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2  
3 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
4 FOR THE COUNTY OF COLUMBIA  
5

6 BRUMBLES, RAVEN,

7 Petitioner,

8 v.

9 COLUMBIA COUNTY, COLUMBIA  
10 COUNTY CLERK acting by and through its  
agent DONALD CLACK

11 Respondent

Case No.

**PETITION CHALLENGING  
COUNTY CLERK'S MEASURE 19-1  
DETERMINATION**

**(ORS 250.168(4) expedited review  
requested)**

12  
13  
14  
15 **INTRODUCTION**

16 On January 7, 2019 Raven Chris Brumbles, "Petitioner", submitted an Oregon Secretary  
17 of State SEL 370 form, properly filled out, and a complete and full text of a proposed initiative  
18 called the "Second Amendment Sanctuary Ordinance". A true and complete copy of the  
19 submittal is attached as Exhibit 1. On January 14, 2019 the Columbia County Clerk, by and  
20 through its agent Donald Clack issued a letter determination concluding that circulation of the  
21 prospective petition 19-1 was not authorized. A true and correct copy of that letter is attached as  
22 Exhibit 2. As explained below, the Clerk's determination is incorrect as a matter of law and  
23 must be reversed.

1 **POINTS AND AUTHORITIES**

2 In its January 14, 2019 letter determination, Columbia County Elections asserted that  
3 prospective petition 19-1 was deficient in three ways. There was no reasoning, no analysis, and  
4 no explanation of why the three conclusions were made, the grounds were simply listed. They  
5 were:

- 6 1) Does not include the full text;  
7 2) Does not embrace a single subject; and  
8 3) Is administrative in nature.

9 As explained below, when Oregon law is applied to the clerks three conclusions, they are clearly  
10 wrong and must be reversed.

11 The Oregon Supreme Court has repeatedly held that the initiative power is to be given a  
12 liberal construction, favoring the right of the people to its exercise. *Amalgamated Transit Union-*  
13 *Division 757 v. Yerkovich*, 24 Or App 221, 230-231 (1976). In *Othus v. Kozer*, 119 Or 101, 109  
14 (1926), which involved an initiative petition, the court said: "Election laws should be liberally  
15 construed: [Citing cases.] The great constitutional privilege of a citizen should not be taken away  
16 by a narrow or technical construction of a law regulating the exercise of such right. \* \* \*". See  
17 also, *Kays v. McCall*, 244 Or 361, 373, 418 P2d 511 (1966). Although Petitioner believes that no  
18 liberal construction is needed to find that IP 19-1 meets the constitutional criteria, Petitioner should  
19 receive the benefit of the doubt on any close calls.

20 **1. The “Full Text” of the proposed ordinance was included in IP 19-1.**

21 The Oregon Constitution requires, “An initiative petition shall include the full text of the  
22 proposed law or amendment to the Constitution”. Or. Const. Art. IV, Section 1(2)(d). In this case  
23 there is no proposed amendment to the Constitution, this is merely a County ordinance, thus it is

1 a proposed law. Oregon Supreme Court has ruled on this issue many times. For a proposed law  
2 that does not purport to repeal or amend any existing law, the only thing that is required to be  
3 included is the literal text of the proposed law. A petitioner does not need to include the text of  
4 any cross-referenced laws and does not even need to include the text of any law that would be  
5 repealed. *Kerr v. Bradbury*, 193 Or App 304, 315-316 (2004). Thus, for IP 19-1 the only text that  
6 needed to be included to be the “full text” is the new text containing the proposed ordinance. IP  
7 19-1 does not repeal at all, and cross references do not need included. IP 19-1 is simply a new  
8 ordinance proposed for a vote and potential inclusion in the Columbia County code.

