

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 18-91) IN THE MATTER OF AMENDING CHAPTER
) 2 OF LANE CODE TO UPDATE APPLICABLE
) STATE LAW AND MAKE CERTAIN REVISIONS
) TO PROCEDURES REGARDING INITIATIVES,
) REFERENDUM, CHARTER REVISIONS, AND
) VOTERS' PAMPHLET (LC 2.620 - 2.657)

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

INSERT THESE PAGES

2.620 - 2.630(2) to
2.655(3) - 6.657,
i.e. 2-11 to 2.14
(a total of four pages)

2.620 - 2.630(2) to
2.655(3) - 6.657,
i.e. 2-11 to 2.14
(a total of four pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to update applicable state law and make certain revisions to procedures regarding initiatives, referendum, charter revisions, and voters' pamphlet (LC 2.620 - 2.657).

Enacted this 11th day of December , 1991.




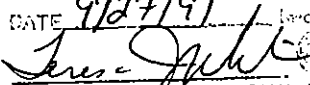
 Chair, Lane County Board of
 Commissioners



 Recording Secretary for this
 Meeting of the Board

FILED

DEC 12 1991
 COUNTY CLERK
 FOR LANE COUNTY OR
 BY 

APPROVED AS TO FORM
 DATE 9/27/91

 OFFICE OF LEGAL COUNSEL

1 IN THE MATTER OF AMENDING CHAPTER 2 OF LANE CODE TO UPDATE
 APPLICABLE STATE LAW AND MAKE CERTAIN REVISIONS TO PROCEDURES
 REGARDING INITIATIVES, REFERENDUM, CHARTER REVISIONS, AND
 VOTERS' PAMPHLET (LC 2.620 - 2.657) bcj/5197

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.

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, 1991.

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.

(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 the voters' pamphlet prepared by the Secretary of State.

2.630(1)

Lane Code

2.640

(1) 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.

(2) 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.

18-77; 11.23.77
19-81; 1.8.82
3-88; 5.12.88

2-12

WP 1/co/00008/C

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 the measure not exceeding 85 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 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.

2.655(3)

Lane Code

2.657

(3) 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 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 90 days prior to any regular primary, or general election.

18-77; 11.23.77
19-81; 1.8.82
9-86; 8.6.86

2-14

WP 1/co/00008/C

2.620

Lane Code

2.630[(2)]

BOOK 149 PAGE 1096

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.

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, 1991.

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 [R]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]the voters' pamphlet prepared by the Secretary of State.

18-77; 11.23.77
19-81; 1.8.82
3-88; 5.13.88

2-11

WP 1/co/00008/C

(1) Arguments must be filed with the County Clerk [N]not less than [95]71 days before the general election or 69 days before the primary 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.

18-77; 11.23.77
19-81; 1.8.82
3-88; 5.13.88

2-11a

WP 1/co/00008/C

2.630(3)

Lane Code

2.640

(3)](2) 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.

18-77; 11.23.77
19-81; 1.8.82

2-12

WP 1/co/00008/C

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 the measure not exceeding [75]85 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 [(1987 ed.)].

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 prepared by the Secretary of State 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)].

[(3) The Board may provide for the ballot title, the statement and argument's 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)](3) 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 to [above, and LC] 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[s] pursuant to LC 2.655, the order referring the matter must be filed not later than 90 days prior to any regular[,] primary, or general election.