

CHAPTER 6

BENTON COUNTY VOTER'S PAMPHLET

(See Chapter 5 for Inclusion of County Measures in the State Voter's Pamphlet)

6.005 Purpose.

The purpose of BCC Chapter 6 is to authorize and direct the production and mailing of a county voter's pamphlet, when directed by the Board of Commissioners. The voter's pamphlet will provide electors with information necessary to make an informed choice in elections by allowing candidates and measure committees the opportunity to put forward information and arguments concerning ballot issues. [Ord. 99-0153]

6.105 Preparation and Mailing of Benton County voter's pamphlet.

When directed by the Benton County Commissioners the Office of Elections under the supervision of the Records and Elections Manager shall prepare and mail a county voter's pamphlet as follows:

(1) The Elections Office shall prepare and have printed a county voter's pamphlet, which will include filed information on all candidates and measures that will appear on the ballot.

(2) The voter's pamphlets shall be distributed to all households in the precincts taking part in the election. One Pamphlet will be distributed to each household, regardless of how many voters reside in that household. All the measures and candidates that will appear on the ballot for the election may be included in one voter's pamphlet. Additional means of distribution may be utilized if it is determined that the additional distribution is necessary to make pamphlets available to all households of the electoral district.

(3) No voter's pamphlet will be prepared unless there are candidate's statements, explanatory statements or arguments filed with the county.

(4) The voter's pamphlets shall be distributed not later than the 7th day before the election or the last day for mailing ballots if the election is conducted by mail.

(5) Voter pamphlets may be distributed by including one in each ballot envelope mailed to voters. If the voters pamphlet is distributed in this manner, the information in the pamphlets may be district specific, but, shall include all other information prescribed in this section and BCC 6.110. [Ord. 99-0153]

6.110 Other Required Items in voters pamphlet.

In compliance with state election law, the following items shall be part of the Benton County voter's pamphlet, in addition to those items previously listed:

(1) The requirements for a citizen to qualify to vote.

(2) The requirements to register to vote.

- (3) The hours that the Benton County Office of Elections will be open on election day, as well as the location of all ballot drop sites throughout the county and the hours during which voters will be able to deliver ballots to those drop sites.
- (4) Instructions to voters concerning their rights and duties dealing with the election process to include: how voters may obtain an absentee ballot, how to request a second ballot if the first was spoiled or that voters may cast a ballot at a polling place by coming to the Benton County Office of Elections.
- (5) The ballot title of each measure, the explanatory statements, and any arguments submitted, in accordance with the terms of this ordinance.
- (6) Any candidate statements submitted in accordance with the terms of this ordinance.
- (7) Such other information as may be necessary or appropriate. [Ord. 99-0153]

6.205 Explanatory Statements.

(1) Filing Deadlines.

Not later than the filing deadline for the notice of election provided in state statute.

- (a) Any authorized governing body which institutes a measure to appear on the ballot, shall submit an impartial, simple, and understandable statement explaining the measure and its effect.
- (b) For measures instituted by petition to the authorized governing body, the governing body may submit an impartial, simple, and understandable statement explaining the measure and its effect.

(2) Contents.

The explanatory statement shall contain words and numbers only and shall not exceed 500 words, shall be typewritten, and shall be an impartial, simple, and understandable statement, which explains the measure and its effects. This shall be in addition to the ballot title requirements set forth by state statute.

(3) Availability to Public.

A full and complete copy of the explanatory statement shall be available to the public in the Office of Elections.

(4) Challenge and Review.

- (a) Any elector registered and qualified to vote on the subject measure may file a petition with the Records and Elections Manager, for an administrative review of the explanatory

statement, not later than the 5th day after the last day on which a notice of election can be filed.

(b) A petition filed under this section shall contain a statement of reasons why the explanatory statement is not impartial, is insufficient, or unclear.

(c) Upon receipt of a petition, the Records and Elections Manager, or his designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the filing body shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the explanatory statement. At the conclusion of the hearing, the Records and Elections Manager may modify the explanatory statement to comply with the requirements of this section in a manner that reflects the drafter's intent as closely as possible. The modified explanatory statement, or the original explanatory statement, if not modified by the Records and Elections Manager, shall be certified and included in the voter's pamphlet. [Ord. 99-0153]

6.305 Arguments.

(1) Filing Deadline.

Arguments supporting or opposing a measure must be filed not later than the 5th day after the last day on which the notice of election may have been filed.

(2) Form of Argument.

(a) The argument filed shall be in words and numbers only, shall be typewritten, and shall be printed on no more than 29.8 square inches, which allows a maximum of 325 words.

(b) The Office of Elections shall reject any argument which:

(i) Contains any obscene, profane, scandalous or defamatory language.

