

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, COUNTY OF BENTON**

In the Matter of Amending Chapters 4, 5 and 6)	
of the Benton County Code to Revise, Update,)	Ordinance No. 2024 - 0323
and Clarify Election Procedures)	

THE BENTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the Benton County Code affecting elections requires revision to reflect statutory, organizational and technical changes; and

WHEREAS, Chapter 4, revisions identify elections impacted, amends confusing titles and removes BCC 4.230 regarding precinct committee persons.

WHEREAS, BCC 4.215 is corrected to align the filing date with related filing deadlines and governing statutes; and

WHEREAS, BCC 4.265 makes clear the elected candidate, whether or not ranked choice voting is utilized in the contest; and

WHEREAS, Chapter 5 revisions clarify that measure explanatory statements are not subject to judicial review and provides clarity related to advisory measure ballot titles, explanatory statements and election dates.

WHEREAS, Chapter 6, revisions add flexibility to voters' pamphlet distribution requirements, recognize the availability of translated information and clarify the word count, space and photo requirements related to candidate and argument filings for inclusion in the voters' pamphlet.

NOW, THEREFORE, the Board of Commissioners of Benton County does ordain as follows:

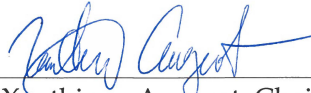
Part I. Short Title. This Ordinance shall be known as "Election Code Amendments to Chapters 4, 5 and 6 of the Benton County Code."

Part II. Text Amendment. Election Code Chapters 4, 5 and 6 are hereby adopted as noted in the attachments marked as Exhibit "A".

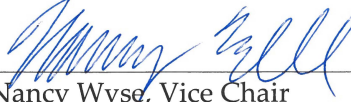
Part III. The effective date of the amendments to the Benton County Code will be:

1 st Reading:	January 23, 2024
2 nd Reading	February 6, 2024
Effective Date:	March 7, 2024

BENTON COUNTY BOARD OF
COMMISSIONERS



Xanthippe Augerot, Chair

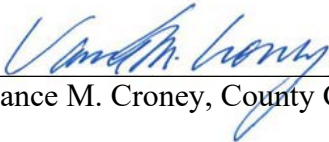


Nancy Wyse, Vice Chair



Pat Malone, Commissioner

Approved As To Form:



Vance M. Croney, County Counsel

CHAPTER 4

ELECTIONS AND CANDIDATES

ADMINISTRATION

4.001 Purpose.

The purpose of this chapter is to provide clear guidance to county offices and other interested parties in the conduct of elections held in Benton County. [Ord. 99-0153; Ord. 2019-0291]

4.002 Definitions.

(1) **“Electoral District”** means the physical boundaries within Benton County of any elected position. [Ord. 99-0153; Ord. 2019-0291]

ELECTIONS

4.101 Primary Elections.

Each qualified major party may nominate one candidate in the Primary Election for each county partisan office position to be filled at the General Election. Non-partisan county office positions shall be nominated and elected in accordance with ORS 249.088 and 249.091.

4.105 General Elections.

One candidate shall be elected to fill each county office position appearing on the General Election ballot.

4.110 Special Elections.

The Board of Commissioners may call a special election by order. The order shall state the purpose for calling the special election, the propositions to be voted upon, and the date on which the election shall be held. [Ord. 11, adopted May 6, 1986; Ord. 85-0002; Ord. 90-0062; Ord. 2019-0291]

COUNTY OFFICES

4.201 Election to Fill a Vacancy.

If an election is required to fill a vacancy in an elected County office pursuant to Benton County Charter Chapter V Section 22(4)(a)(A), the election shall be conducted pursuant to Benton County Charter Chapter VII Section 25(1). [Ord. 90-0062; Ord. 2019-0291]

4.205 Ballot Specifications for Partisan Offices.

If an election is held to fill a vacancy in a partisan county office, the candidate's party affiliation as listed in the candidate's petition or declaration of candidacy or certificate of nomination shall appear first following the name of the candidate on the ballot, followed by up to two minor party nominations received by that candidate, if applicable. Abbreviated party names as established by the Secretary of State can be used. [Ord. 90-0062; Ord. 2019-0291]

4.210 Candidate Petition or Declaration of Candidacy for County Office.

(1) A person eligible pursuant to the Benton County Charter may become a candidate to fill partisan or non-partisan elected County office, or to fill a vacancy in a partisan or non-partisan elected County office, by filing either a petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by a filing fee set by order of the Board of Commissioners. The Board shall set the amount of the filing fee based on the filing fee provided in state law for a declaration of candidacy for an elected County office.

