
CHAPTER 206 Elections

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CROSS REFERENCES

County elections generally - see CHTR. Ch. VII; ORS 202.030
 Dates and emergency procedures - see ORS 203.085
 Charter adoption, change, repeal - see CHTR. Ch. VII; ORS 203.720, 203.760
 Registration; absentee ballots - see ORS 253.135
 Election crimes and offenses - see ORS 260.993

206.01 (Ord. 76-78. Passed 2-22-78; E. Ord. 88-3. Passed 2-17-88; P. Ord. 88-4. Passed 3-16-88; REPEALED 10-02-13.)

206.02 (Ord. 76-78. Passed 2-22-78; REPEALED 10-02-13.)

206.03 (Ord. 76-78. Passed 2-22-78; REPEALED 10-02-13.)

206.04 APPLICATION OF THIS CHAPTER.

Sections 206.05 to 206.13 of this chapter apply only to: the exercise of initiative, referendum and referral powers regarding county measures; and the materials that may be filed and placed in County and state voters' pamphlets. The requirements for city measures are found in ORS Chapter 250. The requirements for district measures are found in ORS Chapter 255.

(Ord. 2013-09. Passed 10-02-13.)

206.05 DEFINITIONS.

- (a) Board of Commissioners means the Jackson County Board of Commissioners.
- (b) County Clerk means the Jackson County Clerk or the Jackson County official in charge of elections.
- (c) Candidate means an individual whose name is or is expected to be printed on the official ballot.
- (d) Elector means an individual qualified to vote under Article II, Section 2 of the Oregon Constitution.
- (e) Measure includes any of the following submitted to the people for approval or rejection at an election:
 - (1) A proposed county ordinance or county legislation referred by the Jackson County Board of Commissioners.
 - (2) A proposed county ordinance or county legislation placed on the ballot by an initiative or referendum petition.
 - (3) A proposition or question referred by the Jackson County Board of Commissioners.
- (f) Prospective Petition means the information, except signatures and other identification of petition signers, required to be contained in a completed petition. Only the form of the prospective petition, including the signature sheets, designed by the Oregon Secretary of State shall be used for any initiative or referendum. A prospective petition is submitted to the County Clerk for approval to circulate for signatures under sections 206.06(b) and 206.07(b) below.

(Ord. 2013-9. Passed 10-02-13.)

206.06 INITIATIVE PROCESS.

- (a) Generally. - ORS 250.155 allows a county with a home rule charter adopted under section 10, Article VI of the Oregon Constitution to adopt its own rules and procedures related to the initiative and referendum processes. This section 206.06 relating to the initiative process is based on the statutory provisions contained in ORS 250.165 to 250.221.

(b) Prospective Petition; Cover and Signature Sheet Requirements; Circulation; Filing Deadline.

- (1) Before circulating a petition to initiate a county measure, the petitioner shall file with the County Clerk a prospective petition. The County Clerk immediately shall date and time stamp the prospective petition, and specify the form on which the prospective petition shall be printed for circulation. The Clerk shall retain the prospective petition.
[Reference: ORS 250.165(1)]
- (2) The cover of a county initiative petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition pursuant to such instructions adopted by the Oregon Secretary of State by administrative rule. [Reference: ORS 250.165(2)]
- (3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures for electors on the initiative petition. After the prospective petition is filed with the County Clerk, the chief petitioners shall notify the County Clerk not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:
 - A. Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid; or
 - B. No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid. [Reference: ORS 250.165(3)]
- (4) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on an initiative petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators for This Petition Are Being Paid."
[Reference: ORS 250.165(4)]
- (5) The reverse side of the cover of an initiative petition shall be used for obtaining signatures on an initiative petition. [Reference: ORS 250.165(5)]
- (6) Not more than 20 signatures on the signature sheet of the initiative petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