9 If the County Clerk, or any intervenor asserts that something is being repealed, that is  
10 simply wrong factually. It is outcome determinative on this issue, that under Oregon law even if-  
11 something was being repealed, that text is not a part of what needs to be in the prospective petition.  
12 *Schnell*, 238 Or at 203-204. The Court has ruled, “[t]he text of a statute to be repealed simply is  
13 not part of what the statute will look like if the measure passes, nor is the text of a statute referred  
14 to in the measure, but unchanged by it. Therefore, they [text being repealed] are not part of the  
15 "proposed measure" and need not be published in the initiative petition”. In the court's words:

16 "The text of repealed statutes, like that of statutes referred to in the proposed measure,  
17 would be no part of the enacted statute should it pass, and some means would have to be  
18 found for eliminating such surplusage after enactment. No useful purpose would be served  
19 by quoting at length either the related statutes referred to in the proposed measure but left  
20 unchanged thereby or the statutes to be repealed thereby. Since such matter is no part of  
21 the proposed law, it need not be made a part of the initiating petition."  
22 *Kerr v. Bradbury*, 193 Or App 304, 315-316 (2004). Thus, the fact that IP 19-1 makes several  
23 recital references to pre-existing constitutional provisions, case law, and Oregon statutes is  
24 irrelevant for this ORS 250.168 analysis. In *Kerr*, the Court of Appeals has directly ruled that  
25 statutes referred to in a prospective petition do not need to be included as part of the full text of  
26 the measure. Thus, because IP 19-1 does not on its face amend or repeal any other law, the full

1 text of the proposed ordinance was properly contained in the text of IP 19-1 as submitted.

2

3 **2. IP 19-1 embraces only one subject: the enforcement of firearms regulations in**  
4 **Columbia County.**

5 A simple review of IP 19-1 demonstrates that it relates to only one subject: the enforcement  
6 of firearms regulations in Columbia County. The full text is attached in Exhibit 1. However, the  
7 law in Oregon allows all matters properly connected to the single subject, so an even broader  
8 amount of materials that just a single subject can be allowed in a single initiative petition. That is  
9 not even necessary for IP 19-1.

10 Oregon law states that, “Every Act shall embrace but one subject, and matters properly  
11 connected therewith”. Or. Const. Art. IV Section 1(2)(d). Thus, IP 19-1 is constitutionally  
12 permitted to include the one subject relating to enforcement of firearms regulations in Columbia  
13 County, AND any matters properly connected to that subject. IP 19-1 has three substantive  
14 provisions.

15 Section 3 “Prohibitions”;  
16 Section 4 “Penalties”; and  
17 Section 5 “Private Cause of Action”.

18 The remaining provisions are merely the title, recitals, severability clause, and date clause.

19 Section 3 establishes the acts that are prohibited under the proposed ordinance, namely “...  
20 no agent, department, employee or official of Columbia County... while acting in their official  
21 capacity, shall...” knowingly and willingly enforce an Extraterritorial Act regarding firearms (a  
22 defined term) or utilize any county money or assets to enforce or investigate such firearm matters.

23 The full text of Section 3 is included below.

1           **SECTION 3. PROHIBITIONS**

2           A. Other than in compliance with an order of a District or Circuit court, and notwithstanding any  
3           other law, regulation, rule or order to the contrary, no agent, department, employee or official  
4           of Columbia County, a political subdivision of the State of Oregon, while acting in their  
5           official capacity, shall:

- 6           1) Knowingly and willingly, participate in any way in the enforcement of any Extraterritorial  
7           Act, as defined herein regarding personal firearms, firearm accessories, or ammunition.
- 8           2) Utilize any assets, county funds, or funds allocated by any entity to the county, in whole or in  
9           part, to engage in any activity that aids in the enforcement or investigation relating to  
10          personal firearms, firearm accessories, or ammunition.

11          Sections 4 and 5 of IP 19-1 merely provide enforcement mechanisms for the new  
12          ordinance. Section 4(A) defines a new term called “Extraterritorial Acts” as term for the kinds of  
13          actions included in the prohibition and then establishes the penalty for violations and lists nine  
14          specific items. Then IP 19-1 Section 4 (B, C, D, E) contains the enforcement details. Then Section  
15          4(F) creates a few exceptions to the prohibition. Section 4 clearly is pertaining to the same subject  
16          and relates directly to the same subject as it is literally the enforcement mechanism for the new  
17          ordinance. Accordingly, even if the clerk viewed this as a separate subject-- it is “properly  
18          connected” to the main subject. Nearly every prohibition ordinance has an enforcement mechanism  
19          contained within it and that is regularly part of the same subject. Here “enforcement of firearms  
20          regulations in Columbia County” is directly related to the subject of the prohibition on enforcement  
21          of firearms regulations in Columbia County.

