

INDEXED

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

86-046

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OR.
1985 JAN 29 PM 3
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
Establishing a Yamhill County)
Voters Pamphlet, Authorizing) ORDINANCE NO. 425
Printing Thereof, and Declar-)
ing an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 29th day of January, 1986, sat for the transaction of county business in special session, Commissioners Donald D. Porter and Ted Lopuszynski being present.

WHEREAS, no local voters pamphlet is published for district, city and county measures in Yamhill County; and

WHEREAS, the lack of a voters pamphlet hampers the dissemination of information which is important if electors are to make informed decisions; and

WHEREAS, it is important that the electors receive as much information as possible before exercising their franchise; and

WHEREAS, many local districts and cities have gone on record as being opposed to participation in a voters pamphlet; and

WHEREAS, it would be in the best interests of the citizens of Yamhill County to establish a Yamhill County Voters Pamphlet, limited to measures of county-wide significance; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1 Definitions

- 1.01 "Board" means the Yamhill County Board of Commissioners.
- 1.02 "Clerk" means the Yamhill County Clerk or the Clerk's designee.
- 1.03 "County" means Yamhill County.
- 1.04 "Elector" means an individual qualified to vote under section 2, Article II of the Oregon Constitution.
- 1.05 "Measure" means any of the following submitted to the people for approval or rejection at an election:
 - (a) A proposed county ordinance.
 - (b) Legislation referred by the county governing body.
 - (c) A proposition or question placed on the ballot by the county governing body.
 - (d) A proposition or question placed on the ballot by referendum or initiative petition, which proposition or question directly affects county.
 - (e) The term "measure" as utilized in this ordinance does not include the question of whether a person should be recalled from public office.
- 1.06 "Registered voter" means an elector duly registered with the Yamhill County Clerk to vote.

Section 2. Voters Pamphlet

- 2.01(a) Except as provided in Section 2.01(b), the clerk shall prepare and have printed a county voters pamphlet for each election in Yamhill County involving a county measure which occurs on any date specified in ORS 255.345(1). The clerk shall mail this pamphlet to all registered voters residing in Yamhill County who will vote on the measure. Nothing in this section requires the clerk to send out separate voters pamphlets for each measure; rather all measures may be combined into one pamphlet and mailed to all affected voters. The clerk may use such additional means of distribution as the clerk determines necessary to make the pamphlets available to the voters. The clerk shall mail the county voters pamphlet in a vote-by-mail election on or before the date on which the clerk mails the ballot to the voters. In a poll election the clerk shall mail the voters pamphlet within the time specified in ORS 255.215 for mailed notice of election.
- (b) The clerk shall not prepare a voters pamphlet for any election where, pursuant to ORS 251.285 and Yamhill County Ordinance 152, the clerk has filed a county measure with the secretary of state for inclusion in the state voters pamphlet.
- 2.02 Contents of Voters Pamphlet. The clerk shall include in the voters pamphlet:
- (a) Requirements for a citizen to qualify as an elector.
 - (b) Requirements for registration of an elector.
 - (c) Instructions explaining how to obtain and use an absentee ballot.
 - (d) Instructions explaining how to obtain and use a certificate of registration.
 - (e) Statement on the cover that the pamphlet may be used to assist the elector at the polls.
 - (f) Instructions to electors including the rights of a registered voter to request a second ballot if the first ballot is spoiled; the right of a registered voter to take into the voting booth a cancelled ballot marked in advance; and the right of a physically disabled registered voter to seek the assistance of the election board clerk or someone of the voter's own choosing in marking the ballot.
 - (g) The ballot title of the measure, explanatory statement and arguments relating to it, in accordance with the terms of this ordinance.
 - (h) Notice to the registered voter as to the manner in which the election will be conducted, i.e., whether the election will be by mail or at the polls.
- 2.03 Ballot title. The ballot title to be printed in the voters pamphlet shall be as set forth in the notice of election filed with the clerk.

Section 3 Explanatory Statements

- 3.01 Filing deadline. Not later than the filing date for the county measure, the county governing body may submit an impartial, simple and understandable statement explaining the measure and its effect.
- 3.02 Contents of explanatory statement. The explanatory statement shall consist of words or numbers only, shall not exceed 325 words and shall be an impartial, simple and understandable statement explaining the measure and its effects. The explanatory statement set forth in this ordinance shall be in addition to the ballot title requirement as set forth in state statute.
- 3.03 Availability of proposed explanatory statement to the public. The clerk shall keep available to the public in the clerk's office a full and complete copy of all explanatory statements filed pursuant to this ordinance.
- 3.04 Challenge and review of explanatory statements.
- (a) Any Yamhill County resident who is an elector or registered voter may, not later than the 5th working day after the last day on which a notice of election may be filed petition the clerk for an administrative review of an explanatory statement filed for inclusion in the voters pamphlet.
 - (b) The petition filed under this section shall contain a statement of reason why the explanatory statement is not impartial, is insufficient or unclear.
 - (c) Upon receipt of a petition, the clerk or the clerk's designee shall schedule a hearing at the earliest possible date at which the petitioner and the filing body shall have opportunity to present evidence and argument on the question of impartiality, sufficiency or clarity of the explanatory statement. At the conclusion of the hearing, the clerk may modify such explanatory statement to comply with the requirements of this section in a manner which reflects the drafter's intent as closely as possible. The modified explanatory statement, or the original explanatory statement if not modified by the clerk, shall be certified by the clerk and included in the voters pamphlet.

