

COUNTY MEASURES IN VOTERS' PAMPHLET

12.105 AUTHORITY.

Sections 12.105 to 12.140 are adopted under authority of ORS 251.285.

12.110 DEFINITIONS.

As used in Sections 12.105 to 12.140, unless the context requires otherwise:

- (1) "Elector" has the meaning defined by ORS 246.012.
- (2) "Political Committee" has the meaning defined by ORS 260.005.

12.115 DECISION TO INCLUDE MATERIAL.

The decision to include a County Measure, Ballot Title, Explanatory Statement, and arguments in the State Voters' Pamphlet shall be made by:

- (1) The Board of Commissioners, with respect to a County Measure referred by the Board; or
- (2) The Chief Petitioners of an initiative or referendum, with regard to a County Measure initiated or referred. The Chief Petitioners shall indicate their decision in a statement signed by all of the Chief Petitioners and filed with the County Clerk not later than the 10th day before written arguments must be filed under Section 12.125(4); or
- (3) A political committee that opposes the County Measure. The committee shall indicate its decision in a statement signed by every committee director and filed with the County Clerk not later than the 10th day before written arguments must be filed under Section 12.125(4).

12.120 STANDARDS FOR TITLE AND STATEMENT.

(1) A County Ballot Title shall conform to the requirements of ORS 250.035. An Explanatory Statement shall be an impartial, simple and understandable statement explaining the Measure and its effect. The Board shall prepare the Ballot Title and Explanatory Statement. The Board may appoint a committee of three persons to advise it on preparation of the Ballot Title and Explanatory Statement.

12.125 WRITTEN ARGUMENTS.

- (1) Written arguments on a County Measure shall be typewritten and not exceed in length that which can be printed in 325 words for 29.8 square inches in the Voters' Pamphlet, as determined by the County Clerk.
- (2) A Petitioner or political committee, at the time of filing an argument, shall:

- (a) Pay the County Clerk a fee of \$300 to be applied under Section 12.140 to the cost of printing the materials in the Voters' Pamphlet; or
- (b) File with the County Clerk, not later than the 10th day before filing the argument, a Petition signed by 1,000 electors or 10% of the total number of electors in Polk County, whichever is the lesser number.

(3) An argument shall be accompanied by the name of the individual who submitted it, the name of the political committee the individual represents, if any, and whether the argument supports or opposes the Measure.

(4) Arguments under this section shall be filed not later than the 10th day before the day when the County Clerk is required to file the Measure with the Secretary of State under Section 12.140.

12.130 PETITION FOR JUDICIAL REVIEW.

Any elector of Polk County dissatisfied with a Ballot Title or Explanatory Statement may petition the Circuit Court for the Twelfth Judicial District, under ORS 250.195, seeking a different Title or Statement, and stating the reasons the Title or Statement does not conform to Section 12.120. The Petition shall be filed not later than the 20th day after the title or Statement was filed with the County Clerk.

12.135 ADJUDICATION OF CHALLENGE.

(1) On receiving a Petition filed under Section 12.130, the Court shall adjudicate the petition in accordance with ORS 250.195.

(2) If the Court finds the Ballot Title or Explanatory Statement conforms to the requirements of ORS 250.035, the Court shall sustain the Title or Statement. If the Court finds to the contrary, it shall prepare another Title or Statement conforming to the requirements of ORS 250.035, and certify it to the County Clerk.

12.140 COUNTY CLERK TO FILE MATERIAL; DISCLAIMER

(1) The County Clerk shall file the Measure, Ballot Title and Explanatory Statement and arguments with the Secretary of State not later than the 70th day before the election. The County Clerk shall pay to the Secretary of State the cost of including the County material in the Pamphlet, as determined by the Secretary of State.

(2) The County Clerk shall attach to the materials described in Subsection (1) of this section, for inclusion in the Voters' Pamphlet, a Statement substantially as follows: "The printing of this argument does not constitute an endorsement by the State of Oregon or Polk County, nor does the State or County warrant the accuracy or truth of any statement made in the argument."

(3) When filing a County Measure with the Secretary of State, the County Clerk also shall:

- (a) File the Ballot Title and Explanatory Statement originally proposed for the Measure, if the Title and Statement have not been subjected to judicial review or have been reviewed and sustained; or
- (b) File the Title or Statement prepared by the Court if the original Title or Statement was subjected to judicial review but not sustained.

Note: Sections 12.105 to 12.135 were adopted as Sec. 1, Ord. 87-18.