(3) In lieu of filing a declaration of candidacy and paying a fee, a person may become a candidate for an elected County office by filing a petition of candidacy as follows:

(a) If the person is filing a petition of candidacy to fill a nonpartisan elected County office, at the time of filing, the petition shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition, these signatures shall include those of electors registered in each of at least one-fifth of the precincts in the electoral district.

(b) If the person is filing a petition of candidacy as a candidate of a major political party to fill a partisan elected County office, the petition shall contain the signatures of electors who are members of the same major political party as the candidate. The petition shall contain at least 500 signatures or the number of signatures at least equal to two percent of the vote in the County for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. In addition, the signatures shall include those of electors registered in at least one-fifth of the precincts in the electoral district. [Ord. 90-0062]

4.215 Filing Deadlines.

(1) A petition for candidacy or declaration of candidacy shall be filed not later than the 70th day prior to the election.

(2) The certificate of nomination of a candidate for public office shall be filed in accordance with ORS 249.722. [Ord. 90-0062; Ord. 2019-0291]

4.220 Contents of Petition or Declaration.

- (1) A petition or declaration of candidacy shall contain the information required in ORS 249.031.
- (2) A declaration of candidacy shall also include a statement that the required fee is included with the declaration.
- (3) A petition of candidacy shall also include the required signatures as provided by BCC 4.210(3). [Ord. 90-0062; Ord. 2019-0291]

4.225 Certification of Signatures.

The Benton County Elections Office shall verify the signatures on a petition of candidacy for authenticity, while ensuring that the signer meets all of the necessary requirements for signing and that the signer has signed no other petitions regarding the same contest prior to certification. [Ord. 90-0062; Ord. 2019-0291]

4.235 Nomination for Partisan Office.

A minor political party, assembly of electors or individual electors may nominate one candidate for office or to fill a vacancy in a partisan county office by preparing and filing a certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.240 Contents of Certificate of Nomination.

- (1) A certificate of nomination shall state:
 - (a) The name by which the candidate is commonly known. A candidate may use a nickname in parenthesis in connection with the full name.
 - (b) The mailing address and residence of the candidate.
 - (c) The office, and department or position number, if any, for which the candidate is nominated.
 - (d) The name of the minor political party, if any, which nominated the candidate.
 - (e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "Nonaffiliated" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the date the certificate of nomination is filed, shall be included.
- (2) A certificate of nomination made by a minor political party or assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the party or

assembly. An affidavit shall be made on the certificate by the presiding officer and the secretary and sworn to or affirmed by them before one of the following: a judge, justice of the peace, County Clerk, or notary public. The affidavit shall state that the statements in the certificate are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of BCC 4.255.

- (3) The nominee must accept the nomination prior to or at the time the certificate of nomination is filed. [Ord. 90-0062; Ord. 2019-0291]

4.245 Entries in Register of Nominations Upon Filing Certificates.

- (1) Immediately after each certificate of nomination is filed, the Benton County Elections Office shall enter in the register of nominations:

- (a) The date the certificate was filed.
- (b) The name of each candidate.
- (c) The office for which the candidate is nominated.
- (d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairperson and secretary certifying it.
- (e) If the certificate of nomination is made by individual electors, the total number of verified signatures contained in the certificate.

- (2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Ord. 90-0062; Ord. 2019-0291]

4.250 Nomination by Minor Political Party.

An affiliation of electors qualified as a minor political party pursuant to ORS 248.008 may nominate a candidate in accordance with ORS 249.705 through 249.722. [Ord. 90-0062; Ord. 2019-0291]

4.255 Nomination by Assembly of Electors.

- (1) An assembly of electors is an organized body of not fewer than 250 electors in the County.
- (2) An assembly of electors may nominate candidates at a nominating convention. The convention shall be held in one day and last no longer than 8 hours. The signature, printed name, residence and mailing address of each member of the assembly may be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the minimum number of electors required to constitute an assembly of electors shall have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a

candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the County. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be made, and the names and addresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

(4) Proof of publication of the notice in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the Benton County Elections Office with the certificate of nomination.

(5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the Benton County Clerk who will supervise the conduct of the nominating convention.

