

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Sitting/Acting as (if applicable)

Policy Session Worksheet

Presentation Date: February 7, 2024 **Approx. Start Time:** 10:30 am **Approx. Length:** 60 Minutes

Presentation Title: Measure 110 Ballot Questions

Department: County Counsel

Presenters: Stephen Madkour, County Counsel, Jeffrey Munns and Shawn Lillegren, Assistant County Counsel

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD? Approval of advisory questions, summaries, and explanatory statements for ballot questions to be referred to voters by the Board.

EXECUTIVE SUMMARY: At an earlier policy session on June 7, 2023, the Board considered possible advisory questions to refer to voters concerning partial or complete repeal of Measure 110. The Board approved two questions:

1. Should legislators representing Clackamas County introduce/pass legislation repealing provisions of Measure 110 that decriminalized illegal drugs, including for juveniles?
2. Should Governor Kotek call a special session to address Measure 110's drug decriminalization and its impacts on crime and homelessness?

Staff has completed the State Election Form (SEL)805 for both questions including the caption, question, summary, and a proposed Explanatory statement for inclusion in the voter's pamphlet.

Since that time there are several legislative proposals that are anticipated to be introduced in the upcoming short session of the Oregon Legislature. Does the Board wish to revise the language of the questions, not refer questions for the May ballot, or refer the questions as previously adopted?

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$60,000-70,000 (estimated) What is the funding source? County General Fund

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals? N/A
- How does this item align with the County's Performance Clackamas goals? Building public trust through good government.

LEGAL/POLICY REQUIREMENTS: The measure language will need to be finalized with a ballot title, question, summary, and explanatory statement. Once approved by the Board the questions are referred to the County Clerk for publication. The caption cannot exceed 10 words describing the subject of the referral; the question cannot exceed 20 words plainly phrasing the main purpose of the referral so that an affirmative response to the question corresponds to a yes vote on the referral; and a summary that does not exceed 175 words describing the major effect of the referral. In addition, an explanatory statement of no more than 500 words must be prepared for inclusion in the voter's pamphlet that must be, "impartial, simple, and understandable statement explaining the measure." OAR 165-022-0040. March 1, 2024, is the last day for the Board to approve the referral text and submit it to Elections.

PUBLIC/GOVERNMENTAL PARTICIPATION: There are a number of amendments to Measure 110 under consideration in the current legislative session. The potential for a legislative fix during the current session should be explored.

OPTIONS:

1. Affirm the questions, captions, summaries, and explanatory statements presented; or
2. Revise the questions, captions, summaries, and explanatory statements presented and direct staff to revise Form SEL 805, and return for a policy session with the Board for final approval; or
3. No action at this time.

RECOMMENDATION:

Staff do not have a recommendation on this item due to the political nature of the topic.

ATTACHMENTS: Draft Form SEL 805 for both questions with explanatory statements.

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Jeffrey Munns and/or Shawn Lillegren in the Office of County Counsel @ 503-655-8362
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Request for Ballot Title Preparation or Publication of Notice

SEL 805

rev 08/21
OAR 165-014-0005

No later than the **81st day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

Filing Information

Election Date

May 21, 2024

Authorized Official

Contact Phone

Email Address

Referral Information

County advisory question concerning a legislative repeal of the provision of Measure 110 that decriminalized drugs.

This Filing is For

Drafting of Ballot Title Attach referral text.

Publication of Notice Ballot title below.

Ballot Title Additional requirements may apply

Caption 10 words which reasonably identifies the subject of the measure.

Should legislators repeal provisions of Measure 110 that decriminalized drugs.

Question 20 words which plainly phrases the chief purpose of the measure.

Should legislators representing Clackamas County introduce/pass legislation repealing provisions of Measure 110 that decriminalized illegal drugs, including for juveniles?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

The Clackamas County Board of Commissioners has placed this advisory question on the ballot to determine voter attitudes on the question of changes to state laws affected by the passage of Measure 110 in 2020.