Section 4 Arguments

- 4.01 Filing deadline. Arguments supporting or opposing the measure must be filed not later than the fifth business day after the last day on which the notice of election may have been filed.
- 4.02 Form of argument.
- (a) The argument filed shall be in words and numbers only, shall be typewritten and shall consist of no more than 325 words.
 - (b) The clerk 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 which may not legally be circulated in the mails.

- 4.03 Filing fee. Each argument filed shall be accompanied by a fee in the amount of \$300. The clerk shall reject any argument tendered for filing unless accompanied by the required fee.
- 4.04 Limitation on arguments. No more than three (3) arguments supporting the measure and three (3) arguments opposing the measure may be printed in the voters pamphlet. The clerk shall reject for filing all arguments in support or in opposition after three (3) arguments have been filed on behalf of the respective position.
- 4.05 Requirement for argument and disclaimer. Each argument submitted shall be subscribed and sworn to before a notary or the clerk, and the subscription shall be in the following form.

"I HEREBY SUBSCRIBE AND SWEAR UNDER PENALTY OF LAW THAT THE ABOVE SUBMITTED ARGUMENT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF."

The argument shall also contain the name of the person submitting; the name of the organization the person represents, if any; 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 YAMHILL COUNTY NOR DOES THE COUNTY WARRANT THE ACCURACY OR TRUTH OF ANY STATEMENTS MADE IN THE ARGUMENT."

- 4.06 The language referred to in section 4.05 shall not be included in the 325 word limitation set forth in section 4.02.

Section 5 Miscellaneous Matters

- 5.01 Spacing and type size. The clerk shall have authority to determine type size and spacing to be used in the printing of explanatory statements and arguments. The clerk shall exercise this authority only for the purpose of ensuring that each explanatory statement or argument occupies no more than one page of the printed voters pamphlet. A page for the purposes of this ordinance means 46 1/2 square inches.
- 5.02 Deadline interpretation. A measure, explanatory statement or argument together with the required fee must be filed with the county clerk not later than 5:00 p.m. 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 must be filed by 5:00 p.m. on the next business day. If a person is physically present in the county clerk's office and is in line waiting to deliver the document or fee, the person shall be considered as having begun the act of delivering the document or fee and shall be permitted to file it so long as that person does not leave the county clerk's office.

Section 6. Notice of Election

- 6.01 The publication and distribution of the Yamhill County voters pamphlet shall be published under the authority of the Yamhill County Clerk and shall provide the notice provided in ORS 255.215 as amended by 1985 Oregon Laws, chapter 808, section 45.
- 6.02(a) The publication of the Yamhill County voters pamphlet shall be considered a cost of the election and the county shall be liable for the cost thereof in the same manner that the county is responsible for the other costs of the election.
- 6.02(b) If the clerk elects to transmit notice required by ORS 255.085 or 255.095 by mail as authorized by ORS 255.215, the cost of the mailing of such notice shall be charged to any affected districts up to the maximum amount as could be charged had only such notice been mailed without a voters pamphlet.
- 6.03 Revenues derived pursuant to this ordinance shall be utilized to offset the cost of producing the Yamhill County voters pamphlet. The amount to be charged pursuant to section 6.02 of this ordinance shall be the net cost of producing and mailing the voters pamphlet after subtraction of all argument fees and other revenues generated by this ordinance. Further, if the revenues generated pursuant to this ordinance as a result of argument fees exceeds the total cost of producing the voters pamphlet, the balance shall be used to offset the election cost, and shall not be transferred to the general fund of the county unless the total revenues generated are such that they cover the entire cost of the election.

Section 7. Sunset Clause

- 7.01 This ordinance shall expire at 11:59 p.m., January 21, 1987, unless, prior to that time, the Board extends the expiration date by board order.

Section 8. Short Title

- 8.01 This ordinance may be referred to as the "Yamhill County Voters Pamphlet Ordinance."

Section 9. Emergency Clause

- 9.01 This ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Yamhill County and an emergency having been declared to exist shall be effective upon passage hereof.

DONE this 29th day of January, 1986, at McMinnville, Oregon

ATTEST:

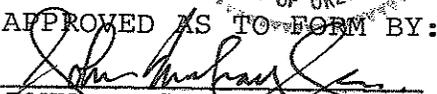
YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk


Chairman DONALD D. PORTER

By: 
Deputy ELAINE PEARCY

(not available for signature)
Commissioner DAVID E. BISHOP

APPROVED AS TO FORM BY:

JOHN M. GRAY, JR.
Yamhill County Counsel


Commissioner TED LOPUSZYNSKI