- A. Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and
 - B. Believes each individual is an elector registered in the county.
[Reference: ORS 250.165(6)]
 - (7) The gathering of signatures on a petition to initiate a county measure may not exceed a period of one year from the time the petition is approved by the County Clerk for circulation as provided in Section 206.06(c) below. This subsection shall apply only to prospective petitions filed with the County Clerk after the effective date of the enacting ordinance on 12-01-13.
[Reference: ORS 250.165(7) allows up to two years for counties that have not adopted a charter under section 10, Article VI, Oregon Constitution]
 - (8) The County Clerk may not accept for filing any petition approved for circulation which has not met the provisions of subsection (7) of this section.
[Reference: ORS 250.165(8)]
 - (9) The person obtaining signatures on the petition approved for circulation shall carry at least one full and correct copy of the measure to be initiated and shall allow any person to review a copy upon request of the person.
[Reference: ORS 250.165(10)]
- (c) Determination of Compliance with Constitutional Provisions by County Clerk; Ballot Title; Notice.
- (1) Not later than the fifth business day after receiving a prospective petition for a county initiative measure, the County Clerk shall determine in writing whether the county initiative measure meets the requirements of section 1(2)(d), Article IV, and section 10, Article VI of the Oregon Constitution.
[Reference: ORS 250.168(1)]
 - (2) If the County Clerk determines that the county initiative measure meets the requirements of section 1(2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, the County Clerk shall proceed as required in ORS 250.175 and subsections (5), (9) and (12) of this section. The County Clerk shall include in the notice publication required under ORS 250.175(5) a statement that the initiative measure has been determined to meet the requirements of section 1(2)(d), Article IV, and section 10, Article VI of the Oregon Constitution. [Reference: ORS 250.168(2)]

- (3) If the County Clerk determines that the county initiative measure does not meet the requirements of section 1(2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, the County Clerk shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination. [Reference: ORS 250.168(3)]
- (4) Any elector dissatisfied with the determination of the County Clerk under subsections (2) or (3) of this section may petition the Jackson County Circuit Court seeking to overturn the determination of the County Clerk. The petition challenging the County Clerk's determination must be filed with the Jackson County Circuit Court not later than the seventh business day after the ballot title is filed with the County Clerk. The review by the Jackson County Circuit Court shall be the first and final review, and shall be conducted expeditiously to ensure the orderly and timely circulation of the petition. [Reference: ORS 250.168(4)]
- (5) Not later than the sixth business day after a prospective petition for a county measure to be initiated is filed with the County Clerk, if the County Clerk determines that the initiative measure meets the requirements of section 1(2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, the County Clerk shall send two copies of the prospective petition to the District Attorney. [Reference: ORS 250.175(2)]
- (6) Not later than the fifth business day after receiving the copies of the prospective petition, and notwithstanding ORS 203.145(3), the District Attorney shall prepare a ballot title for the county measure to be initiated and return one copy of the prospective petition and certify the ballot title to the county clerk. [Reference: ORS 250.175(3)(a)]
- (7) If the District Attorney determines that a ballot title certified under this subsection contains a clerical error, the District Attorney may correct the error and certify to the County Clerk a corrected ballot title not later than the 10th business day after the date the ballot title is certified. [Reference: ORS 250.175(3)(b)]
- (8) As required by ORS 250.035, the ballot title of any county measure to be initiated shall consist of:
 - A. A caption of not more than 10 words which reasonably identifies the subject of the initiative;
 - B. A question of not more than 20 words which plainly phrases the chief purpose of the initiative 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 initiative and its major effect
- (9) The County Clerk shall furnish a copy of the ballot title to the chief petitioner pursuant. [Reference: ORS 250.175(3)(c)]
- (10) Unless the Circuit Court certifies a different ballot title, the latest ballot title certified by the District Attorney under subsection (7) of this section is the title to be printed on the ballot. [Reference: ORS 250.175(4)]
- (11) As used in this section, “clerical error” means a typographical, arithmetical or grammatical error or omission that is evident from the text of the certified ballot or by comparison of the text of the ballot title with a written explanation that was provided by the District Attorney and issued concurrently with the certified ballot title. [Reference: ORS 250.175(6)]
- (12) Publishing Notice:
- A. The County Clerk, upon receiving from the District Attorney a ballot title for a county initiative measure, shall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the ballot title is filed with the County. [Reference: ORS 250.175(5)(a)]
- B. In addition to publishing a notice as described in paragraph (A.) of this subsection, the County Clerk may publish a notice on the county’s website for a minimum of seven days. [Reference: ORS 250.175(5)(b)]

(Ord. 2013-9. Passed 10-02-13.)