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the Benton County Elections Office. The signatures shall be verified by that office. A copy of the minutes, certified by the secretary of the assembly and an affidavit of compliance for the assembly, shall be filed along with the certificate of nomination at the Benton County Elections Office on the next business day following the assembly.

(7) The Benton County Clerk or their designee shall attend the nominating convention. The County Clerk or their designee shall verify whether or not the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors.

(8) Vacancies shall be filled in the manner provided by ORS 249.735(7). [Ord. 99.0153; Ord. 2019-0291]

4.260 Nomination by Petition of Individual Electors.

(1) A certificate of nomination by petition of individual electors shall contain signatures of electors in the electoral district equal to, but, not less than, one percent of the total votes cast in the electoral district for all candidates for presidential electors at the last general election.

(2) Each elector signing a certificate of nomination by petition of individual electors shall include the residence address of the elector.

(3) A certificate of nomination made by individual electors shall contain the name of only one candidate.

(4) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the Benton County Clerk.

(5) The certificate shall comply with the provisions set forth in ORS 249.740(3) and ORS 249.740(4).

(6) The signatures contained in each certificate of nomination made by individual electors shall be verified for authenticity by the Benton County Elections Office.

(7) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.265 The Candidate Elected to County Office.

(1) In accordance with Benton County Charter Chapter VII Section 25(1) the candidate that receives more than fifty percent of the ranked choice votes is declared the winner. The winning candidate shall be the elected official of the county office.

(2) The person elected shall take office immediately upon receiving the person's certificate of election and filing their oath of office with the Benton County Clerk in accordance with ORS 204.020. [Ord. 90-0062; Ord. 2019-0291]

(3) If Ranked Choice Voting is not utilized, the candidate receiving the most votes shall be declared the winner.

CHAPTER 5

BALLOT MEASURES

ADMINISTRATION

5.005 Purpose.

The purpose of BCC Chapter 5 is to describe the process for initiative and referendum petitions, referral measures and the creation of ballot titles to be placed on the ballot in accordance with the County Charter, Code and applicable state law. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

5.010 Application.

A county measure may be submitted for inclusion on the ballot by qualifying petition, referral by the Benton County Commissioners or referral by the governing body of a local government in Benton County if:

(1) The measure is submitted in accordance with state and local laws applicable to the election for which the measure is to appear on the ballot; and

(2) All procedures set forth in BCC Chapter 5 relating to the preparation of the ballot title and to the explanatory statement for the measure shall be completed on or before the 70th day before the election at which the measure is to be submitted to the electors; and

(3) One or more of the following persons decides to include a measure on the ballot in the following manner:

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

(A) All chief petitioners agree to include the measure, its ballot title and explanatory statement on the ballot, by filing with the Benton County Elections Office a statement of that decision, in such form as the County Clerk shall prescribe, at the time the prospective petition for the measure is filed with the Elections Office; and

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

(b) In the case of a measure referred to the electors by a local government body:

(A) The local government submits the measure, its ballot title and explanatory statement to its voters by filing a notice of measure election on the form prescribed, with the Elections Office on or before the 81st day preceding the election at which the measure will be submitted to the electors. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

BALLOT TITLES AND EXPLANATORY STATEMENTS

5.105 Preparation of Ballot Titles and Explanatory Statements.

- (1) When a prospective petition is filed regarding a measure proposed by initiative or referendum petition, the Benton County Clerk shall convey two copies of the prospective petition to the County Counsel, who shall, within five (5) business 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 Elections Office and to one of the chief petitioners.
- (2) In the case of a measure referred to the electors by the Board of County Commissioners, the Board shall file with the Elections Office a ballot title and explanatory statement for the measure at the time it files the form described in BCC 5.010(3)(b).
- (3) Ballot titles shall consist of:
 - (a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and
 - (b) A question of not more than 20 words which plainly phrases the chief purpose of the measure 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 measure and its major effect.
- (4) Explanatory statements shall comply with and be subject to the requirements set forth in BCC 6.205. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

5.110 Judicial Review of Ballot Titles.

Within seven (7) business days after the ballot title is received by the Elections Office under subsection (1) or (2) of BCC 5.105, any elector dissatisfied with the ballot title may petition the Benton County Circuit Court for review of the title and shall set forth the reasons why the title does not conform to the requirements of BCC Chapter 5 or other applicable law. If the court finds that the ballot title complies with the requirements of BCC Chapter 5 and other applicable law, it shall enter an appropriate order to that effect. If the court determines that the ballot title does not comply with the requirements of BCC Chapter 5 or other applicable law, the court shall prepare an alternative ballot title. The title so prepared shall replace that of the County Counsel for purposes of BCC Chapter 5. The order of the Circuit Court shall not be appealable. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

