk responsible for election matters shall have the authority to take appropriate action to guarantee the submission of the advisory question to the appropriate voter group.

(a) After receipt of the Board referral, the County Clerk shall provide notice of the advisory question in the same manner specified in ORS 255.095.

(b) Advisory questions may be conducted Countywide or within only a portion of the County, however, the areas designated by the Board shall follow precinct boundaries established pursuant to ORS 246.410.

(c) No election contests or recounts, as specified in ORS Chapter 258 shall be permitted.

(d) No challenge to the ballot title, consisting of the caption, the question and explanatory statement, shall be permitted after Board referral to the people under this ordinance.

(e) Advisory questions referred pursuant to this ordinance shall be preceded on the ballot by the following statement:

"Referred to the people by the Board of County Commissioners: The questions are advisory only and shall have no binding legal effect whatsoever."