



Judge orders recall to continue

Court tells Jefferson County clerk to verify signatures for Bellamy's recall

By Kate Ramsayer
The Bulletin

The Jefferson County clerk needs to either count and verify the signatures on recall petition signature sheets for Jefferson County Commissioner Bill Bellamy or show a reason why she should not have to do so, a Jefferson County Circuit Court judge ruled Monday.

A group of Jefferson County residents started gathering signatures earlier this summer to recall Bellamy, who they said had

mishandled Measure 37 land use claims, according to the petition.

Another petition drive is under way to recall Jefferson County Commissioner Walt Ponsford.

The Bellamy recall proponents turned in signature sheets on Aug. 18. On Aug. 22, Jefferson County Clerk Kathy Marston, who verifies the signatures, sent a letter to the recall committee stating that the signature sheets were on an unapproved form.

Marston said she talked to the

Oregon Secretary of State's office when she discovered the error, and was told that she had to reject the forms.

"I informed the committee that the sheets were all rejected," Marston said. "I looked through every one of them, and they were all on the unapproved form."

The signatures were on a version of the form from January 2006 that says "circulator signature" in the bottom left corner, instead of a May 2006 form that says "signature of county elec-

tions official." That is the only difference, according to writ prepared by the recall committee's lawyer.

But Bob Harris of the recall committee said the group complied with the Recall Manual issued by the Secretary of State's office.

Although the county clerk's office put a May signature form into the manual, it didn't tear out the old January form, which signature collectors used, he said.

"Unbeknownst to us there was

a bad form in the book that (Marston) didn't pull out," Harris said.

Monday morning, applicant Fannie Regnier asked the Jefferson County Circuit Court to issue a writ of mandamus, which would require Marston to continue counting the signatures on the Bellamy recall petition, said James Leuenberger, lawyer for the recall committee.

The writ, prepared by Leuenberger, stated that Marston approved a form on July 3 that had the January 2006 wording instead of the updated version.

See Recall / C5

e
ad from C1
believe those working
alarms helped save
ves," she said.
ies caused extensive
e to the kitchen and the
russ system in the
she said. Two cars in
garage — a Cadillac
de and a Mercedes —
ed combined damages
t \$15,000.
damage to the contents

Recall

Continued from C1

It also stated that "neither (Marston) nor her employees removed the January 2006 SEL 351 form before distributing the 2006 Recall Manual."

Judge Gary Thompson

signed the writ Monday afternoon, ordering Marston to continue to count and verify the signatures, but he also wrote in "or show cause why she should not be compelled to do so," according to a copy of the writ provided by Leuenberger.

The county clerk's office had

just received the writ late Monday afternoon, but Jacki Haggerty, the county counsel, said they will answer it because Marston did what she was supposed to do.

"The clerk followed the law, and she followed the direction of the Secretary of State's office," Haggerty said.

WALL DESERT