Measure 110 approved by Oregon voters in 2020 decriminalized personal non-commercial possession of certain hard drugs, specifically, heroin, cocaine, methamphetamine, MDMA, LSD, psilocybin, methadone, and oxycodone. If the amount possessed was under a specified amount the penalty was reduced from a felony or misdemeanor to a Class E violation subject to a \$100 fine or a completed health assessment.

A yes vote means that you think the Oregon Legislature should criminalize possession of these hard drugs.

A no vote means that you think the Oregon Legislature should not criminalize possession of these hard drugs.

By signing this document:

→ I hereby state that I am authorized by the county or city governing body, or district elections authority to submit this Request for Ballot Title – Preparation or Publication of Notice.

Signature

Date Signed

Question:

Should legislators representing Clackamas County introduce/pass legislation repealing provisions of Measure 110 that decriminalized illegal drugs, including for juveniles?

Explanatory Statement:

The Clackamas County Board of Commissioners has placed this advisory question on the ballot to determine voter attitudes on the question of changes to state laws affected by the passage of Measure 110 in 2020.

Measure 110 approved by Oregon voters in 2020 decriminalized personal non-commercial possession of certain hard drugs, specifically, heroin, cocaine, methamphetamine, MDMA, LSD, psilocybin, methadone, and oxycodone. If the amount possessed was under a specified amount the penalty was reduced from a felony or misdemeanor to a Class E violation subject to a \$100 fine or a completed health assessment. This measure sought to establish addiction recovery centers funded with redirected marijuana tax collections.

Clackamas County is a provider of behavioral health services and needs to hear from the public about the perceived success or failures of Measure 110.

Request for Ballot Title

Preparation or Publication of Notice

SEL 805

rev 08/21
OAR 165-014-0005

No later than the **81st day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

Filing Information

Election Date

May 21, 2024

Authorized Official

Contact Phone

Email Address

Referral Information

County advisory question concerning Governor calling a special session concerning criminalization of drug possession.

This Filing is For

Drafting of Ballot Title Attach referral text.

Publication of Notice Ballot title below.

Ballot Title Additional requirements may apply

Caption 10 words which reasonably identifies the subject of the measure.

Advisory question concerning the criminalization of drug possession.

Question 20 words which plainly phrases the chief purpose of the measure.

Should Governor Kotek call a special legislative session to address Measure 110's drug decriminalization and its impacts on crime/homelessness?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

The Clackamas County Board of Commissioners has placed this advisory question on the ballot to determine voter attitudes on the question of changes to state laws affected by the passage of Measure 110 in 2020.

Measure 110 approved by Oregon voters in 2020 decriminalized personal non-commercial possession of certain hard drugs, specifically, heroin, cocaine, methamphetamine, MDMA, LSD, psilocybin, methadone, and oxycodone. If the amount possessed was under a specified amount the penalty was reduced from a felony or misdemeanor to a Class E violation subject to a \$100 fine or a completed health assessment.

A yes vote means that you think the Governor should call a special session of the Oregon Legislature to address the impacts of decriminalization of the possession of these hard drugs and the impacts on crime and homelessness.

A no vote means that you think the Governor should not call a special session of the Oregon Legislature to address the impacts of decriminalization of the possession of these hard drugs and the impacts on crime and homelessness.

By signing this document:

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Signature

Date Signed

Question:

Should Governor Kotek call a special legislative session to address Measure 110's drug decriminalization and its impacts on crime/homelessness?

Explanatory Statement:

The Clackamas County Board of Commissioners has placed this advisory question on the ballot to determine voter attitudes on the question of changes to state laws affected by the passage of Measure 110 in 2020.

Measure 110 approved by Oregon voters in 2020 decriminalized personal non-commercial possession of certain hard drugs, specifically, heroin, cocaine, methamphetamine, MDMA, LSD, psilocybin, methadone, and oxycodone. If the amount possessed was under a specified amount the penalty was reduced from a felony or misdemeanor to a Class E violation subject to a \$100 fine or a completed health assessment. This measure sought to establish addiction recovery centers funded with redirected marijuana tax collections.

Clackamas County is a provider of behavioral health services and needs to hear from the public about the perceived success or failures of Measure 110.