

CHAPTER 5

INCLUSION OF COUNTY MEASURES IN STATE VOTER'S PAMPHLET (See Chapter 6 for Inclusion in County Voter's Pamphlet)

ADMINISTRATION

5.005 Purpose.

The purpose of BCC Chapter 5 is to allow inclusion of county measures, including ballot titles, explanatory statements, and arguments, in the state voter's pamphlet in accordance with state law. [Ord. 17, adopted March 8, 1978; Ord. 85-0002]

5.010 Application.

A county measure may be submitted by the county to the Secretary of State's Office for inclusion in the state voter's pamphlet if:

(1) The measure is to be submitted to the electors at an election for which a state voter's pamphlet is printed; and

(2) All procedures set forth in BCC Chapter 5 relating to the preparation of the ballot title and to the explanatory statement for the measure shall be completed on or before the 70th day before the general election or the 68th day before a biennial primary election at which the measure is to be submitted to the electors; and

(3) One or more of the following persons decides to include a measure in the state voter's pamphlet in the following manner:

(a) In the case of a measure proposed by initiative or referendum petition:

(A) All chief petitioners decide to include the measure, its ballot title, explanatory statement and arguments in the state voter's pamphlet, by filing with the Benton County Office of Elections a statement of that decision, in such form as the Records and Elections Manager shall prescribe, at the time the prospective petition for the measure is filed with the Office of Elections; and

(B) A petition containing sufficient numbers of qualified signatures to require submission of the measure to the electors is filed with the Office of Elections on or before the 90th day preceding the election at which the measure is to be submitted to the electors; or

(b) In the case of a measure referred to the electors by the Board of County Commissioners:

(A) The Board decides to include the measure, its ballot title, explanatory statement and arguments in the state voter's pamphlet, by filing its order reflecting that decision with the Office of Elections on or before the 85th day preceding the election at which the measure is to be submitted to the electors; or

(c) In the case of any county measure supported or opposed by a political committee, as defined in ORS Chapter 260:

(A) Such committee indicates its decision to include a county measure in the state voter's pamphlet in a statement signed by every committee director, as defined in ORS Chapter 260, and files such statement with the Office of Elections on or before the 80th day preceding the election at which the measure is to be submitted to the electors. [Ord. 17, adopted March 8, 1978; Ord. 85-0002]

BALLOT TITLES AND EXPLANATORY STATEMENTS

5.105 Preparation of Ballot Titles and Explanatory Statements.

(1) When a prospective petition is filed regarding a measure proposed by initiative or referendum petition, the Benton County Office of Elections shall convey two copies of the prospective petition to the County Counsel, who shall, within five (5) business days after receiving it, prepare a ballot title and explanatory statement for the measure and return a copy of the prospective petition, together with the ballot title and explanatory statement, to the Office of Elections and to one of the chief petitioners.

(2) In the case of a measure referred to the electors by the Board of County Commissioners, the Board shall file with the Office of Elections a ballot title and explanatory statement for the measure at the time it files the order described in BCC 5.010(3)(b).

(3) Ballot titles shall consist of:

(a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and

(b) A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

(c) A concise and impartial statement of not more than 175 words summarizing the measure and its major effect.

(4) Explanatory statements shall be impartial, simple, and understandable, shall explain the measure and its effect and shall not exceed 500 words. [Ord. 17, adopted March 8, 1978; Ord. 85-0002]

5.110 Judicial Review of Ballot Titles and Explanatory Statements.

Within seven (7) business days after the ballot title and explanatory statements are received by the Benton County Office of Elections under subsection (1) or (2) of BCC 5.105, any elector dissatisfied with the ballot title or explanatory statement may petition the Oregon State Circuit Court of Benton County 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 BCC Chapter 5 or other applicable law. If the court finds that the ballot title or explanatory statement complies with the requirements of BCC Chapter 5 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 BCC Chapter 5 or other applicable law, the court shall prepare an alternative ballot title or explanatory statement. The title or statement so prepared shall replace that of the County Counsel for purposes of BCC Chapter 5. The order of the Circuit Court shall not be appealable. [Ord. 17, adopted March 8, 1978; Ord. 85-0002]

ARGUMENTS

5.115 Preparation of Arguments Favoring or Opposing a Measure.

(1) Arguments favoring or opposing a measure subject to BCC Chapter 5 may be filed with the Benton County Office of Elections on or before the 75th day preceding the election at which the measure is to be submitted to the electors by:

(a) Any person may file with the Office of Elections a type written argument. The filing must be accompanied by a fee of \$300 and the filing shall be in such form as the Records and Elections Manager shall prescribe, which identifies the name of the person or persons who submitted the argument, the name of the organization the person represents, if any, and whether the argument supports or opposes the measure; or

(b) One thousand or more electors eligible to vote on the measure or 10% of the total of such electors, whichever is less, whose representatives file with their argument a petition for its inclusion in the state voter's pamphlet, in such form as the filing officer shall prescribe, which contains the qualified signatures of the above number of electors.

(2) Prior to the circulation of a petition under subsection (1)(b) above, a prospective petition shall be filed with the Office of Elections, in such form as the Records and Elections Manager shall prescribe, which sets forth the text of the proposed argument and which identifies the name of the person who submitted the argument, the name of the organization represented, if any, and whether the argument supports or opposes the

measure. A copy of the contents of the prospective petition shall be attached to each signature sheet of the petition circulated among the electors. The procedures for circulation of the petition shall be the same as the procedures for circulation of initiative or referendum petitions, and the filing officer shall verify the signatures on the petition in the same manner signatures are verified on referendum or initiative petitions.

(3) Arguments shall be typewritten, and shall be prepared for printing on not more than 29.8 square inches of the state voter's pamphlet which allows a maximum of 325 words and shall comply with all applicable laws and rules pertaining to arguments in the state voter's pamphlet. [Ord. 17, adopted March 8, 1978; Ord. 85-0002]

FILING

5.205 Filing of Material with Secretary of State.

On or before the 70th day preceding the election on any County measure which qualifies for inclusion in the voters pamphlet pursuant to BCC Chapter 5, the Benton County Office of Elections shall file with the Secretary of State the measure, ballot title, explanatory statements, and any arguments which have been filed in accordance with BCC Chapter 5 and any other applicable law. The County shall pay the Secretary of State the cost of including the material in the state voter's pamphlet. [Ord. 17, adopted March 8, 1978; Ord. 85-0002]