

Chapter 2.36

INITIATIVE, REFERENDUM AND ADVISORY BALLOT MEASURES

Sections:

ARTICLE I. ADVISORY QUESTION

- 2.36.010 Authorization.
- 2.36.020 Adoption of resolution or order--Costs.
- 2.36.030 Filing of resolution or order.
- 2.36.040 Nonbinding effect of advisory questions.

ARTICLE II. PROCEDURE FOR PLACEMENT OF
COUNTY MEASURE IN STATE VOTERS'
PAMPHLET

- 2.36.050 Qualifications.
- 2.36.060 Ballot titles and explanatory statements--Preparation.
- 2.36.070 Ballot titles and explanatory statements--Judicial review.
- 2.36.080 Arguments favoring or opposing measures.
- 2.36.090 Filing of material with Secretary of State.

ARTICLE I. ADVISORY QUESTION

2.36.010 Authorization. At any regular public meeting of the county board of commissioners, and upon a majority vote of those members then present, the board may adopt a resolution or order to place an advisory question or questions on the ballot to determine voter attitudes on matters of county concern, at any general or special election otherwise to be held. (Ord. 77-8-1 §1, 1977)

2.36.020 Adoption of resolution or order--Costs. Upon adoption of such resolution or order, such advisory question or questions shall be placed on the ballot of the election therein designated, with all costs thereof to be borne by the county. (Ord. 77-8-1 §2, 1977)

2.36.030 Filing of resolution or order. The resolution or order shall be filed with the county clerk not less than forty-five days prior to the election designated in the resolution or order. (Ord. 77-8-1 §3, 1977)

2.36.040 Nonbinding effect of advisory questions. The final determination of voter attitudes on the question or questions so presented shall not be binding upon the board and no affirmative or negative action shall be required as a result thereof. The board may use such results in any manner deemed by them to be in the best interest of the county. (Ord. 77-8-1 §4, 1977)

ARTICLE II. PROCEDURE FOR PLACEMENT OF
COUNTY MEASURE IN STATE VOTERS'
PAMPHLET

2.36.050 Qualifications. A county measure shall qualify for, and be subject to this article and ORS 251.285 only if:

A. The measure is submitted to the electors at an election for which a state voters' pamphlet is printed.

B. All procedures set forth in this article relating to the preparation of the ballot title and of the explanatory statement for the measure, including final adjudication in any judicial review thereof, have been completed on or before the seventy-fifty day before the election at which the measure is to be submitted to the electors.

C. In the case of a measure proposed by initiative or referendum petition:

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 county clerk a statement of that decision together with an explanatory statement, in such form as the county clerk shall prescribe, at the time the prospective petition for the measure is filed with the county clerk; and

2. A petition containing sufficient qualified signatures to require submission of the measure to the electors is filed with the county clerk on or before the ninetieth 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 board of county commissioners, the board indicates its decision to include the measure, its ballot title, explanatory statement, and arguments in the state voters' pamphlet, by filing with the county clerk its order reflecting that decision on or before the ninetieth 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 county clerk on or before the ninetieth day preceding the election at which the measure is to be submitted to the electors. (Ord. 86-7-1 §1, 1986)

2.36.060 Ballot titles and explanatory statements -- Preparation.

A. In the case of a measure proposed by initiative or referendum petition, upon the filing of its prospective petition, the county clerk shall convey two copies of the petition to the district attorney, who shall, within five business days after receiving it, prepare a ballot title and review and revise the explanatory statement, if necessary, for the measure and return a copy of the prospective petition, together with the ballot title and explanatory statement, to the county clerk and to one of the chief petitioners. If no explanatory statement is submitted with the proposed petition, the district attorney shall prepare one.

B. In the case of a measure referred to the electors by the board of county commissioners which will be voted upon at an election for which there is a state voters'

pamphlet, the board shall file with the county clerk a ballot title and explanatory statement for the measure at the time it files the order described in Section 2.36.050(D).

C. Ballot titles shall consist of:

1. A caption of not more than ten words which identifies the subject matter of the measure;
2. A question of not more than twenty words which plainly states the purpose of the measure; and
3. A concise and impartial statement of not more than one- hundred seventy-five words of the chief purpose of the measure. (Ord. No. 2015-09-01; Nov 4, 2015)

D. Explanatory statements shall be impartial, simple and understandable, explaining the measure and its effect and shall not exceed five hundred words. (Ord. 86-7-1 §2, 1986)

2.36.070 Ballot titles and explanatory statements -- Judicial review. Within twenty days after the ballot title and explanatory statement are received by the county clerk under subsections A or B of Section 2.36.060, 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 Douglas 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 chapter or other applicable law. If the court finds that the ballot title or explanatory statement complies with the requirements of this chapter 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 article or other applicable law, the court shall prepare an alternative ballot title or explanatory statement and shall include the text in its order. The Circuit Court's order shall not be appealable. (Ord. 86-7-1 §3, 1986)

2.36.080 Arguments favoring or opposing measures.

A. Arguments favoring or opposing a measure which qualifies for and is subject to this article may be filed with the county clerk on or before the seventy-fifth day preceding the election at which the measure is to be submitted to the electors by:

1. Any voter eligible to vote on the measure, or any organization eligible to file arguments under the laws of Oregon, upon payment to the county clerk of a fee of three hundred dollars and the filing of a statement, in such form as the county 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. One thousand or more electors eligible to vote on the measure or ten percent of the total of such electors, whichever is less, whose representative files, with their argument, a petition for its inclusion in the state voters' pamphlet, in such form and the county clerk shall prescribe or provide. The petition shall contain the qualified signatures of at least one thousand such electors, or ten percent of the total of electors eligible to vote on the measure, whichever is less, and whether the argument supports or opposes the measure.

B. Arguments shall be typewritten, shall be prepared for printing on not more than 29.8 square inches of the voters' pamphlet, and shall comply with all applicable laws and rules pertaining to arguments in voters' pamphlets.

C. Any person or organization filing an argument pursuant to subdivision 1 of subsection A of this section may amend such argument any time prior to filing with the Secretary of State pursuant to Section 2.36.090. (Ord. 86-7-1 §4, 1986)

2.36.090 Filing of material with Secretary of State.

A. On or before the seventieth day preceding the election at which any measure which qualifies for and is subject to this article is to be submitted to the electors, the county clerk shall file with the Secretary of State the measure, ballot title, and explanatory statement, and any arguments which have been filed and completed in accordance with the requirements of this article and of other applicable law.

B. The county clerk shall also file with any argument a disclaimer to be printed with the argument in substantially the following form:

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

C. The county shall pay the Secretary of State the cost of including the material in the voters' pamphlet. (Ord. 86-7-1 §5, 1986)