206.07 REFERENDUM PROCESS.

(a) Generally. ORS 250.155 allows a county with a home rule charter adopted under section 10, Article VI of the Oregon Constitution to adopt its own rules and procedures related to the initiative and referendum processes. This section 206.07 relating to the referendum process is based on the statutory provisions contained in ORS 250.165 to 250.221.

(b) Prospective Petition; Cover and Signature Sheet Requirements; Circulation, Filing Deadline.

- (1) Before circulating a petition to refer a county measure, the petitioner shall file with the County Clerk a prospective petition. The County Clerk immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The County Clerk shall retain the prospective petition. [Reference: ORS 250.165(1)]
- (2) The cover of a county referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition pursuant to such instructions adopted by the Oregon Secretary of State by administrative rule. The cover of the referendum petition shall be the title of the measure as enacted by the Board of Commissioners or, if there is no title, the title supplied by the petitioner filing the prospective petition. [Reference: ORS 250.165(2)]
- (3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures for electors on the referendum petition. After the prospective petition is filed, the chief petitioners shall notify the County Clerk not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:
 - A. Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid; or
 - B. No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid. [Reference: ORS 250.165(3)]
- (4) Each sheet of signatures on a county referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the Board of Commissioners. Each sheet of signatures on a county referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: “Some Circulators for This Petition Are Being Paid.” [Reference: ORS 250.165(4)]
- (5) The reverse side of the cover of a referendum petition shall be used for obtaining signatures on a county referendum petition. [Reference: ORS 250.165(5)]

- (6) Not more than 20 signatures on the signature sheet of the county referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:
 - A. Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and
 - B. Believes each individual is an elector registered in the county.
[Reference: ORS 250.165(6)]
 - (7) As mandated by Section 28(5) of the Jackson County Charter, a county referendum petition approved for circulation upon an ordinance or resolution may not be filed for signature verification with the County Clerk more than sixty days after the passage of the ordinance or resolution.
 - (8) The County Clerk may not accept for filing for signature verification any petition approved for circulation which has not met the provisions of subsection (7) of this section. [Reference: ORS 250.165(8)]
 - (9) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be referred and shall allow any person to review a copy upon request of the person. [Reference: ORS 250.165(10)]
- (c) Preparation of Ballot Title for County Referendum Measure; Notice.
- (1) When a prospective petition for a county referendum measure is filed with the County Clerk, the County Clerk shall authorize the circulation of the petition containing the title of the measure as enacted by the Board of Commissioners or, if there is no title, the title supplied by the petitioner filing the prospective petition. The County Clerk immediately shall send two copies of the prospective petition to the District Attorney. [Reference: ORS 250.175(1).]
 - (2) Not later than the fifth business day after receiving the copies of the prospective referendum petition, and notwithstanding ORS 203.145(3), the District Attorney shall prepare a ballot title for the county referendum measure and return one copy of the prospective referendum petition and certify the ballot title to the County Clerk. [Reference: ORS 250.175(3)(a)]
 - (3) If the District Attorney determines that a ballot title certified under this subsection contains a clerical error, the District Attorney may correct the error and certify to the County Clerk a corrected ballot title not later than the 10th business day after the date the ballot title was certified.
[Reference: ORS 250.175(3)(b)]

- (4) Unless a circuit court certifies a different ballot title, the latest ballot title certified by the District Attorney under subsection (3) of this section is the title to be printed on the ballot. [Reference: ORS 250.175(4)]
- (5) As required by ORS 250.035, the ballot title of any county referendum shall consist of:
 - A. A caption of not more than 10 words which reasonably identifies the subject of the referendum;
 - B. A question of not more than 20 words which plainly phrases the chief purpose of the referendum 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 referendum and its major effect.
- (6) The County Clerk shall furnish a copy of the ballot title to the chief petitioner pursuant. [Reference: ORS 250.175(3)(c)]
- (7) As used in this section, “clerical error” means a typographical, arithmetical or grammatical error or omission that is evident from the text of the certified ballot title or by comparison of the text of the ballot title with a written explanation that was provided by the District Attorney and issued concurrently with the certified ballot title. [Reference: ORS 250.175(6)]
- (8) Publishing Notice:
 - A. The County Clerk, upon receiving a ballot title for a county referendum measure from the District Attorney, shall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the ballot title is filed with the County Clerk. [Reference: ORS 250.175(5)(a)]
 - B. In addition to publishing a notice as described in paragraph (A.) of this subsection, the County Clerk may publish a notice on the county’s website for a minimum of seven days. [Reference: ORS 250.175(5)(b)]

