

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 657

An Ordinance authorizing the production of a local voters' pamphlet for Multnomah County and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Findings.

1. The voters of Multnomah County benefit from information obtained through a voters' pamphlet.

2. The State of Oregon only produces a voters' pamphlet for a primary or general election. However, the state voters' pamphlet does not include all local candidates and issues.

3. The Board of County Commissioners believes that the benefit to voters justifies establishing a mechanism allowing a voters' pamphlet for any election. This ordinance provides the mechanics for production and cost recovery for a local voters' pamphlet.

Section 2. Definitions.

(1) "Candidate" means an individual who has filed for election to a public office.

(2) "City" means an entity incorporated under ORS 221.020 to 221.100 or proposed to be incorporated and whose boundaries lie in full or in part within Multnomah County.

- (3) "County" means Multnomah County.
- (4) "Director" means Multnomah County Director of Elections or the Director's designee.
- (5) "District" means an entity as set forth in ORS 255.012 and whose boundaries lie in full or in part within Multnomah County. "District" also means any entity which relies on ORS Chapter 255 for its elections procedures.
- (6) "General Election" is the election held pursuant to and defined in ORS 254.056 (1).
- (7) "Measure" means any of the following submitted to the people for approval or rejection at an election:
 - (a) A proposed city or county ordinance.
 - (b) A proposition or question placed on the ballot by a city, district or county.
 - (c) A proposition or question placed on the ballot by initiative or referendum petition and which directly affects a city, district or county. "Measure" does not include the question of whether a person shall be recalled from public office.
- (8) "Paid Office" is an elected public office for which fixed compensation is received in excess of \$1,000 per year (other than a per diem or reimbursed expense).
- (9) "Primary Election" is the election held pursuant to and defined in ORS 254.056(2).

- (10) "Public Office" means any city, district or county office or position, elected by the voters. (This does not include political party offices.)
- (11) "Resubmitted Measure" means a measure filed pursuant to ORS 254.095(3); ORS 254.103(2); or ORS 255.085(2).
- (12) "Special Election" is an election held on a date other than a Primary or General Election.
- (13) "Voter" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

Section 3. Authorization for Preparation of Voters' Pamphlet.

- (1) Unless otherwise specified by law, this ordinance applies to all voters' pamphlets published by the Director of Elections.
- (2) The Director shall prepare and have printed a county voters' pamphlet for Primary, General and Special elections when the governing body of a county, a city or a district requests that one be published. The request shall include an agreement to pay an apportioned share of the cost of producing the voters' pamphlet. Costs shall be apportioned as provided by state law. The request shall be submitted in writing to the Director at least one week prior to the deadline for filing a notice of election.
- (3) The Director shall mail or deliver the pamphlet to insure, at least:
 - (a) One voters' pamphlet per postal address for a

county-wide election, or

- (b) One voters' pamphlet per registered household within an electoral district for less than a county-wide election.

Nothing in this section requires the Director to send out separate voters' pamphlets for each measure or office; rather, all measures and offices may be combined in one or more pamphlets and delivered to the affected voters.

- (4) The Director shall mail or deliver the voters' pamphlet in an election-by-mail on or before the date on which the Director mails the ballots to the voters. In a poll election the Director shall mail or deliver the voters' pamphlet no later than the 7th day before the election.

Section 4. Contents of Voters' Pamphlet.

The Director shall include, when applicable, the following in the voters' pamphlet:

- (1) A sample ballot containing the names of candidates for all offices appearing on the ballot and/or the ballot titles of all measures appearing on the ballot.
- (2) Requirements for a citizen to qualify as a voter.
- (3) Information as to when a voter needs to reregister.
- (4) Information as to how a voter may obtain and use:
 - (a) An absentee ballot; and/or
 - (b) A certificate of registration.

