

BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

Date 8/14/86
Original Clerk
Copy file, Ord. file, Ord. book, etc.

IN THE MATTER OF ENACTING AN)
ORDINANCE TO QUALIFY KLAMATH)
COUNTY FOR USING THE STATE VOTERS)
PAMPHLET TO PUBLICIZE COUNTY)
BALLOT MEASURES, INITIATIVE AND)
REFERENDUM MEASURES, AND DECLARING)
AN EMERGENCY)

ORDINANCE NO. 55 **B**

WHEREAS ORS 251.285 provides for publication in the State Voters Pamphlet of county measures submitted to county voters and for like publication of ballot titles for, explanatory statements of, and arguments for and against, those measures; and

WHEREAS ORS 251.185 through ORS 251.275 giving the procedure for preparation of an explanatory statement does not apply to counties; and

WHEREAS an emergency situation exists in that Klamath County wishes to qualify for exercising this publishing option for the November 1986 General Election;

NOW, THEREFORE, the Board of County Commissioners for the County of Klamath, State of Oregon, ordains as follows:

SECTION I

Appointment of committee to prepare explanatory statement:

1.1 When an initiative or referendum measure is filed with the County Clerk by the people in accordance with the law of the State, a five-member committee to prepare an explanatory statement shall be appointed in the following manner:

1.1.1. Two members of the committee shall be appointed by the chief petitioners.

1.1.2. Two members shall be appointed by the County Clerk from the opponents to the measure, if an organization has been formed opposing the measure.

1.1.3. These four members shall be appointed no later than the 100th day prior to the election.

1.1.4. A fifth member shall be appointed by the four members previously appointed. If the fifth member has not been chosen by the 95th day prior to the election, the County Clerk shall appoint the fifth member.

1.1.5. The County Counsel shall also prepare an explanatory statement to be used in the event the committee does not prepare one.

1.2. When a measure is referred to the voters by the Board of County Commissioners, the explanatory statement shall be prepared by County Counsel.

SECTION II

Preparation of explanatory statements. The explanatory statement shall be an impartial, simple and understandable statement of not more than 500 words explaining the measure and its effect. The statement shall be filed with the County Clerk not later than the 80th day prior to the election.

SECTION III

Judicial review of ballot titles and explanatory statements:

3.1. If any person is dissatisfied with the ballot title, on the grounds that the title is not a concise and impartial statement of the purposes of the measure, that person may, within 5 days after the ballot title is filed with the County Clerk, petition the Circuit Court of Klamath County to review the ballot title. Attached to the petition shall be a copy of the measure, the challenged ballot title and a statement why the title is not a concise and impartial statement of the purposes of the measure.

3.2. If any person is dissatisfied with the explanatory statement on the grounds that the statement is not an impartial, simple and understandable statement explaining the measure and its effect, that person may, within five days after the filing deadline for the statement, petition the Circuit Court of Klamath County seeking a different statement and stating the reasons why the statement filed is insufficient or unclear. Attached to the petition shall be a copy of the measure and the challenged explanatory statement.

3.3. The Court may solicit additional written information pertinent to the measure, the ballot title or the explanatory statement and shall afford the petitioner access to

the information; the Court may hear oral argument about the title and/or statement. The Court shall adjudicate the petition in an expeditious manner to insure the orderly and timely circulation of the petition, or conduct of the election at which the measure is to be submitted to the voters.

3.4. If the Court finds that the ballot title is a concise and impartial statement of the purpose of the measure, the Court shall certify the title. If the Court finds to the contrary, it shall prepare another ballot title that is a concise and impartial statement of the purpose of the measure.

3.5. If the Court finds that the explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect, the Court shall certify the statement. 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.

3.6. The Circuit Court of Klamath County shall be the first and final review of these matters.

SECTION IV

Ballot titles and explanatory statements - submission to Secretary of State. When filing the measure with the Secretary of State for inclusion in the State Voters Pamphlet,

the County Clerk shall also file the ballot title originally prepared for the measure, or if that title has been subjected to judicial review, the ballot title certified by the Court. The County Clerk shall likewise file the explanatory statement originally prepared for the measure, or if that statement has been subjected to judicial review, the explanatory statement certified by the Court. 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 V

Arguments regarding measures to be published in the State Voters Pamphlet. The County Clerk shall accept from any person or group of persons, as specified in ORS 251.285, argument(s) supporting or opposing the measure, provided:

5.1. The argument is typewritten and can be printed in the Voters Pamphlet in 29.8 square inches; and

5.2. The argument is filed with the County clerk not later than the 75th day before the election; and

5.3. The person or group, when filing the argument, either:

5.3.1. Pays the County \$300 to apply to the cost of the printing, or

5.3.2. Files with the County Clerk a petition signed by 1,000 voters in the County of 10% of the electors in the County, whichever is less; and

5.4. 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.

The County Clerk shall file the arguments, together with the measure, with the Secretary of State not later than the 70th day before the election.

SECTION VI

Emergency clause. This Ordinance being enacted in the exercise of the police power of the Board of County Commissioners and for the purpose of declaring an emergency and being necessary for the immediate preservation of the public peace, health and safety, and general welfare of the citizens of Klamath County, an emergency is declared to exist and this Ordinance shall take effect immediately upon its being enacted.

ENACTED AND ORDAINED by the Board of County Commissioners of Klamath County, Oregon, this 14th day of August, 1986.

Jim Rogers
CHAIRMAN

Roger Hamilton
Commissioner

out of town
Commissioner

ATTEST:

Conna A. Worling
Recording Secretary