

TITLE 2

COUNTY GOVERNMENT; ADMINISTRATION

CHAPTER 250

STATE VOTERS' PAMPHLET CODE

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Statutory References and Other Authorities

Legislative History of Chapter 250 (formerly codified at Chapter 2.50)

250.100 Publication of certain County measures in voters' pamphlet

When a County measure is, in accordance with the law of the State of Oregon and Linn County on exercise of the initiative and referendum, referred to the electors of the County, whether by referral by the county governing body

or by petition of electors, the County measure, ballot title, explanatory statement and arguments may be printed in a voters' pamphlet prepared by the Secretary of State for the applicable election, if:

(1) The County Governing Body decides, as to any County measure, or

(2) The Chief petitioners decide, as to a County measure initiated or referred by the people; or

(3) A political committee, as defined in ORS 260.005, that opposes any County measure decides, that the measure shall be published in the State Voters' Pamphlet. If the decision to have the measure so published is by the chief petitioner, the chief petitioners shall indicate their decision in a statement signed by all of the chief petitioners and filed with the County Clerk; if by a political committee, the committee shall indicate its decision in a statement signed by every committee director, as defined in ORS 260.005, and filed with the County Clerk.

[Adopted 78-161 §1 eff 10/21/78; amd 86-438 eff 7/30/86; amd 92-102 §1 eff 2/21/92]

250.110 Appointment of committee to prepare explanatory statement

(A) When an initiative or referendum measure is filed with the County Clerk by the people in accordance with the law of the State, a five member committee to prepare an explanatory statement shall be appointed in the following manner:

(1) Two members of the committee shall be appointed by the proponents of the measure.

(2) Two members shall be appointed by the Board of County Commissioners from among the opponents of the measure.

(3) These four members shall be appointed no later than the 120th day prior to the election.

(4) A fifth member shall be appointed by the four members previously appointed. If the fifth member has not been chosen by the 110th day prior to the election, the Presiding Judge of the Court for the 23rd Judicial District shall appoint the fifth member.

(B) When a measure is referred to the voters by the Board of County Commissioners, the explanatory statement shall be prepared by County Counsel.

(C) As used in this section, with respect to any County measure initiated or referred by petition:

(1) “**Proponents**” means, the chief petitioners;

(2) “**Opponents**” means, persons, without restriction as to the holding of any County office or position, whose opinions on the subject matter of the measure are substantially contrary to those of the chief petitioners.

[Adopted 86-438 eff 7/30/86; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.120 Preparation of explanatory statements by committee

(A) The explanatory statement shall be an impartial, simple and understandable statement of not more than 500 words explaining the measure and its effect. The statement shall be prepared by the committee appointed pursuant to LCC 250.110, after the committee has heard public comment at one or more public meetings; such public meetings may be held with only the notice prescribed by ORS 192.640. The statement shall be filed with the County Clerk not later than the close of business on the 90th day prior to the election.

(B) The County Counsel shall also prepare an explanatory statement to be used in the event the committee does not prepare and file one before the close of business on the 90th day prior to the election.

[Adopted 86-438 eff 7/30/86; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.150 Judicial review of ballot titles and explanatory statements

(A) If a County elector is dissatisfied with the ballot title or the explanatory statement or both, on the grounds that the ballot 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 elector may, pursuant to ORS 250.195 and 251.285 (3), petition the Court of the 23rd Judicial District to prepare another ballot title or another explanatory statement for the measure.

(B) 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.

[Adopted 78-161 §1 eff 10/21/78; amd 86-438 eff 7/30/86 (renumbered from 250.100); amd 92-102 §2 eff 2/21/92; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.200 Ballot titles and explanatory statements; judicial review procedures

The Court may 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 review the petition pursuant to ORS 250.195 (3).

[Adopted 78-161 §2 eff 10/21/78; amd 86-438 eff 7/30/86; amd 92-102 §3 eff 2/21/92; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.300 Ballot titles and explanatory statements; judicial review standards

(A) 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.

(B) 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 under-

standable statement explaining the measure and its effect.

[Adopted 78-161 §3 eff 10/21/78]

250.350 Alternate schedules

(A) As to a County measure initiated or referred by a petition of electors, if a measure first qualifies to be placed on a ballot for which a voters' pamphlet will be printed, on a date less than 120 days but more than 89 days before the date of the election, the following timetable applies:

(1) The Appointment of the first four members of the committee, described in LCC 250.110, within three (3) working days of the measure's qualification;

(2) Appointment of the fifth committee member by the first four members, within four (4) working days of the measure's qualification;

(3) Appointment of the fifth committee member by the presiding Judge, if the fifth member has not been appointed by the first four members, within five (5) working days of the measure's qualification;

(4) Filing of the explanatory statement by the committee with the County Clerk, within eight (8) working days of the measure's qualification, or not later than 89 days before the election, whichever is later.