22          Likewise, Section 5 of IP 19-1 gives an additional enforcement mechanism for violations  
23          of the ordinance protecting second amendment rights, and that is a private right of action. If a state  
24          actor were to refuse to prosecute under IP 19-1, then a private actor still has a remedy. The private  
25          right of action is literally available for violations of the ordinance or other firearm enforcement  
26          violations. That is the exact same subject, and again merely the enforcement mechanism for the  
27          prohibition contained in Section 3.

1           If there is any uncertainty, the details of how Oregon Courts are required to analyze this  
2 legal question makes it clear that IP 19-1 passes the test. The single subject requirement for  
3 initiatives under Article IV 1(2)(d), goes to prevention of logrolling and hiding content in a  
4 proposed law. *Lowe v. Keisling*, 130 Or App 1, 9 (1994). Accordingly, Courts consider whether  
5 the proposed initiative contains a single subject in the light of the definitions and purposes  
6 identified by the Supreme Court in *Lovejoy v. Portland*, 95 Or 459 (1920). To embrace one subject,  
7 there must exist among its parts some logical connection relating each to the others." *McIntire*,  
8 322 Or at 443 (explaining "that 'one of the principle objects was to "prevent the combining of  
9 incongruous matters and objects totally distinct and having no connection nor relation with each  
10 other in one and the same bill,'" (citing *Nielson v. Bryson*, 257 Or 179, 186 (1970))".<sup>1</sup>

11           A measure must first be scrutinized to determine whether it embraces more than one  
12 subject. If it does, it offends the constitutional limitation even if the subjects are "properly  
13 connected," and that is the end of the inquiry. If it does not, the single subject must be identified.  
14 When that is done, and if the proposal embraces no other matters, there is no need to inquire into  
15 proper connection. *Or. Educ. Assn. v. Phillips*, 302 Or 87, 100 (1986).

16           IP 19-1 has one-subject - the prohibition on enforcement of certain firearms regulations by  
17 the Columbia County. The only other provisions are the penalty and enforcement provisions for  
18 the new ordinance so they the same subject and directly connected. The logical connection between  
19 the prohibition and the penalty for a violation of the prohibitions is clear and needs no further  
20 explanation. The County Clerk's office was wrong and must be reversed.

21 \_\_\_\_\_  
22 <sup>1</sup> The Oregon Supreme Court has held that the one-subject provisions of section 1(2)(d) and section  
23 20 should be given the same meaning, *Phillips*, 302 Or at 91, the result here is the same whether this court  
uses the methodology from *Phillips* or from *McIntire*. *State ex rel. Caleb v. Beesley*, 326 Or 83, 88-90  
(1997).

1       **3. IP 19-1 is exclusively legislative.**

2           Generally, an ordinance originating or enacting a permanent law or laying down a rule of  
3       conduct or course of policy for the guidance of citizens or their officers or agents is purely  
4       legislative in character \* \* \* while an ordinance which simply puts into execution previously  
5       declared policies or previously enacted laws is administrative or executive in character and not  
6       referable." *Amalgamated Transit Union-Division 757 v. Yerkovich*, 24 Or App 221, 226-227  
7       (1976). IP 19-1 literally establishes a new prohibition on Columbia County officials and outright  
8       prohibits them from taking certain actions. Under the *Amalgamated Transit* test, IP 19-1 is clearly  
9       legislative because it lays down a new rule of law for parts of the county government.

