

# **CHAPTER 8**

## **Elections**

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## **DETERMINING COMMUNITY OPINIONS**

### **8.005 Purpose**

The purpose of LCC 8.005 to 8.030 is to provide a procedure by which the Board may submit questions to the electorate for an advisory opinion.

### **8.010 Definitions**

(1) "Matters of county concern" means those issues deemed by a majority of the Board to be of significant interest to the people of Lincoln County.

(2) "Straw vote" means an unofficial vote to test the strength of opposing views to determine opinion on matters of county concern.

(3) "Ballot" means an election ballot of a regularly scheduled election.

### **8.015 Scope**

Any matters of county concern may, in the discretion of a majority of the Board, be put on the ballot for a straw vote.

### **8.020 Ballot Questions**

Any person, agency of government, or public interest group may submit a matter of county concern to the Board for a straw vote. Ultimate authority in determining whether a question will be placed on the ballot will be the Board.

### **8.025 Time Period for Submission of Questions**

Questions regarding matters of county concern, submitted to the Board for a straw vote, shall be submitted not less than 90 calendar days prior to the date of the next regularly scheduled election.

### **8.030 Form of the Question**

Any question regarding a matter of county concern submitted to the Board shall bear a title summarizing the question and the name and signature of the person submitting the question.

### **8.035 Procedure by Board**

(1) If the Board approves a question for a straw vote it shall give notice to the person submitting the question.

(2) Within 10 days after the notice required by subsection (1) of this section, the person proposing the question shall post security in an amount approved by the Board to pay for all expenses of the straw vote.

(3) If security is posted, the Board shall forward the question to the clerk for inclusion in the next regularly scheduled election.

## COUNTY MEASURES IN STATE VOTERS PAMPHLET

### **8.105 Purpose**

The purpose of LCC 8.105 to 8.130 is to allow inclusion of county measures, ballot titles and explanatory statements therefor, and arguments relating thereto in the state voters pamphlet in accordance with ORS 251.235 and these code provisions. [1984 o.215 §1]

### **8.110 County Measures Included in Pamphlet**

A county measure shall qualify for and be subject to the provisions of LCC 8.105 to 8.130 and ORS 251.285 only if:

(1) The measure is to be submitted to the electors at an election for which a state voters pamphlet is printed;

(2) All procedures set forth in LCC 8.105 to 8.130 relating to the preparation of the ballot title and to the explanatory statement for the measure have been completed on or before the 75th day before the election at which the measure is to be submitted to the electors;

(3) In the case of a measure proposed by initiative or referendum petition:

(a) All chief petitioners indicate their decision to include the measure, its ballot title, explanatory statement and arguments in the state voters pamphlet, by filing with the county clerk a statement of that decision, in such form as the clerk shall prescribe, at the time the prospective petition for the measure is filed with the clerk;

(b) A petition containing sufficient numbers of qualified signatures to require submission of the measure to the electors is filed with the clerk on or before the 90th day preceding the election at which the measure is to be submitted to the electors;

(4) In the case of a measure referred to the electors by the Board, the Board indicates its decision to include the measure, its ballot title, explanatory statement and arguments in the state voters pamphlet, by filing with the clerk its order reflecting that decision on or before the 85th day preceding the election at which the measure is to be submitted to the electors; and

(5) In the case of any county measure supported or opposed by a political committee, as defined in ORS chapter 260, such committee indicates its decision in a statement signed by every committee director, as defined in ORS chapter 260, and files such statement with the clerk on or before the 80th day preceding the election at which the measure is to be submitted to the electors. [1984 o.215 §1]

### **8.115 Preparation of Ballot Titles and Explanatory Statements**

(1) In the case of a measure proposed by initiative or referendum petition, upon the filing of the prospective petition, the clerk shall convey two copies of the prospective petition to the district attorney, who shall, within five days after receiving it, prepare a ballot title and explanatory statement for the measure and return a copy of the prospective petition, together with the ballot title and explanatory statement to the clerk and to one of the chief petitioners.