ADVISORY MEASURES

5.301 Definitions.

- (1) **“Advisory Measure”** means a ballot measure created by a local government for the purpose of gauging support or opposition to specific issues or ideas. Advisory measures do not mandate changes to the state constitution, state law or regulations or local government charters, local laws or ordinances or policies.
- (2) **“Local government”** has the meaning set forth in ORS 174.116. [Ord. 2019-0291]

5.305 Advisory Measures.

A local government, located wholly within the boundaries of Benton County, may refer no more than one advisory measure to the electorate of the district in any election in accordance with BCC sections 5.301 thru 5.375. A local government that submits an advisory measure to the district electorate in Yes/No format, need not be located wholly within Benton County. [Ord. 2019-0291]

5.315 Filing Requirements.

- (1) A local government may file with the Benton County Elections Office an order calling for a local advisory measure. The order shall include the ballot title of the advisory measure, the method of voting to be utilized (Yes/No or Ranked Choice Options) and the election date on which the measure shall appear on the ballot.
- (2) In the case of a Yes/No advisory measure referred to the electors by a local government, it shall file with the Elections Office a ballot title and explanatory statement in accordance with BCC 5.105(3) & (4).
- (3) In the case of a Ranked Choice Option advisory measure referred to the electors by a local government, it shall file with the Elections Office a ballot title and explanatory statement in accordance with the following:
 - (a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and
 - (b) The question shall provide 3 to 5 Options for voters to rank. Each ranked choice option shall not exceed 8 words or 40 character spaces whichever is less, to plainly identify each option on the ballot, to meet this requirement abbreviations may be utilized. Options will be identified as Option A, Option B, Option C, etc., and shall not be included in the word/character count; and
 - (c) A concise and impartial statement of not more than 150 words summarizing each measure option.
- (4) Explanatory statements shall explain each advisory measure option in an impartial, simple, and understandable manner. Advisory measure statements with three ranking options shall be limited to 400 words, four options shall be limited to 500 words and five options shall be limited to 600 words or less. [Ord. 2019-0291]

5.325 Advisory Measure Filing Deadlines.

A local government shall file its order for an advisory measure with the Benton County Elections Office, on or before the 81st day preceding the election at which the measure is to appear on the ballot. [Ord.2019-0291]

5.335 Advisory Measure Ballot Title & Explanatory Statement Review.

(1) Petition for Review.

(a) Any elector registered and qualified to vote on the subject advisory measure may file a petition with the Elections Office, for an administrative review of the advisory measure ballot title and/or explanatory statement, not later than the 5th day after the last day on which a notice of election can be filed.

(b) A petition filed under this section shall contain a statement of reasons why the ballot title and/or explanatory statement is not impartial, is insufficient, or unclear.

(c) Upon receipt of a petition, the County Clerk or their designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the local government shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the ballot title and/or explanatory statement. At the conclusion of the hearing, the County Clerk may modify the ballot title and/or explanatory statement to comply with the requirements of this section. The reviewed ballot title and/or explanatory statement, modified or not modified by the County Clerk, shall be certified for use in the election.

(2) The Clerk's review of the advisory measure ballot title and explanatory statement shall be the first and final review in order to ensure the timely availability of voters' pamphlets and ballots for the election. [Ord. 2019-0192]

5.345 Printing Advisory Measures on the Ballot.

Ballots shall be printed in accordance with ORS Chapter 254 and in a manner that will provide each qualified elector with the opportunity to rank advisory measure options in the order of preference. [Ord. 2019-0291]

5.375 Cost and Election Date for Advisory Measures

Local governments that refer an advisory measure to their voters shall pay the full apportioned cost for the advisory measure submission. The election date on which an advisory measure may appear on the ballot shall be limited to election dates other than those set for even year Primary and General Elections in ORS 203.085. [Ord. 2019-0291]

CHAPTER 6

VOTERS' PAMPHLET

6.005 Purpose.

The purpose of BCC Chapter 6 is to authorize and direct the Election Office in the production and mailing of a county voters' pamphlet, as directed by the County Clerk. The voters' pamphlet will provide electors with information necessary to make an informed choice in elections by allowing candidates and measure committees the opportunity to put forward information and arguments concerning ballot issues. [Ord. 99-0153; Ord. 2019-0291]