(5) Filing of a challenge to the sufficiency of the explanatory statement with the Circuit Court, within nine (9) working days of the measure's qualification, or not later than the 79th day before the election, whichever is later.

(6) Adjudication by the Circuit Court of the challenge to the sufficiency of the explanatory statement within nineteen (19) working days of the measure's qualification, or not later than the 72nd day before the election, whichever is later.

(B) As used in this section,

(1) **"The measure's qualification,"** refers to the first date upon which a measure is entitled to be placed on a ballot for consideration by the electors of the County.

(2) **"Working days,"** means weekdays, Monday through Friday, but excluding legal holidays described in ORS 187.010 and 187.020.

[Adopted 86-438 eff 7/30/86; amd 92-102 §4 eff 2/21/92; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.400 Ballot titles and explanatory statements; submission to Secretary of State

(A) 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.

(B) 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.

(C) Filing of the ballot title and explanatory statement with the Secretary of State shall be not later than the 70th day before the election.

[Adopted 78-161 §4 eff 10/21/78; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.500 Arguments regarding measures

If it is decided, pursuant to LCC 250.100, that a County measure, its ballot title and explanatory statement is to be published in the State voters' pamphlet, the County Clerk shall accept from any County voter or group of voters, argument(s) supporting or opposing the measure, not later than the 70th day before an election to be held on the day of the general election, or not later than the 68th day before a special election to be held on the day of the primary election., and shall file such arguments with the Secretary of State, together with the measure, and a disclaimer statement in substantially the following form;

“The printing of this argument does not constitute an endorsement by the State of Oregon or the County of Linn, nor does the State or County warrant the accuracy or truth of any statement made in this argument.”

provided:

(A) The argument is typewritten and can be printed in the voters’ pamphlet in 29.8 square inches, and

(B) The argument is filed with the County Clerk not later than the 70th day before an election to be held on the day of the general election, or not later than the 68th day before a special election to be held on the day of the primary election, and

(C) The voter or group, when filing the argument the argument, either

(1) Pays the County \$300.00 to apply to the cost of the printing, or

(2) File with the Clerk a petition signed by 1,000 voters or 10 per cent of the total number of voters in the County ten (10) days before the submission, whichever number is the lesser, and

(D) 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.

[Adopted 78-161 §5 eff 10/21/78; amd 86-438 eff 7/30/86; amd 92-102 §5 eff 2/21/92; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

250.550 Procedure for preparation of ballot title, explanatory statement and argument submitted by the Board

(A) If the Board of County Commissioners has decided pursuant to LCC 250.100 to include a County measure, ballot title, explanatory statement and arguments in the State voters’ pamphlet, the Board may prepare an argument or appoint a committee of three citizens to prepare an argument on the measure. If a committee is appointed, it shall include at least one member of the Board of County Commissioners. The committee shall present the draft argument to the Board of County Commissioners. The Board of County Commissioners shall review the draft and file an approved

final argument with the County Clerk not later than the 75th day before the election. If the Board’s argument relates to a County measure referred to the voters by the Board of County Commissioners, no fee or petition as described in LCC 250.500(C) shall be required.

(B) If the Board of County Commissioners has decided pursuant to LCC 250.100 to include a County measure, ballot title and explanatory statement in the State voters’ pamphlet, the Office of the County Counsel shall prepare and file the ballot title and explanatory statement with the County Clerk not later than the 70th day before the election. The ballot title and explanatory statement so filed shall be subject to judicial review pursuant to ORS 250.195 and 251.285 .

[Adopted 86-438 §6 eff 7/30/86; amd 92-102 §6 eff 2/21/92; amd 98-592 [sic, should have been numbered 98-392] §1 eff 8/28/98]

Statutory References and Other Authorities:
ORS 187.010; 187.020; 192.640; 203; 250; 251.285; 260.005

Legislative History of Chapter 250 (formerly codified at Chapter 2.50):

Adopted 78-161 eff 10/21/78

Amendments to 78-161:

- #1 85-140 eff 4/24/85 (codifying)
- #2 86-438 eff 7/30/86
- #3 92-102 eff 2/21/92
- #4 95-177 eff 5/10/95 (renumbering)
- #5 98-592 [sic, should have been numbered 98-392] eff 8/25/98