10          The test for distinguishing between legislative and administrative acts has been expressed  
11       in various terms over the years by the Supreme Court. In *Long v. City of Portland*, the court  
12       described "legislation" as "general laws ... rules of civil conduct \* \* \* of general application ...,"  
13       and concluded that measures relating "to questions or subjects of a permanent or general character  
14       ..." constituted legislation, while those having a "temporary and restrictive" effect did not. *Long*  
15       *v. City of Portland* 53 Or at 100-01. This was later re-affirmed by *Monahan v. Funk*, 137 Or 580,  
16       584-585 (1931). As stated previously, IP 19-1 establishes a permanent, blanket, prohibition on  
17       certain County actors enforcing certain kinds of firearms regulations that originate from other  
18       jurisdictions. This is permanent, general, law and blanket prohibition that establishes a new rules  
19       of civil conduct in Columbia County. There is nothing administrative about IP 19-1. It establishes  
20       a permanent blanket prohibition and provides for remedies for violations of that prohibition.

21          Cases where Oregon Courts have ruled that a matter was administrative are clearly  
22       distinguishable. See *Rossolo v. Multnomah Cty. Elections Div.*, 272 Or App 572, 584-87  
23       (2015)(analyzing cases were matters were administrative in nature). Those instances were

1 characterized by one-time actions, effectuating day to day business, or simply operating under a  
2 pre-existing policy.

3 In direct contrast, IP 19-1 is a blanket prohibition on all county actors that do not fall into  
4 one of the exemptions, so it is general and permanent. Furthermore, the substance of IP 19-1 is not  
5 pre-existing policy, there is no current Columbia County ordinance with this prohibition or these  
6 enforcement remedies contained in it.<sup>2</sup> Thus, IP 19-1 is establishing a new law and clearly not  
7 merely implementing prior policy. This distinguishes IP 19-1 from the types of administrative  
8 actions analyzed in *Rossello v. Multnomah Cty. Elections Div.*, 272 Or. App. 572, 584-87, 357  
9 P.3d 505, 512-14 (2015). IP 19-1 is legislative in nature.

10 **4. Reversal of the Columbia Clerk’s determination is necessary**

11 IP 19-1 relates to a single subject, is legislative in nature and the chief petitioner correctly  
12 submitted the full text of the proposed measure. The clerk was wrong in his analysis of those three  
13 issues and must be reversed. Furthermore, the clerk did not include nor attach any reasoned  
14 analysis, but only made a conclusory recitation of the criteria. It is too late for the Clerk to invent  
15 any other procedural deficiencies and it is pre-mature for the clerk or this court to make any kind  
16 of conclusion on the merits, or other argument about the constitutionality of the proposed  
17 ordinance. A court cannot inquire into the substantive validity of a measure -- i.e., into the  
18 constitutionality, legality or effect of the measure's language -- unless and until the measure is  
19 passed. *Lowe v. Keisling*, 130 Or App 1 (1994). To do otherwise would mean that the courts would

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21 <sup>2</sup> To the extent it is argued or alleged to repeal any prior ordinance would weigh against a finding of  
22 “administrative” because only another Act with the force of law “legislative” could repeal something else  
23 that was legislative. However here, a county wide blanket prohibition and corresponding enforcement  
mechanism is by definition legislative in nature. Administrative authority could not accomplish this type of  
prohibition or penalties.



1 on occasion be issuing an advisory opinion. *Foster v. Clark*, 309 Or 464, 469-470 (1990). Courts  
2 have jurisdiction and authority to determine whether a proposed initiative or referendum measure  
3 is one of the type authorized by Or Const Art I § 1(5) to be placed on the ballot. \* \* \* On the other  
4 hand, a court may not inquire into general questions of constitutionality, such as whether the  
5 proposed measure, if enacted, would violate some completely different portion of the constitution."  
6 *Lowe v. Keisling*, 130 Or App at 15-16 (1994) citing *Holmes v. Appling*, 309 Or at 469-71.