6.105 Preparation and Mailing of Benton County Voters' Pamphlet.

When directed by the County Clerk, the Elections Office, under the supervision of the Elections Manager, shall prepare and mail a county voters' pamphlet as follows:

- (1) The Elections Office shall prepare and have printed a county voters' pamphlet, which will include filed information on all candidates and measures that will appear on the ballot.
- (2) The voters' pamphlets may be distributed to all households within the jurisdiction(s) taking part in the election. One pamphlet may be distributed to each household, regardless of how many voters reside in that household. All the measures and candidates that will appear on the ballot for the election may be included in one voters' pamphlet. Additional means of distribution may be utilized if determined necessary.
- (3) No voters' pamphlet will be prepared unless there are candidate statements or measure explanatory statements filed with the county.
- (4) The voters' pamphlets shall be distributed not later than the 7th day before the election or the last day for mailing ballots.
- (5) Voter pamphlets may be distributed electronically or by including one in each ballot envelope mailed to voters. If the voters' pamphlet is distributed in this manner, the information in the pamphlets may be district specific. [Ord. 99-0153; Ord.2019-0291]

6.110 Other Required Items in Voters' Pamphlet.

In compliance with state election law the following items shall be part of the Benton County voters' pamphlet or the combined voters' pamphlet, if inserting with a state produced pamphlet:

- (1) The requirements for a citizen to qualify to vote.

- (2) The requirements to register to vote.
- (3) The hours that the Benton County Elections Office will be open on Election Day, as well as the location of all ballot drop sites throughout the county and the hours during which voters will be able to deliver ballots to those drop sites.
- (4) Instructions to voters concerning their rights and duties dealing with the election process to include: how voters may obtain an absentee ballot, how to request a second ballot if the first was spoiled or that voters may cast a ballot in-person by coming to the Elections Office.
- (5) The ballot title of each measure, the explanatory statements, and any arguments submitted, in accordance with the terms of this ordinance.
- (6) Any candidate statements submitted in accordance with the terms of this ordinance.
- (7) Such other information and language translations as may be necessary, required, or appropriate. [Ord. 99-0153; Ord. 20190291]

6.205 Explanatory Statements.

- (1) Filing Deadlines.

Not later than the filing deadline for the notice of election provided in state statute.

- (a) Any authorized governing body which institutes a measure to appear on the ballot, shall submit an impartial, simple, and understandable statement explaining the measure and its effect.
- (b) For measures instituted by petition to the authorized governing body, the governing body may submit an impartial, simple, and understandable statement explaining the measure and its effect.

- (2) Contents.

The explanatory statement shall contain words and numbers only and shall not exceed 500 words, shall be typewritten, and shall be an impartial, simple, and understandable statement, which explains the measure and its effects. This shall be in addition to the ballot title requirements set forth by state statute.

- (3) Availability to Public.

A full and complete copy of the explanatory statement shall be available to the public in the Elections Office.

(4) Challenge and Review.

- (a) Any elector registered and qualified to vote on the subject measure may file a petition with the Elections Office, for an administrative review of the explanatory statement, not later than the 5th day after the last day on which a notice of election can be filed.
- (b) A petition filed under this section shall contain a statement of reasons why the explanatory statement is not impartial, is insufficient, or unclear.
- (c) Upon receipt of a petition, the County Clerk or their designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the filing body shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the explanatory statement. At the conclusion of the hearing, the County Clerk may modify the explanatory statement to comply with the requirements of this section in a manner that reflects the drafter's intent as closely as possible. The modified explanatory statement, or the original explanatory statement, if not modified by the Elections Manager, shall be certified and included in the voters' pamphlet. [Ord. 99-0153; Ord. 2019-0291]

6.305 Arguments.

(1) Filing Deadline.

Arguments supporting or opposing a measure must be filed not later than the 5th day after the last day on which the notice of election may have been filed.

(2) Form of Argument.

- (a) The argument filed shall be in words and numbers only, shall be typewritten, and shall be no more than 325 words.
- (b) The Elections Office shall reject any argument which:
 - (i) Contains any obscene, profane, scandalous or defamatory language.
 - (ii) 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, gender, religion or manner of worship.
 - (iii) Contains any language that may not legally be circulated in the mail.
 - (iv) Otherwise does not comply with this ordinance.

(3) Filing Fee.

Shall be established by resolution approved by the Benton County Board of Commissioners.