(ii) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, religion or manner of worship.

(iii) Contains any language that may not legally be circulated in the mail.

(iv) Otherwise does not comply with this ordinance.

(3) Filing Fee.

Shall be established by resolution approved by the Benton County Board of Commissioners.

(4) Subscription and Disclaimer.

The argument shall also contain the name of the submitting organization or person; whether the argument supports or opposes the measure; and a disclaimer in substantially the following form;

"The printing of this argument does not constitute an endorsement by Benton County, nor does the County warrant the accuracy or truth of any statements made in the argument."

(5) The language referred to in BCC 6.305(4) shall not be included in the 325 word limitation set forth in BCC 6.305(2). [Ord. 99-0153]

6.405 Candidate Statements.

(1) Filing Deadline.

Not later than the filing date set forth in state statute for filing for the position, a candidate may file with the Benton County Elections Office a typewritten statement of reasons why the candidate should be nominated or elected; and a photograph of the candidate.

(2) Contents of candidate's statement.

(a) The candidate's statement shall consist of words or numbers only, and shall not exceed 325 words. The candidate's statement shall begin with a summary of the following: Occupation, education and occupational background, and prior governmental experience.

(b) The Office of Elections shall reject any candidate's statement which:

(i) Contains any obscene, profane, scandalous or defamatory language.

(ii) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, religion or manner of worship.

(iii) Contains any language which may not legally be circulated in the mail.

(iv) Otherwise does not comply with this ordinance.

(c) Each candidate's statement submitted shall be subscribed and sworn to before a notary or a Deputy Clerk in the Office of Elections, and the subscription shall be in the following form:

"I hereby subscribe and swear under penalty of law that the above submitted candidate's statement is true and accurate to the best of my knowledge and belief."

(3) Photograph Requirements.

A candidate, at the time of filing a candidate's statement, may submit two identical 5" X 7" glossy photographs for use in the voter's pamphlet. A candidate shall not submit for inclusion in the voter's pamphlet a photograph that was taken more than two years before the date the photograph is filed with the Office of Elections.

(a) A photograph submitted for inclusion in the voter's pamphlet shall:

- (i) Be a conventional photograph with a plain background; and
- (ii) Show the face or head, neck and shoulders of the candidate.

(b) A photograph submitted for inclusion in the voter's pamphlet shall not:

- (i) Include the hands or anything held in the hands of the candidate;
- (ii) Show the candidate wearing a judicial robe, a hat or military, police or fraternal uniform;
- (iii) Show the uniform or insignia of any organization; and
- (iv) Include the display of any flag or pennant.

(4) Filing Fee.

Each candidate's statement filed shall be accompanied by the required fee, \$25 for unpaid offices and \$100 for paid offices. The Office of Elections shall reject any candidate's statement tendered for filing unless accompanied by the specified fee.

(5) Language.

The subscription language provided for in BCC 6.405(2)(c) shall not be included in the 325 word limitation set forth in BCC 6.405(2)(a). [99-0153]

6.505 Miscellaneous.

(1) Spacing and Type Size.

The Records and Elections Manager shall have the authority to determine type size and spacing to be used in the printing of explanatory statements, arguments and candidate's statements. The Manager shall exercise this authority only for the purpose of ensuring that each explanatory statement, argument or candidate's statement occupies no more than one page of the printed voter's pamphlet. A page for the purpose of this means 46.5 square inches, or one of the two columns on each page of the voter's pamphlet.

(2) Deadline.

A measure, explanatory statement, argument, or candidate's statement, together with the required fee, must be filed with the Office of Elections not later than 5 PM of the day the document or fee is due. If the day the document or fee is due is a Saturday, Sunday, or holiday, the document or fee can be filed by 5 PM on the next business day. If a person is physically present within or in line to enter the Office of Elections, in order to deliver the document or fee, the person shall be considered as having begun the act of delivering the document or fee. The person shall then be permitted to file so long as that person does not leave prior to completing the process with the Office of Elections.

(3) Forms.

The Office of Elections may develop and require the use of standardized forms for any or all of the filings authorized or required by this ordinance. [99-0153]

6.605 Disposition of funds.

(1) The Benton County voter's pamphlet shall be published and distributed under the authority of the Records and Elections Manager.

(2) Revenues derived pursuant to this ordinance shall be utilized to offset the cost of producing the voter's pamphlet. If the revenues generated, as a result of argument fees, candidate's statement fees or other revenues exceeds the total cost of producing the voter's pamphlet, the balance shall be used to offset the election costs. Excess revenue shall only be transferred to the General Fund of the County if total revenues generated are such that they cover the entire cost of the election. [99-0153]