7 It may end up that IP 19-1 has political opponents who oppose the new law as well as those  
8 who support it. But that is a matter for the voters to decide. The Clerk had no legitimate legal  
9 grounds to deny this particular prospective petition. Our Supreme Court has repeatedly held that  
10 the initiative power is to be given a liberal construction, favoring the right of the people to its  
11 exercise. *Amalgamated Transit Union-Division 757 v. Yerkovich*, 24 Or App at 230-31; *Othus v.*  
12 *Kozer*, 119 Or 101, 109 (1926); *Kays v. McCall*, 244 Or 361, 373 (1966).

13 **CONCLUSION**

14 For the reasons explained above, the voters must be allowed to have their say on IP 19-1  
15 because pursuant to Oregon law, the petition complied with the full text rule and relates to a single  
16 subject that is legislative in nature.

17 DATED this 22nd day of January 2019.

18 Tyler Smith & Associates, P.C.

19 s/ Tyler Smith  
Tyler Smith, OSB# 075287  
Of Attorneys for Petitioner  
20 181 N. Grant Street, Suite 212  
Canby, OR 97013  
21 Phone: 503-266-5590; Fax: 503-212-6392  
Tyler@RuralBusinessAttorneys.com  
22  
23

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 22nd of January 2019 I caused a true copy of **PETITION**  
3 **CHALLENGING COUNTY CLERK’S MEASURE 12-72 DETERMINATION and Exhibits**  
4 **1 and 2** to be served upon the following named parties, or their registered agents or their attorney  
5 by first class mail as indicated below and addressed to the following:

6 Raven C. Brumbles  
67251 Maple Crest Road  
7 Deer Island, OR 97054

8 Donald Clack  
Columbia County Elections  
9 230 Strand St.  
St. Helens OR 97051

10  
11 Columbia County Clerk  
230 Strand St.  
12 St. Helens OR 97051

13  
14 Mailing was done by   X   first class mail, and by        certified or        registered mail,  
15 return receipt requested with restricted delivery, or        express mail, eFiling   X  , and e-mail  
16       .

17 DATED this 22nd day of January 2019.

18  
19 Tyler Smith & Associates, P.C.

20 s/ Tyler Smith  
Tyler Smith, OSB# 075287  
Attorney for Petitioner  
181 N. Grant Street, Suite 212  
Canby, OR 97013  
Phone: 503-266-5590; Fax: 503-212-6392  
Tyler@RuralBusinessAttorneys.com

# Prospective Petition

## Local Initiative and Referendum

**SEL 370**

rev 01/18 ORS 250.045,  
250.165, 250.265, 255.135

**Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Each chief petitioner is required to provide, on the same form, their name, residence address, a contact phone number and a signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status below must be reported to the Elections Division no later than the 10th day after you first have knowledge or should have had knowledge of the change.

Petition Information		Type	
This filing is an <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment		<input checked="" type="checkbox"/> Initiative <input type="checkbox"/> Referendum	
Jurisdiction		Some Circulators may be Paid	
<input checked="" type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> District		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Title** Subject or name you give your petition.  
Columbia County Second Amendment Sanctuary Ordinance

**Website** if applicable

BY *OR*  
COLUMBIA COUNTY CLERK  
2019 JAN 7 PM 1 46  
DEP

**Petition Correspondence** Select the method of receiving notices or other correspondence from the Filing Officer.

Correspondence Recipient  Email Chief Petitioners  Mail Chief Petitioners

**Recipient Information**

Name Raven C Brumbles	Email Address grizverine@gmail.com
--------------------------	---------------------------------------

**Chief Petitioner Information** At least one original chief petitioner must remain throughout the petition process or the petition is void.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name Raven C Brumbles	Contact Phone 503-556-5380
Residence Address street, city, state, zip 67251 Maple Crest RD, Deer Island, OR, 97054	
Mailing Address if different	Email Address grizverine@gmail.com
Signature <i>Chris Brumbles</i>	Date Signed 1/7/19

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

Prospective Petition 19-1  
Filed with County Clerk  
1/7/2019

2018 Columbia County State of Oregon  
Second Amendment Sanctuary Ordinance

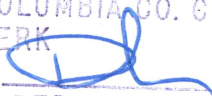
SECTION 1. TITLE

The title of this ordinance shall be known as the "Second Amendment Sanctuary Ordinance," or "SASO."