(4) Subscription and Disclaimer.

The argument shall also contain the name of the submitting organization or person; whether the argument supports or opposes the measure; and a disclaimer in substantially the following form;

"The printing of this argument does not constitute an endorsement by Benton County, nor does the County warrant the accuracy or truth of any statements made in the argument."

(5) The language referred to in BCC 6.305(4) shall not be included in the 325 word limitation set forth in BCC 6.305(2). [Ord. 99-0153; Ord. 2019-0291]

6.405 Candidate Statements.

(1) Filing Deadline.

Not later than the filing date set forth in state statute for filing for the position, a candidate may file with the Benton County Elections Office a typewritten statement of reasons why the candidate should be nominated or elected; and a photograph of the candidate.

(2) Contents of candidate's statement.

- (a) The candidate's statement shall consist of words or numbers only and shall not exceed 325 words. The candidate's statement shall begin with a summary of the following: Occupation, education and occupational background, and prior governmental experience.
- (b) The Elections Office shall reject any candidate's statement which:
 - (i) Contains any obscene, profane, scandalous or defamatory language.
 - (ii) 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, gender, religion or manner of worship.
 - (iii) Contains any language which may not legally be circulated in the mail.

- (iv) Otherwise does not comply with this ordinance.
- (c) Each candidate's statement submitted shall be subscribed and sworn to before a notary or a Deputy Clerk in the Elections Office, and the subscription shall be in the following form:

"I hereby subscribe and swear under penalty of law that the above submitted candidate's statement is true and accurate to the best of my knowledge and belief."

(3) Photograph Requirements.

A candidate, at the time of filing a candidate's statement, may submit a photograph for use in the voters' pamphlet. A candidate shall not submit for inclusion in the voters' pamphlet a photograph that was taken more than two years before the date the photograph is filed with the Elections Office.

- (a) A photograph submitted for inclusion in the voters' pamphlet shall:
 - (i) Be a conventional photograph with a plain background; and
 - (ii) Show the face or head, neck and shoulders of the candidate; and
 - (iii) Be of sufficient quality and size for reproduction.
- (b) A photograph submitted for inclusion in the voters' pamphlet shall not:
 - (i) Include the hands or anything held in the hands of the candidate;
 - (ii) Show the candidate wearing a judicial robe, a hat or military, police or fraternal uniform;
 - (iii) Show the uniform or insignia of any organization; and
 - (iv) Include the display of any flag or pennant.

(4) Filing Fee.

Each candidate's statement filed shall be accompanied by the required fee, \$25 for unpaid offices and \$100 for paid offices. The Elections Office shall reject any candidate's statement tendered for filing unless accompanied by the specified fee.

(5) Language.

The subscription language provided for in BCC 6.405(2)(c) shall not be included in the 325 word limitation set forth in BCC 6.405(2)(a). [Ord. 99-0153; Ord. 2019-0291]

6.505 Miscellaneous.

(1) Spacing and Type Size.

The Elections Manager shall have the authority to determine type size and spacing to be used in the printing of explanatory statements, arguments and candidate's statements. The Elections Manager shall exercise this authority only for the purpose of ensuring that each explanatory statement, argument or candidate's statement occupies no more than one page of the printed voters' pamphlet.

(2) Deadline.

A measure, explanatory statement, argument, or candidate's statement, together with the required fee, must be filed with the Elections Office not later than 5 PM of the day the document or fee is due. If the day the document or fee is due is a Saturday, Sunday, or holiday, the document or fee can be filed by 5 PM on the next business day. If a person is physically present within or in line to enter the Elections Office, in order to deliver the document or fee, the person shall be considered as having begun the act of delivering the document or fee. The person shall then be permitted to file so long as that person does not leave prior to completing the process with the Elections Office.

(3) Forms.

The Elections Office may develop and require the use of standardized forms for any or all of the filings authorized or required by this ordinance. [Ord. 99-0153; Ord. 2019-0291]

6.605 Disposition of funds.

(1) The Benton County voters' pamphlet shall be published and distributed under the authority of the Benton County Clerk.

(2) Revenues derived pursuant to this ordinance shall be utilized to offset the cost of producing and distributing the voters' pamphlet. If the revenues generated, as a result of argument fees, candidate's statement fees or other revenues exceeds the total cost of producing and distributing the voters' pamphlet, the balance shall be used to offset the election costs.
[Ord. 99-0153; Ord. 2019-0291]