

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON

MAR 1 4 30 PM '78

WANDA CATT
COUNTY CLERK
DEPUTY
on the 22nd

An Ordinance to Qualify Yamhill County for Using)
the Oregon State Voters Pamphlet to Publicize)
County Initiative and Referendum Measures.)

ORDINANCE NO. 152

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon,

day of February, 1978, sat for the transaction of County business, in regular session, Commissioners John P. Macaulay, Ted Lopuszynski and Colin Armstrong being present.

WHEREAS Section 3, Chapter 516, Oregon Laws 1977, provides for publication in the State Voters Pamphlet of County measures submitted to County voters in exercise of the initiative or referendum and for like publication of ballot titles for, explanatory statements of, and arguments for and against, those measures; and

WHEREAS Yamhill County wishes to qualify for exercising this publishing option,

NOW THEREFORE,

The Yamhill County Board of Commissioners ordains as follows:

SECTION 1. BALLOT TITLES AND EXPLANATORY STATEMENTS; JUDICIAL REVIEW; PETITION.

If

- (1) a County measure is, in accordance with the law of the State on exercise of the initiative and referendum, referred to the voters of the County; and
- (2) a ballot title for the measure and an explanatory statement of the measure, or both, are filed with the Yamhill County Clerk at least 110 days before the election in accordance with that law; and
- (3) the
 - (a) County governing body decides, as to a County measure that the governing body proposes, or
 - (b) chief petitioners decide, as to a County measure that the petitioners propose by the initiative or the referendum,

that the measure shall be published in the State Voters Pamphlet; and

- (4) a County voter is dissatisfied with the title or the statement, or both, on the ground that the 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 voter may, within 20 days after the ballot title is filed with the County Clerk, and within a period not earlier than 5 days and not later than 10 days after the explanatory statement is filed with the County Clerk, petition the Circuit Court of

the Twelfth Judicial District to prepare another ballot title or another explanatory statement for the measure. 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.

SECTION 2. BALLOT TITLES AND EXPLANATORY STATEMENTS; JUDICIAL REVIEW; PROCEDURES.

The Court may then 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 adjudicate the petition within 15 days after the petition is filed with the Clerk of the Court.

SECTION 3. BALLOT TITLES AND EXPLANATORY STATEMENTS; JUDICIAL REVIEW; STANDARDS.

(1) 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 concise and impartial statement of the purpose of the measure.

(2) 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 understandable statement explaining the measure and its effect.

SECTION 4. BALLOT TITLES AND EXPLANATORY STATEMENTS; SUBMISSION TO SECRETARY OF STATE.

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. 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. Filing of the ballot title and explanatory statement with the Secretary of State shall be no later than the 70th day before the election.

SECTION 5. ARGUMENTS REGARDING MEASURES.

If the

(1) County governing body decides, as to a County measure that the governing

body proposes, or

- (2) chief petitioners decide, as to a County measure that the petitioners propose by the initiative or the referendum

that the measure shall be published in the State Voters Pamphlet, the County Clerk shall accept from any County voter or group of voters, and shall file with the Secretary of State, not later than the 70th day before the election, together with the measure, argument(s) supporting or opposing the measure, and a disclaimer statement in substantially the following form:

"The printing of this argument does not constitute an indorsement by the State of Oregon or the County of Yamhill, nor does the State/County warrant the accuracy of truth of any statement made in this argument."

provided:

- (1) the argument is typewritten and can be printed in the voters pamphlet in 29.8 square inches, and
- (2) the argument is filed with the County Clerk at least 10 days before the time when the clerk is required to file the measure with the Secretary of State, and
- (3) the voter or group, when filing the argument, either
 - (a) pays the County \$300 to apply to the cost of printing or
 - (b) files with the Clerk a petition signed by 1,000 voters or 10 percent of the total number of voters in the County 10 days before the submission, whichever number is the lesser, and
- (4) 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.

SECTION 6. EFFECTIVE DATE.

This Ordinance being necessary for the health, safety and welfare of the people of Yamhill County, and the Board of Commissioners having declared an emergency to exist, it shall be effective upon the approval hereof.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

John P. Macaulay
Chairman John P. Macaulay

Patricia A. Mullen
Patricia A. Mullen
Deputy

Colin Armstrong
Commissioner Colin Armstrong

APPROVED AS TO FORM:

Robert S. Willoughby
County Counsel

Ted Lopuszynski
Commissioner Ted Lopuszynski