SECTION 2. FINDINGS

The people of Columbia County Oregon find and declare:

- A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving the citizen's right to decide on matters, which concern their lives, liberties, and properties in the ordinary course of affairs;
- B. The Second Amendment to the Constitution of the United States of America states, "*A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed*";
- C. The rights of the people to keep and bear arms are further protected from infringement by State and Local Governments under the Ninth and Tenth Amendments to the Constitution of the United States of America as well as Article 1 of the Constitution of the Great State of Oregon;
- D. Article 1, Section 27 of the Constitution of the Great State of Oregon states, "*The people shall have the right to bear arms for the defense of themselves, and the State, but the Military shall be kept in strict subordination to the civil power*";
- E. Article 1, Section 33 of the Constitution of the Great State of Oregon states, "*This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people*";
- F. The Supreme Court of the United States of America in *District of Columbia v. Heller* upheld the individual's right to bear arms as protected by the Second Amendment of the Constitution of the United States of America. Justice Scalia's opinion stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home;
- G. Justice Thomas M. Cooley in the *People v. Hurlbut* 24 Mich. 44, page 108 (1871) he surmises: "*The State may mould local institutions according to its views of policy or expediency: but local government is matter of absolute right; and the state cannot take it away*";
- H. The Fourteenth Amendment to the Constitution of the United States of America Section 1 it states, "*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws*";

2019  
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COLUMBIA CO. CLERK  
COLUMBIA CO. CLERK  
BY  DEP  
DEP

- I. There is a right to be free from the commandeering hand of government that has been most notably recognized by the United States Supreme Court in *Printz v. United States*. The Court held: ‘The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. The anticommandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist #46* advised “a refusal to cooperate with officers of the Union” in response to either unconstitutional federal measures or constitutional but unpopular federal measures;
- J. It should be self-evident from the compounding evidence that the right to keep and bear arms is a fundamental individual right that shall not be infringed and all local, state, and federal acts, laws, orders, rules or regulations regarding firearms, firearm accessories, and ammunition are a violation of the Second Amendment;
- K. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties;
- L. Therefore, through the enactment of this document Columbia County Oregon is hereby a Second Amendment Sanctuary County;

### **SECTION 3. PROHIBITIONS**

- A. Other than in compliance with an order of a District or Circuit court, and notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of Columbia County, a political subdivision of the State of Oregon, while acting in their official capacity, shall:
  - 1) Knowingly and willingly, participate in any way in the enforcement of any Extraterritorial Act, as defined herein regarding personal firearms, firearm accessories, or ammunition.
  - 2) Utilize any assets, county funds, or funds allocated by any entity to the county, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to personal firearms, firearm accessories, or ammunition.

### **SECTION 4. PENALTIES**

- A. All local, state and federal acts, laws, orders, rules, or regulations, which restrict or affect an individual person’s, or The Peoples’, general right to keep and bear arms, including firearms, firearm accessories or ammunition shall be foreign laws and defined as Extraterritorial Acts, and are invalid in this county. Such Extraterritorial Acts shall not be recognized by Columbia County, are specifically rejected by the voters of this county, and shall be considered null, void and of no effect in Columbia County Oregon, and this includes, but shall not be limited to the following:

- 1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens; and
  - 2) Any registering or tracking of firearms, firearm accessories, or ammunition;
  - 3) Any registering or tracking of the owners of firearms, firearm accessories, or ammunition;
  - 4) Any registration and background check requirements on firearms, firearm accessories, or ammunition for citizens; and
  - 5) Any Extraterritorial Act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen and over; and
  - 6) Any Extraterritorial Act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens; and
  - 7) Any prohibitions, regulations, and/or use restrictions related to ownership of non-fully automatic firearms, including but not limited to semi-automatic firearms; including semiautomatic firearms that have the appearance or features similar to fully automatic firearms and/or military "assault-style" firearms by citizens; and
  - 8) Any prohibition, regulations, and/or use restrictions limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, or types of ammunition available for sale, possession or use by citizens; and
  - 9) Any restrictions prohibiting the possession of open carry or concealed carry, or the transport of lawfully acquired firearms or ammunition by adult citizens or minors supervised by adults.
- B. Anyone within the jurisdiction of Columbia County Oregon accused to be in violation of this ordinance may be made a defendant in a civil proceeding pursuant to ORS 203.065.
- C. Fines recovered under ORS 203.030 to 203.075 shall be paid to the clerk of the court in which recovery is had. After first deducting court costs in the proceedings, the clerk shall pay the remainder to the treasurer of the county for the general fund of the county, pursuant to ORS 203.065.
- D. A civil offense against this ordinance is a Class A violation, per ORS 203.065, with a maximum fine of \$2,000 for an individual, and \$4,000 for a corporation, per ORS 153.018.
- E. Any peace officer, as defined by ORS 161.015, may enforce this ordinance, adopted under ORS 203.035.
- F. Exceptions:
- a. The protections provided to citizens in Section A(1)-(A)(9) of this ordinance do not apply to persons who have been convicted of felony crimes.

- b. This ordinance is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggregating factor or enhancement to an otherwise independent crime.
- c. This ordinance does not permit or otherwise allow the possession of firearms in State or Federal buildings.
- d. This ordinance does not prohibit individuals in Columbia County from voluntarily participating in assisting in permitting, licensing, registration or other processing of applications for concealed carry permits, or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by law in other legal jurisdictions outside Columbia County or by any other municipality inside Columbia County.

**SECTION 5. PRIVATE CAUSE OF ACTION**

- A. Any entity, person, official, agent, or employee of the Columbia County Government who knowingly violates this ordinance, or otherwise knowingly deprives a citizen of Columbia County the rights or privileges ensured by the Second Amendment of the United States Constitution or Article 1, Section 27 of the Oregon State Constitution, while acting under the color of any state or federal law, shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress.
- B. In such actions, the court shall award the prevailing party, other than the government of Columbia County Oregon or any political subdivision of the county, reasonable attorney's fees and costs.
- C. Neither sovereign nor official or qualified immunity shall be an affirmative defense of the County in cases pursuant to Section 4 or 5 of this ordinance.

**SECTION 6. SEVERABILITY**

- A. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

**SECTION 7. EFFECTIVE DATE**

- A. The effective date of this ordinance, The Second Amendment Sanctuary Ordinance or SASO shall be effective immediately upon certification of approval by the voters of Columbia County.



January 14, 2019

Raven C Brumbles  
67251 Maple Crest Rd  
Deer Island OR 97054

Re: Prospective Petition "Columbia County Second Amendment Sanctuary Ordinance"

Dear Chief Petitioner:

On January 7, 2019 you submitted to this office a prospective petition to establish a Columbia County Second Amendment Sanctuary Ordinance. In accordance with ORS 250.168, the County Clerk is required to determine whether the initiative meets the requirements of Section 1(2)(d) Article IV and Section 10, Article VI of the Oregon Constitution.

Any proposed initiative petition is required to: include the full text of the proposed law, contain a single or closely related subject, and be legislative rather than administrative in nature. These requirements are set forth by the Constitution of the State of Oregon and the Oregon Revised Statutes.

The prospective petition has been reviewed and also submitted to County Counsel for review and opinion. After thorough review it has been determined that the prospective petition does not include the full text, nor does it embrace a single subject. Therefore the prospective petition does not meet the requirements of section 1(2)(d) Article IV of the Oregon Constitution. Further, with the information that is included in the prospective petition, it has been determined that the measure is administrative in nature, and is therefore not a matter that can be addressed through the constitutional initiative process.

Based on the determination above, circulation of the prospective petition is not authorized. If you are dissatisfied with this determination, you may seek further review under ORS 250.168(4).

Sincerely,

Donald Clack  
Columbia County Elections

Exhibit 2