

**TITLE 3**  
**ELECTIONS**

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# TITLE 3

## ELECTIONS

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## **Chapter 3.01**

### **3.01 STATE VOTERS PAMPHLET FOR INITIATIVE AND REFERENDUM MEASURES**

#### **3.01.010 Purpose**

The purpose of this chapter is to comply with the provisions of ORS 251.285. This statute 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.

[Codified by Ord. 05-2000, 7/13/00]

#### **3.01.020 Appointment of Committee to Prepare Explanatory Statement**

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:

- A. Two members of the committee shall be appointed by the chief petitioners;
- B. The County Clerk shall appoint two members. If a political action committee has been formed opposing the measure, the Clerk shall appoint individuals from that committee;
- C. These four members shall be appointed no later than the 100th day prior to the election; and
- D. 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.
- E. County Counsel shall also prepare an explanatory statement to be used in the event the committee does not prepare one.

When the Board of County Commissioners refers a measure to the voters, County Counsel shall prepare the explanatory statement.

[Codified by Ord. 05-2000, 7/13/00]

#### **3.01.030 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 85th day prior to the election.

[Codified by Ord. 05-2000, 7/13/00]

#### **3.01.040 Review of Ballot Titles and Explanatory Statements**

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- A. If any person is dissatisfied with the ballot title on the grounds that the title is not a concise and impartial statement of the purpose of the measure, that person may, within 7 business days after the ballot title is filed with the County Clerk, petition the Circuit Court of Clackamas 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 purpose of the measure.
- B. 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 Clackamas 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.
- C. 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.
- D. 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.
- E. 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.
- F. The Circuit Court of Clackamas County shall be the first and final review of these matters.

[Codified by Ord. 05-2000, 7/13/00]

### **3.01.050 Submission of Ballot Title and Explanatory Statement to the 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 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 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.

[Codified by Ord. 05-2000, 7/13/00]

### **3.01.060 Arguments Regarding Measures**

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The County Clerk shall accept from any person or group of persons argument(s) supporting or opposing the measure, provided:

- A. The argument is typed, consists only of words and numbers, and does not exceed 325 words;
- B. The argument is filed with the County Clerk not later than the 80th day before the election;
- C. The person or group, when filing the argument, either:
  - 1. Pays the County \$300 to apply to the cost of the printing, or
  - 2. Files with the County Clerk a petition signed by 1000 voters in the County, or 10% of the electors in the County, whichever is less; and

The argument is accompanied by the name and address of the person responsible for the content of the argument, the name and address 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 measure and the explanatory statement, with the Secretary of State not later than the 70<sup>th</sup> day before the election.

[Codified by Ord. 05-2000, 7/13/00]

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## **Chapter 3.02**

### **3.02 SPECIAL DISTRICT ELECTIONS SECURITY DEPOSIT**

#### **3.02.010 Authority**

ORS 198.775 provides that the County Board shall set the amount of a bond, cash deposit, or other security deposit to accompany any petition for formation, annexation, withdrawal, or dissolution of a special district to guarantee payment of the costs of the election.

[Codified by Ord. 05-2000, 7/13/00]

#### **3.02.020 Bond or Deposit Amount**

A bond, cash deposit, or other security deposit, in the amount of \$100 shall accompany any petition filed with the County Clerk for the formation, annexation, withdrawal, or dissolution of a special district, for each precinct in the affected district, and any territory to be included in the district, up to a maximum of \$10,000.

[Codified by Ord. 05-2000, 7/13/00]

#### **3.02.030 Approval of Bond or Other Security Deposit**

If a bond is submitted, the Office of County Counsel must approve it. The Board of County Commissioners must approve any security deposit other than a bond or cash deposit.

[Codified by Ord. 05-2000, 7/13/00]

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## **Chapter 3.03**

### **3.03 VOTER APPROVAL OF URBAN RENEWAL**

#### **3.03.010**

A county urban renewal agency shall not be activated or authorized to exercise additional powers without the approval of county electors at a general election. (BM 3-386 approved by the voters on 11/8/11)

#### **3.03.020 Definitions**

As used in this Chapter:

- A. SUBSTANTIAL CHANGE means any change proposed to be made to an existing urban renewal plan that:
  - 1. Expands the boundary, duration or borrowing authority of any plan; or,
  - 2. Alters the basic purpose, engineering or financing principles of a voter-approved plan.
- B. URBAN RENEWAL INDEBTEDNESS (URI) means debt incurred pursuant to an urban renewal plan where repayment is pledged from ad valorem taxes assessed within the County.
- C. URBAN RENEWAL PLAN (PLAN) has the meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

(BM 3-386 approved by the voters on 11/8/11)

#### **3.03.030**

Every new urban renewal plan, or substantial change to an existing plan, shall be referred to county electors for their approval at a primary or general election. (BM 3-386 approved by the voters on 11/8/11)

#### **3.03.040**

Whenever an election required by Chapter 3.03.020 will authorize new Urban Renewal Indebtedness, the county shall determine the information required to complete the public notice statements in subsections A-D of this section. Public Notice Statements shall be posted on the County website at least 45 days in advance of the election and mailed to County electors no more than ten days in advance of distributing ballots.

- A. “ATTENTION VOTER: IMPORTANT INFORMATION ABOUT [insert local measure number].”
  - B. “If approved, this measure will authorize new Urban Renewal Indebtedness. Repayment of such debt may significantly reduce the amount of property tax revenues that would be otherwise available for public schools, police, fire, library
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- and other public services within Clackamas County for [insert maximum duration of URI, listed in years and months].”
- C. “The maximum amount of new Urban Renewal Indebtedness permitted by this measure is [insert maximum new URI permitted by proposed plan or amendment].”
- D. “The maximum amount of interest payable for this debt is [insert maximum amount of interest payments for new URI over lifespan of debt].”

Public Notice Statements do not need to be mailed to County Electors if included within the beginning of the explanatory statement of the proposed measure within the County Voter’s Pamphlet. (BM 3-386 approved by the voters on 11/8/11)

### **3.03.050**

The County shall not approve or amend a plan by any means other than by ordinance. Non-substantial changes to any plan may be approved by non-emergency ordinance of the Board of Commissioners. (BM 3-386 approved by the voters on 11/8/11)

### **3.03.060**

Upon the retirement of all urban renewal indebtedness authorized by county urban renewal plans, the purpose for a County urban renewal agency will cease and it shall be terminated. Any continuing obligations or rights of a terminated agency shall be assumed by the County. (BM 3-386 approved by the voters on 11/8/11)

### **3.03.070      Miscellaneous provisions**

This Chapter shall become immediately effective upon passage by the electors. If any provision of this Chapter is barred from operation by superior law, the other provisions shall remain unaffected. Prior to any public hearing to consider legislation that would conflict with provisions of this Chapter or prevent them from operating, the County must provide notice of the proposed legislation and hearing date to all county electors by mail at least two weeks prior to the hearing. Any legislation passed in violation of this provision shall be void. (BM 3-386 approved by the voters on 11/8/11)

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