

YAMHILL COUNTY CODE

TITLE 2: COUNTY ADMINISTRATION

Chapter 2.35: Yamhill County Voters' Pamphlet Code

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LEGISLATIVE HISTORY

SECTION 1 - DEFINITIONS

2.35.01.01 Except where a term is defined in Sections 2.35.01.02 to 2.35.01.05 of this ordinance, the definitions contained in ORS 251.005 and OAR 165-22-000 apply to this ordinance.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.01.02 “Board” means the Yamhill County Board of Commissioners.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.01.03 “City” means an incorporated city lying wholly or partially within Yamhill County.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.01.04 “District” has that meaning given by ORS 255.012.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.01.05 “Measure” means either of the following matters submitted to the people for approval or rejection at an election; except a “measure” does not include the question of whether a person should be recalled from office:

- (a) A proposed ordinance or other legislation referred by the governing body of a county, city or district; or
- (b) A proposed ordinance or other legislation placed on the ballot by an initiative or referendum petition.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

SECTION 2 - VOTERS’ PAMPHLET

2.35.02.01 Generally. The county clerk may prepare, print and distribute a county voters’ pamphlet for any election held in Yamhill County. The county clerk is granted the discretion to determine whether, under all the circumstances, the publication of a county voters’ pamphlet for a given election is appropriate. This ordinance does not impose a legal duty on the county clerk to publish a voters’ pamphlet for all elections held in Yamhill County.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.02.02 Publication and Distribution. When the county clerk determines that a county voters’ pamphlet should be published, ORS 251.305 to 251.440 and Division 22 of OAR Chapter 165 shall govern the publication and distribution of the county voters’ pamphlet except as otherwise specifically provided in this ordinance.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

SECTION 3 - EXPLANATORY STATEMENTS

2.35.03.01 Measures Referred by Governing Body. The governing body of the county, a city or a district that has referred a measure to the voters shall submit an explanatory statement to the county clerk within the time allowed by Oregon law. If the governing body does not submit an explanatory statement within the time allowed, the official responsible for drafting a ballot title for initiative measures for the governing body’s electoral district shall submit an explanatory statement to the county clerk no later than 5 p.m. on the 3rd business day after the deadline for filing a notice of election. If the official does not submit an explanatory statement, the county clerk shall provide an explanatory statement.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.03.02 Initiatives and Referendums by Petition; Effect of Ordinance adopted under OAR 165-22-040(2). When an initiative measure or referendum measure by petition is certified for election, an explanatory statement shall be included in the county voters’ pamphlet as provided in this subsection.

(a) County Measure. If the initiative or referendum measure is a county measure, an explanatory statement shall be prepared and submitted by the official responsible for drafting a ballot title for initiative measures for the county. The explanatory statement shall be filed with the county clerk no later than 5 p.m. on the 3rd business day after the deadline for filing a notice of election had the measure been submitted by the governing body. If the official does not file an explanatory statement, the county clerk shall provide an explanatory statement.

(b) City or District Measures.

(i) If the city or district has adopted an ordinance in accordance with OAR 165-22-40(2) that requires its governing body to submit an explanatory statement, the governing body shall submit the explanatory statement. The explanatory statement shall be filed with the county clerk no later than 5 p.m. on the 3rd business day after the deadline for filing a notice of election had the measure been submitted by the governing body. If the governing body does not file an explanatory statement, the county clerk shall provide an explanatory statement.

(ii) If the city or district has not adopted an ordinance in accordance with OAR 165-22-40(2) that requires its governing body to submit an explanatory statement, an explanatory statement shall be

prepared and submitted by the official responsible for drafting a ballot title for initiative measures for the city or district. The explanatory statement shall be filed with the county clerk no later than 5 p.m. on the 3rd business day after the deadline for filing a notice of election had the measure been submitted by the governing body. If the official does not file an explanatory statement, the county clerk shall provide an explanatory statement.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.03.03 Availability of Proposed Explanatory Statement to the Public. The county clerk shall keep available to the public in the clerk’s office a full and complete copy of all explanatory statements filed under this ordinance.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

2.35.03.04 Challenge and Review of Explanatory Statements.

(a) Any Yamhill County elector who is eligible to vote on the measure and is dissatisfied with the explanatory statement submitted under this section may challenge the explanatory statement by filing a petition with the county clerk no later than 5 p.m. on the 5th day after the deadline for filing the explanatory statement. The petition shall request administrative review of the explanatory statement. The elector must include in the request the reasons why the explanatory statement is not impartial, is insufficient or is unclear.

(b) Upon receipt of the petition described above, the county clerk shall schedule a hearing to be conducted as follows:

- (i) The hearing shall be conducted within 2 business days from the date the petition was filed.
- (ii) The clerk shall provide notice of the time and place of the hearing to the following persons:
 - 1. If the statement explains a measure referred to the voters by the governing body, the clerk shall notify the petitioner, the governing body and the person who prepared the explanatory statement.
 - 2. If the statement explains a measure referred to the voters by initiative or referendum petition, the clerk shall notify the petitioner, the governing body affected by the measure, the chief petitioner of the initiative or referendum and the person who prepared the explanatory statement.
- (iii) At the hearing, all persons entitled to notice from the clerk shall have the opportunity to present evidence and testimony on the question of impartiality, sufficiency or clarity of the explanatory statement.
- (iv) The county clerk may leave the explanatory statement in its original form or may modify the explanatory statement. A final disposition shall be made by the county clerk within 24 hours of the conclusion of the hearing.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

SECTION 4 - INTERGOVERNMENTAL AGREEMENTS

2.35.04.01 Intergovernmental Agreements. The county clerk may enter into intergovernmental agreements with the Secretary of State pursuant to ORS 251.008 for the production and distribution of a county voters’ pamphlet.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

SECTION 5 - SHORT TITLE

2.35.05.01 Short Title. This ordinance may be referred to as the “Yamhill County Voters’ Pamphlet Ordinance.”

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

SECTION 6 - SEVERABILITY

2.35.06.01 Severability. All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

[ADOPTED VIA ORDINANCE NO. 568 eff 03/30/94]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 425 on 01/29/1986, effective 01/29/1986

Amended via Ordinance No. 429 on 06/04/1986, effective 06/04/1986

Amended via Ordinance No. 440 on 02/11/1987, effective 02/11/1987, sunset on 01/20/1988

Amended via Ordinance No. 459 on 02/17/1988, effective 02/17/1988, sunset on 01/20/1989

Amended via Ordinance No. 473 on 01/25/1989, effective 01/25/1989, sunset on 05/16/1989

Amended via Ordinance No. 474 on 02/09/1989, effective 05/17/1989, sunset on 01/20/1991

Repealed via Ordinance No. 498 on 01/10/1990, effective 01/10/1990

Adopted via Ordinance No. 498 on 01/10/1990, effective 01/10/1990

Repealed via Ordinance No. 568 on 03/30/1994, effective 03/30/1994

Adopted via Ordinance No. 568 on 03/30/1994, effective 03/30/1994