- (5) Voter instructions, including the right:
 - (a) of a voter to request a second ballot if the first ballot is spoiled;
 - (b) of a voter to take into the voting booth a sample ballot marked in advance; and
 - (c) of a disabled voter to seek assistance of the election board clerks or someone of the voters' own choosing to assist in marking the ballot.
- (6) The hours the Elections Division or polling places are open.
- (7) Any portraits and candidate statements filed in accordance with the terms of this ordinance.
- (8) Any ballot titles, explanatory statements and arguments filed in accordance with the terms of this ordinance.
- (9) Notice to voters of whether the election will be conducted by mail or at the polls, and, if the election is to be at the polls, a listing of the polling places.
- (10) Such other information as the Director considers to be appropriate or necessary.
- (11) Notwithstanding subsections (7) and (8) of this section, Multnomah County's voters' pamphlet shall not include offices or measures that qualify under ORS 251 for inclusion in the state voters' pamphlet, unless a state voters' pamphlet will not be printed.

Section 5. Time Within Which Documents Must be Received.

A measure, explanatory statement, argument, or candidate's

statement, together with the required fee, must be filed with the County Clerk no later than 5 pm of the day the document and/or fee is due. If the day the document or fee is due is a Saturday, Sunday, or holiday, the document or fee must be filed by 5 pm on the next business day. If a person is physically present in the Elections Division and is in line waiting to deliver the document or fee, the person shall be considered as having begun the act of delivering the document or fee and shall be permitted to file as long as that person does not leave the Elections Division.

Section 6. Explanatory Statements.

When a measure is submitted to the voters in Multnomah County, an impartial, simple and understandable statement explaining the measure and its effect may be included in the voters' pamphlet.

- (1) If a measure is submitted by the governing body of a city, district or county, the governing body shall prepare and submit the explanatory statement to the Director. The explanatory statement submitted by the governing body shall be filed with the Director no later than the filing deadline for the notice of election.
- (2) If a measure for a city, district or county is placed on the ballot by initiative or referendum petition, the explanatory statement shall be prepared by the official or individual responsible for preparing the ballot title for that measure.

The explanatory statement under this subsection shall be filed with the Director no later than the day the ballot title is submitted.

- (3) The explanatory statement becomes public record at the time of filing.
- (4) The explanatory statement shall be typewritten.
- (5) The explanatory statement shall only consist of words or numbers and shall not exceed 500 words and numbers.
- (6) The explanatory statement shall include the name of the person authorizing the content of the statement and the name of the governing body the person represents, if applicable.

Section 7. Arguments.

Any person wishing to file an argument supporting or opposing a measure shall do so in the following manner:

- (1) The argument shall be typewritten on a form approved by the Director.
- (2) The argument shall only consist of words or numbers and shall not exceed 325 words and numbers.
- (3) The argument becomes public record at the time of filing.
- (4) Every argument filed must be accompanied by a filing fee.
- (5) The argument and filing fee shall be filed with the Director no later than 5 pm the second business day after the deadline for filing a notice of election.

- (6) The fee for filing an argument is as follows:
 - (a) \$75.00 when the voter registration is less than 1,000.
 - (b) \$150.00 when the voter registration is 1,000 through 4,999.
 - (c) \$225.00 when the voter registration is 5,000 through 9,999.
 - (d) \$300.00 when the voter registration is 10,000 or more.
- (7) A refund can be requested by the person or organization that paid the filing fee no later than the last day for filing the argument. When a refund is made, the argument will not be printed in the voters' pamphlet.
- (8) The Director shall include on the page of the printed argument the following:
 - (a) The name of the person responsible for the content of the argument;
 - (b) The name of the organization the person represents, if any;
 - (c) Whether the argument supports or opposes the measure; and
 - (d) The following disclaimer:

"THE PRINTING OF THIS ARGUMENT DOES NOT CONSTITUTE AN ENDORSEMENT BY MULTNOMAH COUNTY, NOR DOES THE COUNTY WARRANT THE ACCURACY OR TRUTH OF ANY STATEMENTS MADE IN THE ARGUMENT."

- (9) Arguments shall be printed in the order in which they are received. Arguments in favor of a measure shall be printed first, followed by arguments in opposition.

Section 8. Candidate Statements.