(Ord. 2013-9. Passed 10-02-13.)

206.08 COUNTY REFERRAL PROCESS.**(a) Generally and Definition.**

- (1) ORS 250.155 allows a county with a home rule charter adopted under section 10, Article VI of the Oregon Constitution to adopt its own rules and procedures related to the referral process. This section 206.08 relating to the referral process is based on the statutory provisions contained in ORS 250.165 to 250.221.
- (2) A “county referral” is any action by the Board of Commissioners to place a measure on the ballot for electors of the county to decide.

(b) Preparation of ballot title; notice.

- (1) When the Board of Commissioners refers a county measure to the people, a ballot title for the county referral measure may be prepared by the Board of Commissioners. The measure and the ballot title prepared under this section shall be filed at the same time with the County Clerk.
[Reference: ORS 250.185(1)]
- (2) If the ballot title is not prepared under subsection (1) of this section, when the referral measure is filed with the County Clerk, the County Clerk shall send two copies to the District Attorney. Not later than the fifth business day after receiving the copies, the District Attorney shall provide a ballot title for the referral measure and send copies of it to the Board of Commissioners and the County Clerk. [Reference: ORS 250.185(2)]
- (3) As required by ORS 250.035, the ballot title for a referral measure shall consist of:
 - A. A caption of not more than 10 words which reasonably identifies the subject of the referral;
- (4) A question of not more than 20 words which plainly phrases the chief purpose of the referral so that an affirmative response to the question corresponds to an affirmative vote on the measure; and a concise and impartial statement of not more than 175 words summarizing the referral and its major effect.

(c) Publishing Notice:

- (1) The County Clerk, upon receiving a ballot title for a county referral measure from the Board of Commissioners or District Attorney, shall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the ballot title is filed with the County Clerk.
[Reference: ORS 250.175(5)(a)]
- (2) In addition to publishing a notice as described in paragraph (A.) of this subsection, the County Clerk may publish a notice on the County's website for a minimum of seven days. [Reference: ORS 250.175(5)(b)]

(Ord. 2013-9. Passed 10-02-13.)

206.09 PROCEDURE TO CHALLENGE BALLOT TITLE OF COUNTY MEASURE.

- (a) Any elector dissatisfied with a county measure ballot title filed with the County Clerk by the District Attorney or the Board of Commissioners, may petition the Jackson County Circuit Court seeking a different ballot title and stating the reasons the ballot title filed with the court is insufficient, not concise or unfair. The petition challenging the ballot title shall name as the respondent either the District Attorney or the Board of Commissioners, depending on who prepared the ballot title, and must be filed not later than the seventh business day after the ballot title is filed with the County Clerk. The Jackson County Circuit Court shall review the ballot title and measure to be initiated or referred, hear arguments, if any, and certify to the County Clerk a ballot title for the measure which meets the requirements of ORS 250.035. [Reference: ORS 250.195(1)]
- (b) An elector filing a petition to challenge a ballot title under this section shall notify the County Clerk in writing that the petition challenging the ballot title has been filed in the Jackson County Circuit Court. The notice shall be given not later than 5 p.m. on the next business day following the day the petition challenging the ballot title is filed in the Jackson County circuit court. [Reference: ORS 250.195(2)]
- (c) The review by the Jackson County Circuit Court shall be the first and final review, and shall be conducted expeditiously 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 electors. [Reference: ORS 250.195(3)]

(Ord. 2013-9. Passed 10-02-13.)

