

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

Policy Session Worksheet

Presentation Date: March 19, 2024 **Approx. Start Time:** 11:30 am **Approx. Length:** 30 Minutes

Presentation Title: Measure 110 Advisory Ballot Question

Department: County Counsel

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

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

The purpose of this policy session is for the Board to decide if they should move forward with the advisory question or withdraw the question in light of the Oregon Legislature passing HB4002 to re-criminalize possession of certain hard drugs.

1. Approval of Election Form 801, Notice of County Measure Election, and the Explanatory Statement; or,
2. Approval of Election Form 804, Withdrawal-Notice of Measure Election.

EXECUTIVE SUMMARY:

At earlier policy sessions on June 7, 2023, February 7, 2024, and February 21, 2024 the Board considered possible advisory questions to refer to voters concerning partial or complete repeal of Measure 110. Presently the Board approved the following question:

1. Should legislators representing Clackamas County introduce/support legislation repealing Measure 110 that decriminalized illegal drugs, including for juveniles?

Staff has attached for your review the completed the State Election Form (“SEL”) 801 for the question above including the caption, question, summary, and a proposed Explanatory statement for inclusion in the voter’s pamphlet.

Also attached for review is the completed SEL 804 form to withdraw the advisory question previously approved.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$60,000-\$70,000 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:

Following the previous policy session where the advisory question language was approved the election form, SEL 805 Notice of Measure Election, was filed with the Elections office. The time for objections to be filed expired on March 7, 2024, at 5:00 pm. At the time this worksheet was submitted on March 5, 2024, no objections had been filed.

The Oregon Legislature has now passed House Bill 4002 and it will be presented to the Governor for signature. This bill re-criminalized the possession of certain hard drugs. The present advisory question seeks a repeal of Measure 110. The legislature did not repeal Measure 110, but instead has made possession of the drugs a criminal offense. This may cause an ambiguity in the question currently proposed to be referred to the voters. This could in turn lead to confusion on the part of the voters.

The last date to refer a question for inclusion on the ballot is March 21, 2024. Revisions to the currently referred question are not allowed at this time. However, March 21, 2024, is the last day to withdraw a question from the May 2024 ballot.

PUBLIC/GOVERNMENTAL PARTICIPATION:

House Bill 4002 has been passed by the Oregon Legislature and will be presented to the Governor for signature.

OPTIONS:

1. Approve the Election Form SEL 801 with Explanatory Statement, as attached to this Staff Report and authorize Chair Smith to sign these forms on behalf of the Board.
2. Approve the Election Form SEL 804 Withdrawal – Notice of Measure Election.

RECOMMENDATION:

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

ATTACHMENTS:

Draft Form SEL 801 for the question with an explanatory statement, and draft Form SEL 804.

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval Stephen L. Madkour
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

Notice of Measure Election

County

SEL 801rev 01/18: ORS 250.035, 250.041,
250.175, 254.103, 254.465**Notice****Date of Notice****Name of County or Counties****Date of Election**

Clackamas County

May 21, 2024

Final Ballot Title The following is the final ballot title of the measure to be submitted to the county's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

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

Should legislators repeal Measure 110?

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

Should legislators representing Clackamas County introduce/pass legislation repealing 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.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the county governing body; **or**

→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? Yes No

Authorized County Official Not required to be notarized.

Name**Title****Mailing Address****Contact Phone**

By signing this document:

→ I hereby state that I am authorized by the county to submit this Notice of Measure Election; **and**

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature**Date Signed**

Question:

Should legislators representing Clackamas County introduce/pass legislation repealing 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.

Withdrawal Notice of Measure Election

SEL 804rev 01/18
OAR 165-014-0005**Measure Information**

Measure Number if assigned

Name of District

Clackamas County

Caption of Ballot Title

Should legislators repeal Measure 110?

Withdrawal Reason Optional.**Resubmission of Measure**

Do you intend to resubmit the measure?

 Yes No

For what election?

May 21, 2024

Authorized Official Not required to be notarized.

Name

Tootie Smith

Title

Chair, Board of County Commissioners

Mailing Address

2051 Kaen Rd., Oregon City, OR 97045

Contact Phone

(503) 655-8581

By signing this document:

→ I hereby state that I am authorized by the county, city or district to submit this Withdrawal - Notice of Measure Election.

Signature

Date Signed