If an election for a public office is to be included in a county voters' pamphlet, a candidate may submit a candidate's statement and photograph subject to the following requirements:

- (1) The candidate's statement shall be typewritten and submitted on a form approved by the Director.
- (2) The candidate's statement shall only consist of words or numbers and shall not exceed 325 words and numbers.
- (3) The candidate's statement shall begin with a summary of the candidate's occupation, educational and occupational background and prior governmental experience.
- (4) The candidate's statement shall include the name of the person responsible for the content of the statement.
- (5) The candidate's statement is exempt from public inspection until the fourth day after the final day for filing the materials.
- (6) The candidate's statement, photograph and filing fee shall be filed no later than 5 pm the second business day after the deadline for filing a petition of nomination or declaration of candidacy.
- (7) At the time of filing the candidate's statement, a candidate may submit two identical black and white glossy photographs

for use in the voters' pamphlet. The photographs shall be no larger than 5" by 7" and no smaller than 2 1/2" by 3 1/2". A candidate shall not submit for inclusion in the voters' pamphlet a photograph that was taken more than two years prior to the date the photograph is filed with the Director.

- (8) A photograph submitted for inclusion in the voters' pamphlet shall:
 - (a) Be a conventional photograph with a plain background; and
 - (b) Show the face, neck and shoulders of the candidate and no other person.
- (9) A photograph submitted for inclusion in the voters' pamphlet shall not:
 - (a) Include the hands or anything held in the hands of the candidate;
 - (b) Show the candidate wearing a judicial robe, a hat or military, police or fraternal uniform;
 - (c) Show the uniform or insignia of any organization; or
 - (d) Include the display of any flag or pennant.
- (10) The candidate's statement for unpaid offices shall be accompanied by a fee, as follows:
 - (a) \$25.00 when the voter registration is less than 5,000;
 - (b) \$50.00 when the voter registration is 5,000 or more.The fee for paid offices shall be \$100.00. The Director shall not accept any candidate's statement not accompanied

by the required fee.

- (11) A refund can be requested by the person who paid the filing fee no later than the last day for filing the candidate's statement. When a refund is made, the candidate's statement will not be printed in the voters' pamphlet.

Section 9. Type of Material to be Excluded from Pamphlet.

The Director shall reject any statement, argument or other matter offered for filing and printing in the voters' pamphlet that:

- (a) Contains any obscene, profane, scandalous or defamatory language;
- (b) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, religion or manner of worship;
- (c) Contains any language which may not legally be circulated in the mails; or
- (d) Otherwise does not comply with this ordinance.

Section 10. Names of Persons or Organizations Excluded from Arguments and Statements.

The Director shall not print the name of a person or organization in an argument or a candidate's statement submitted for inclusion in the voters' pamphlet if the name of the person or organization is cited as supporting or endorsing the argument or statement unless:

- (a) Not later than the 5th day following the deadline for filing an argument or statement, the Director receives a notarized statement signed by the person, or by an authorized person on behalf of an organization, stating that the person consents to the use of the name of the person or organization; or
- (b) The name of a person or organization is used with a quotation made by the person on behalf of the person or by an authorized person on behalf of an organization and the quotation was disseminated to the public prior to its inclusion in the argument or statement and the quotation is identified by its source and date.

Section 11. Use of Space.

- (1) The Director shall have the authority to determine type size and spacing in order to insure a format which allows equal space for each explanatory statement, argument or candidate's statement.
- (2) Whenever an explanatory statement exceeds 500 words and numbers the Director shall print only the first 500 words and numbers.
- (3) Whenever an argument or candidate statement exceeds 325 words and numbers the Director shall print only the first 325 words and numbers.

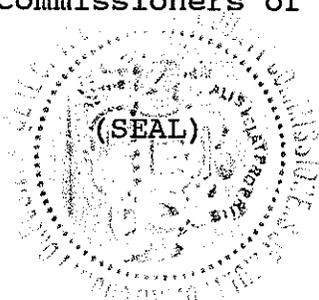
Section 12. Separability.

If any portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 13. Declaring an emergency.

This ordinance being necessary to the health, safety and general welfare of the people of Multnomah County, an emergency is declared to exist. This ordinance will take effect immediately upon its adoption by the Board of County Commissioners.

ADOPTED this 20th day of July, 1990, being the date of its first reading before the Board of County Commissioners of Multnomah County.



By

Gladys McCoy
Gladys McCoy, Chair

Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, County Counsel

for Multnomah County, Oregon

By Laurence Kressel