206.10 FILING REQUIREMENTS FOR COUNTY MEASURES.

(a) An initiative or referendum petition relating to a county measure shall be filed with the County Clerk for signature verification. The filed petition shall contain only original signatures. [Reference: ORS 250.215(1)]

(b) As mandated by Section 28(2) of the Jackson County Charter, a county initiative measure and a referendum measure may be proposed by the signatures of qualified County voters of a number equal to the following percentages of the total number of votes cast in the County for all candidates for Governor at the regular gubernatorial election next preceding the filing of the petition:

- (1) Initiative petitions – not less than six percent;
- (2) Referendum petitions – not less than four percent.

(c) An initiative or referendum petition relating to a county measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures. [Reference: ORS 250.215(2)]

(d) As mandated by Jackson County Charter Section 28(4), a county initiative petition must be filed for signature verification with the County Clerk at least ninety days before any primary or general election at which the proposed measure is to be voted upon. In the event a special election is called by the Board of Commissioners, a county initiative petition must be filed for signature verification with the County Clerk at least ninety days before the special election at which the proposed measure is to be voted upon.

(e) As mandated by Jackson County Charter Section 28(5), a county referendum petition upon an ordinance may not be filed for signature verification with the County Clerk more than sixty days after the passage of the ordinance.

(f) As required by ORS 254.103, a county referral, including the ballot title, must be filed with the County Clerk no later than the 61st day before the election in which the Board of Commissioners intends the referral to appear on the ballot. If the Board of Commissioners intends the referral to appear on the ballot of a special election, then pursuant to Jackson County Charter Section 28(1), a special election may not be held sooner than ninety days after the county referral, including the ballot title, has been filed with the County Clerk by the Board of Commissioners.

(Ord. 2013-9. Passed 10-02-13.)

206.11 WITHDRAWING COUNTY MEASURES.

(a) The chief petitioners of an initiative or referendum petition may withdraw the petition at any time prior to the filing of the petition with the County Clerk for signature verification. The withdrawal form must be in the form designed by the Oregon Secretary of State, signed by all of the chief petitioners and filed with the County Clerk.

[Reference: ORS 250.029]

(b) The Board of Commissioners may withdraw a referral after filing it with the County Clerk not later than the 61st day before the election in which the Board of Commissioners intended the referral appear on the ballot. Referrals filed with the County Clerk by the Board of Commissioners to be submitted to the November election must be withdrawn not later than the 47th day before the November election. [Reference: ORS 254.103]

(Ord. 2013-9. Passed 10-02-13.)

206.12 DATE OF ELECTION.

(a) As mandated in Section 28(1) of the Jackson County Charter, an election on a proposition concerning the County shall be conducted as prescribed by State law governing voting on such propositions, provided, however, that such an election may be held at a regular primary or general election or a special election called by the Board of Commissioners. A special election may not be sooner than ninety days after the filing of the initiative or referendum petition for signature verification with the County Clerk or after the measure has been referred to the voters by the Board of Commissioners.

(b) As mandated by Section 28(4) of the Jackson County Charter, if an initiative petition for a county measure contains the required number of verified signatures, the initiative petition may not be filed with the County Clerk less than ninety days before any primary or general election at which the proposed county measure is to be voted upon. In the event a special election is called by the Board of Commissioners, a county initiative petition must be filed for signature verification with the County Clerk at least ninety days before the special election at which the proposed measure is to be voted upon.

(c) If a referendum petition for a county measure contains the required number of verified signatures, the election on the county measure shall be held on the next available election date in ORS 203.085 that is not sooner than the 90th day after the measure was filed with the County Clerk; provided, however, the Board of Commissioners shall have exclusive discretion in determining whether to call a special election.

[Reference: ORS 250.221 and Jackson County Charter Section 28(2).]

(Ord. 2013-9. Passed 10-02-13.)

