

## Second Amendment ordinance on ballot may have shaky legal standing

By ALEX CASTLE  
STAFF WRITER

Local voters have one county-wide ballot measure to decide on this November — Measure 30-145, also known as the Second Amendment Sanctuary Ordinance.

But whatever fate the measure meets on Nov. 3, it's unclear how the ordinance will prevent regulation of firearms for Umatilla County residents.

Umatilla County District Attorney Dan Primus has read the measure and said his office's role will continue as usual regardless of the outcome.

"My understanding is we'll continue to follow the laws of the state of Oregon," he said. "When we take the position we do at the prosecutor's office in Umatilla County, just as any other prosecutor in the state, we take an oath to uphold the law of the state of Oregon. So, we're going to continue to do that."

Umatilla County Sheriff Terry Rowan, who is unopposed for another four-year term in November, said he read the measure "months ago" but wasn't familiar enough with it to offer an opinion.

"It all comes down to how the document is worded, and will it withstand litigation," he said. "That's certainly always the challenge."

Measures bearing similar language as Measure 140-35 and its intent are before voters in Clatsop, Columbia and Coos counties, while others were rejected from the ballot in other counties, such as Curry and Harney.

"This ordinance would prevent Umatilla County and its employees from devoting resources or participating in any way in the enforcement of any law or regulation that affected an individual's right to bear arms, firearm accessories, or ammunition," according to the Umatilla County voters' pamphlet. "County officials could still comply with firearms laws that relate to convicted felons, could still participate in the enforcement of firearm crimes, and could still take any actions



Ben Lonergan/Hermiston Herald, File

**Firearms line the wall of Smitty's Ace Outpost in Hermiston on Feb. 5, 2020. The store is one of several locations in Umatilla County where voters can sign a petition to declare Umatilla County a Second Amendment Sanctuary.**



necessary to comply with court orders."

Individuals who violate the ordinance would be subject to a \$2,000 fine, the measure states, and "corporations" would be subject to a \$4,000 fine. The measure includes exceptions for regulation of firearms for those convicted of felony crimes or the prosecution of crimes involving firearms, and allows for an individual's "voluntary" participation in firearm regulation.

If it were to pass, the Second Amendment Sanctuary Ordinance may subvert Oregon law and could face legal challenges.

A revised state statute, ORS 166.170, explicitly gives the Oregon Legislature sole authority to regulate firearms in the state and voids any "county, city or other municipal" ordinance that conflicts with that authority without the support of a state statute.

Sheriffs in other counties where similar ordinances are up to the voters have weighed in, however, and expressed concern with the liabilities it may open their offices up to.

Rowan said he's a supporter of the Second Amendment but didn't know how the ordinance would impact his office's law enforcement, if at all, except for the understanding that regulations regarding felons possessing firearms and policing crimes involving them would still be enforceable.

"We'll just have to see how it all plays out," Rowan said.

Umatilla County Counsel Doug Olsen didn't return multiple requests for comment on the ordinance.

Regardless of what voters decide on Measure 30-145, Umatilla County already approved an ordinance to protect the right to bear arms in 2018 with 65% of the vote.

The Second Amendment Preservation Ordinance, which would not be altered or removed by the passage of the sanctuary ordinance, currently restricts the county from using resources to enforce state or federal laws that infringe on the constitutional right to keep and bear arms, while simultaneously granting the sheriff the authority to rule on the constitutionality of those laws.

In 2008, the U.S. Supreme Court ruled in *District of Columbia v. Heller* that the Second Amendment right to bear arms was not unlimited and could be regulated.

## Two compete for seat on Morrow County Board of Commissioners

By JADE MCDOWELL  
NEWS EDITOR

Morrow County voters will have a choice between incumbent Jim Doherty and challenger Joel Peterson for Position 1 on the Morrow County Board of Commissioners on Nov. 3.

Doherty, a Boardman cattle rancher who has held the seat since 2016, came in first in the primaries with 41.56% of the vote. Peterson, an Ione wheat farmer, came in second with 38.25% of the vote in the spring.

Peterson has served on a long list of boards and committees, including the Morrow County Planning Commission, Bank of Eastern Oregon board, Ione School Board and the budget committee for the Port of Morrow. He was born in Heppner and attended Ione schools, and raised his children there. He said one of his biggest focuses if elected would be to help bring the north and south ends of the county together and find projects that would benefit both sides, despite their unique differences.

"I think my experience will help us work together," he said.

While Boardman and Irrigon have experienced rapid growth, communities to the south have seen a stagnation. But Peterson said there are opportunities to help bring more growth to communities like Heppner, such as creating a rural residential zone there. He said he also wants to see a focus on better broadband internet access throughout the county, which could allow people to live in small Morrow County cities while working from home for larger companies.

Peterson also said he wanted to take a hard look at "what the commissioners should be doing and whether they're overreaching" by being over-involved in day-to-day operations rather than focusing on policy setting.

"We have great employees, and need to let them work," he said.

Doherty said he is running for another term on the board of commissioners because he has greatly enjoyed his time on the board and wants to continue the work he has started.

"I probably have more passion for the job now than I did when I got started," he said. "I just love the work."

Despite being a first-term commissioner, Doherty was elected as president of the Association of Oregon Counties, and said he has been able to be a voice for Morrow County in the state and work with state and federal lawmakers.

He was born and raised in the very southernmost part of Morrow County and now lives in Boardman, but said he doesn't like to ever use the terms "north county" and "south county."

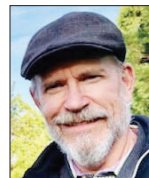
"If you continue to talk in the language of north county and south county, it just drives divisiveness," he said.

That being said, he recognized that different communities in Morrow County face different challenges, and he wants to see communities, such as Lexington — which he described as in danger of being unincorporated and "absorbed" into the county — get the extra attention they need to improve.

He said he is particularly interested in beefing up transit options in that area.

Peterson and Doherty participated in a candidate forum hosted by the Boardman Chamber of Commerce on Oct. 2, where they answered questions from the moderator and from participants on subjects, such as the most pressing infrastructure needs in the county who their top campaign contributors are.

Video of the hour-long forum can be found online at [www.facebook.com/ChamberBoardman](http://www.facebook.com/ChamberBoardman).



Peterson



Doherty



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