(2) In the case of a measure referred to the electors by the Board which will be voted upon at an election for which there is a state voters pamphlet, the Board shall file with the clerk a ballot title and explanatory statement for the measure at the time it files the order described in LCC 8.110(4).

(3) Ballot titles shall consist of:

(a) A caption of not more than 10 words by which the measure is commonly referred to;

(b) A question of not more than 20 words which plainly states the purpose of the measure, and is phrased 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 75 words of the chief purpose of the measure.

(4) Explanatory statements shall be impartial, simple, and understandable, explaining the measure and its effect and shall not exceed 500 words. [1984 o.215 §1]

### **8.120 Judicial Review of Ballot Titles and Explanatory Statements**

Within five days after the ballot title and explanatory statements are received by the clerk under LCC 8.115(1) or (2), any elector dissatisfied with the ballot title or explanatory statement or both may petition the Circuit Court of the State of Oregon for the County of Lincoln for review of the title or statement, and shall set forth the reasons why the title or statement does not conform to the requirements of LCC 8.105 to 8.130 or other applicable law. If the court finds that the ballot title or explanatory statement complies with the requirements of LCC 8.105 to 8.130 and other applicable law, it shall enter an appropriate order to that effect. If the court determines that the ballot title or explanatory statement does not comply with the requirements of LCC 8.105 to 8.130 or other applicable law, the court shall prepare an alternative ballot title or explanatory statement. The title or statement so prepared shall supersede and replace that of the district attorney for purposes of LCC 8.105 to 8.130. The order of the Circuit Court shall not be appealable. [1984 o.215 §1]

### **8.125 Arguments Favoring or Opposing Measures**

(1) Arguments favoring or opposing a measure which qualifies for, and is subject to, LCC 8.105 to 8.130 may be filed with the clerk on or before the 75th day preceding the election at which the measure is to be submitted to the electors by:

(a) Any elector eligible to vote on the measure, or any organization eligible to file arguments under Oregon Law, upon payment to the clerk of a fee of \$300 and the filing of a statement, in such form as the clerk shall prescribe, which identifies the name of the person or persons who submitted the argument, the name of the organization the person or persons represent, if any, and whether the argument supports or opposes the measure; or

(b) One thousand or more electors eligible to vote on the measure or 10 percent of the total of such electors, whichever is less, whose representative files with their argument a petition for its inclusion in the state voters pamphlet, in such form as the clerk shall prescribe or provide, which contains the qualified signatures of at least 1,000 such electors or 10 percent of the total electors eligible to vote on the measure, whichever is less.

(2) Prior to the circulation of a petition under subsection (1)(b) of this section, a prospective petition shall be filed with the clerk, in such form as the clerk shall prescribe or provide, which sets forth the text of the proposed argument and which identifies the name of the person or persons who submitted the argument, the name of the organization the person or persons represent, if any, and whether the argument supports or opposes the measure. A copy of the contents of the prospective petition shall be attached to each signature sheet of the petition circulated among the electors. The procedures for circulation of the petition shall be the same as the applicable procedures for circulation of initiative or referendum petitions, and the clerk shall verify the signatures on the petition in the same manner signatures are verified on referendum or initiative petitions. Arguments shall be typewritten, and shall be prepared for printing on not more than 29.8 square inches of the

state voters pamphlet and shall comply with all applicable laws and rules pertaining to arguments in the state voters pamphlet. [1984 o.215 §1]

**8.130 Filing of Material with Secretary of State**

On or before the 70th day preceding the election at which any measure which qualifies for and is subject to LCC 8.105 to 8.130 is to be submitted to the electors, the clerk shall file with the secretary of state the measure, ballot title, explanatory statements, and any arguments which have been filed and completed in accordance with the requirements of LCC 8.105 to 8.130 and of any other applicable law. The county shall pay the secretary of state the cost of including the material in the state voters pamphlet. [1984 o.215 §1]