206.13 VOTERS' PAMPHLETS.**(a) County Voters' Pamphlets.**

- (1) As allowed by ORS 251.305, the County Clerk, at his or her discretion, may prepare and distribute a County voters' pamphlet for any election held in Jackson County. If the County Clerk prepares a County voters' pamphlet for an election, it must be prepared in conformity with ORS 251.305 to 251.435.
- (2) If the County Clerk, at his or her discretion, prepares a County voters' pamphlet for any election held in Jackson County, then pursuant to ORS 251.325, the County Clerk shall follow the Oregon Secretary of State's adopted administrative rules for the schedule and procedures for preparing, printing and distributing a County voters' pamphlet. The schedule and procedures will include deadlines for filing material for the voters' pamphlet.
- (3) As allowed by ORS 251.355(1), not later than the date specified by the Oregon Secretary of State by administrative rule, if the County Clerk, at his or her discretion, prepares a County voters' pamphlet for any election in Jackson County, any person may file with the County Clerk a typewritten argument supporting or opposing any county measure to be submitted to the voters on the ballot. Pursuant to OAR 165-022-0050, such arguments shall conform to ORS 251.395 and shall be limited to 325 words.
- (4) As mandated by ORS 251.355(1), the County Clerk may not accept any arguments to be published in a County voters' pamphlet that are not accompanied by the fee established by the Oregon Secretary of State or a verified signature petition on forms prescribed by the Oregon Secretary of State. A verified signature petition shall be filed with the County Clerk and contain the signatures of at least four percent of the electors in the County eligible to vote on the measure to which the argument refers, or the signatures of 1,000 electors in the County eligible to vote on the measure to which the argument refers, whichever is less. The signatures on each verified signature petition shall be certified by the County Clerk in the manner provided in ORS 249.008.
- (5) As allowed by ORS 251.008, the County Clerk, at his or her discretion, may enter into an intergovernmental agreement as provided in ORS 190.003 to 190.130 under which the Oregon Secretary of State and the County Clerk may jointly produce a voters' pamphlet for any election as provided in ORS Chapter 251 or any other law relating to the production and distribution of a voters' pamphlet.

- (6) Notwithstanding ORS 251.358, when the Board of Commissioners refers a county measure and submits it to the County Clerk under ORS 254.103(2), the County Clerk shall not omit from the County voters' pamphlet that county measure, its ballot title, explanatory statement, or any arguments supporting or opposing that county measure.
- (7) The requirements for submission of candidate portraits and statements are governed by ORS 251.325 and 251.335, and any administrative rules adopted by the Oregon Secretary of State.
- (8) County Voters' Pamphlet Explanatory Statements:
 - A. As required by ORS 251.345, not later than the date specified by the Oregon Secretary of State, when the County Clerk prepares a County voters' pamphlet, the governing body for an electoral district that has referred a measure to the voters shall file with the County Clerk an impartial, simple and understandable statement explaining the county measure and its effect pursuant to ORS 251.345. The explanatory statement shall be limited to 500 words pursuant to OAR 165-022-0040(3). No explanatory statements shall be filed for county measures brought by initiative or referendum petition.
 - B. Any elector dissatisfied with an explanatory statement filed with the County Clerk by the local governing body for an electoral district may petition the Jackson County Circuit Court seeking a different explanatory statement and stating the reasons the explanatory statement filed with the court is insufficient or unclear. The petition challenging the explanatory statement shall name as the respondent the local governing body of the electoral district and must be filed not later than the fifth business day after the explanatory statement is filed with the County Clerk. The Jackson County Circuit Court shall review the explanatory statement for the county measure referred, hear arguments, if any, and certify to the County Clerk an explanatory statement for the county measure which meets the requirements of ORS 251.345. [Reference: ORS 251.235]
 - C. An elector filing a petition challenging an explanatory statement with the Jackson County Circuit Court under this section shall notify the County Clerk in writing that the petition has been filed. The notice shall be given not later than 5 p.m. on the next business day following the day the petition challenging an explanatory statement is filed with the Jackson County Circuit Court. [Reference: ORS 251.235]

- D.** The review by the Jackson County Circuit Court shall be the first and final review, and shall be conducted expeditiously to insure an explanatory statement can be included in the County voters' pamphlet and the orderly and timely conduct of the election at which the measure is to be submitted to the electors. [Reference: ORS 251.235]
- (b) State Voters' Pamphlets.
- (1) If the County Clerk, at his or her discretion, chooses not to prepare and distribute a County voters' pamphlet for any election in Jackson County, a county measure and the ballot title, explanatory statement and arguments relating to the measure shall be included in the State voters' pamphlet as set forth in ORS 251.067.
 - (2) As required by OAR 165-022-0040, not later than the date specified by the Oregon Secretary of State, when the County Clerk does not prepare a County voters' pamphlet, the governing body for any electoral district that has referred a county measure to the voters shall file with the County Clerk an impartial, simple and understandable statement explaining the county measure and its effect. The explanatory statement shall be limited to 500 words. No explanatory statements shall be filed for county measures brought by initiative or referendum petition.
 - (3) The provisions of ORS 251.205 may be applied for the drafting of an explanatory statement upon order of the Board of Commissioners when it deems it in the public interest to use the State voters' pamphlet for an explanation of a county measure. In that event, the Board of Commissioners shall be substituted for the Legislative Assembly and may appoint knowledgeable persons representing opposing viewpoints, and the County Clerk shall carry out all other functions designated to the Oregon Secretary of State.

- (4) Any elector dissatisfied with an explanatory statement filed with the County Clerk by the governing body for any electoral district or the members of the explanatory statement committee appointed under ORS 251.215, if the committee filed the explanatory statement, may petition the Jackson County Circuit Court seeking a different explanatory statement and stating the reasons the explanatory statement filed with the court is insufficient or unclear. The petition challenging an explanatory statement must be filed in the Jackson County Circuit Court not later than the fifth business day after the explanatory statement is filed with the County Clerk. The court shall review the explanatory statement for the county measure referred, hear arguments, if any, and certify to the County Clerk an explanatory statement for the county measure which is impartial, simple and understandable. The petition challenging an explanatory statement shall name as the respondent the Board of Commissioners or the explanatory statement committee appointed under ORS 251.215, if the committee filed the explanatory statement. At the time a person files a petition challenging an explanatory statement with the Jackson County Circuit Court, the person shall also serve a copy of that petition on:
- A. The governing body of the electoral district; and
 - B. The explanatory statement committee appointed under ORS 251.215, if the committee filed the explanatory statement. [Reference: ORS 251.235]
- (5) An elector filing a petition challenging an explanatory statement under this section shall notify the County Clerk in writing that the petition challenging an explanatory statement has been filed in the Jackson County Circuit Court. The notice shall be given not later than 5 p.m. on the next business day following the day the petition challenging an explanatory statement is filed in the Jackson County Circuit Court. [Reference: ORS 251.235]
- (6) The review by the Jackson County Circuit Court shall be the first and final review, and shall be conducted expeditiously to insure an explanatory statement can be included in the State voters' pamphlet and the orderly and timely conduct of the election at which the measure is to be submitted to the electors. [Reference: ORS 251.235]
- (7) Not later than the date specified by the Oregon Secretary of State by administrative rule, any person may file with the County Clerk a typewritten argument to be included in the State voters' pamphlet supporting or opposing any measure to be submitted to the voters on the ballot. Such arguments shall only consist of words or numbers and shall be limited to 325 words as required by ORS 251.285(2)(d).

- (8) The County Clerk may not accept any arguments to be published in a State voters' pamphlet that are not accompanied by the fee established by the Oregon Secretary of State or a signature petition prescribed by the Oregon Secretary of State. The County Clerk shall not require a person filing an argument to be included in the State voters' pamphlet to pay a fee of more than \$300. A verified signature petition filed with the County Clerk must contain the signatures of at least four percent of the electors in the County eligible to vote on the measure to which the argument refers, or the signatures of 1,000 electors in the County eligible to vote on the measure to which the argument refers, whichever is less. The signatures on each verified signature petition shall be certified by the County Clerk in the manner provided in ORS 249.008. [Reference: ORS 251.285(2)(e)]
- (9) As required by ORS 251.285(5), the County Clerk shall file the county measure, ballot title, explanatory statement and arguments with the Oregon Secretary of State not later than the 70th day before the general election or the 68th day before a special election held on the date of any primary election.
- (10) The requirements for candidate portraits and statements for any county or city office to be included in the State voters' pamphlet are governed by ORS 251.067, 251.075, 251.085, 251.087, 251.095 and the administrative rules adopted by the Oregon Secretary of State.

(Ord. 2013-9. Passed 10-02-13.)