

# Senate Bill 876

Sponsored by Senator L GEORGE (at the request of Ross Day)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows any elector to file action in circuit court when elector believes election official has failed to comply with election law. Allows attorney fees.

Directs Secretary of State and county clerk to make list of active electors available at no charge on Internet.

Requires persons registering to vote to provide evidence of identification.

Modifies information required to be printed on signature sheets of initiative and referendum petitions.

Modifies required provisions of ballot titles for measures.

Modifies procedure for preparation of ballot titles for state initiative petitions. Directs chief petitioners to supply three draft ballot titles. Directs Attorney General to choose draft ballot title that most closely satisfies requirements of law.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 195.210, 222.130, 222.250, 246.110,  
3 246.150, 246.820, 247.005, 247.012, 247.025, 247.171, 247.955, 247.965, 250.015, 250.035, 250.036,  
4 250.037, 250.043, 250.045, 250.065, 250.067, 254.175, 260.993, 266.380, 280.070, 280.075, 335.495,  
5 341.331, 357.246, 401.839 and 478.225; and repealing ORS 247.940 and 247.945.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1.** ORS 246.110 is amended to read:

8 246.110. The Secretary of State is the chief elections officer of this state[, *and*]. It is the secre-  
9 tary's responsibility to obtain and maintain uniformity in the application, operation and interpreta-  
10 tion of the election laws. **In performing these responsibilities, the secretary shall ensure that**  
11 **the rights of the people to free, fair and open elections are guaranteed. In order to fulfill**  
12 **these responsibilities, the secretary shall ensure that all election records are freely available**  
13 **to the public.**

14 **SECTION 2.** ORS 246.150 is amended to read:

15 246.150. The Secretary of State [*may adopt rules the secretary considers necessary to facilitate and*  
16 *assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in*  
17 *administration of the election laws*] **may only adopt and enforce rules under ORS chapters 246**  
18 **to 260 that are consistent with the express language of ORS chapters 246 to 260. The secre-**  
19 **tary does not have discretion to adopt rules that are not consistent with Oregon's election**  
20 **laws.**

21 **SECTION 3.** ORS 246.820 is amended to read:

22 246.820. (1) **Whenever it appears to an elector that the Secretary of State or a county**  
23 **clerk, city elections officer or local elections official has failed to comply with any election**  
24 **law, or with any rule, directive or instruction made by the Secretary of State under ORS**  
25 **246.120, 246.140 or 246.150, the elector may file an action in the circuit court of the county**  
26 **where the elector is registered to vote seeking an order to compel the secretary, county**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **clerk, city elections officer or local elections official to comply.**

2 [(1)] (2) Whenever it appears to the Secretary of State that a county clerk, city elections officer  
3 or [a] local elections official has failed to comply with an interpretation of any election law made  
4 by the Secretary of State under ORS 246.110 or has failed to comply with a rule, directive or in-  
5 struction made by the Secretary of State under ORS 246.120, 246.140 or 246.150, the Secretary of  
6 State may apply to the appropriate circuit court for an order to compel the county clerk, city  
7 elections officer or local elections official to comply.

8 (3) **The court shall dispose of an action authorized by subsection (1) of this section as**  
9 **quickly as possible. If the court does not reach a decision within 10 calendar days of the filing**  
10 **of the action, a default judgment shall be entered in favor of the elector.**

11 (4) **Any elector who prevails in an action authorized by subsection (1) of this section, or**  
12 **any elector who receives a default judgment as authorized by subsection (3) of this section,**  
13 **is entitled to recover attorney fees, costs and expenses incurred in bringing the action.**

14 (5) **If the secretary or a county clerk, city elections officer or local elections official**  
15 **comes into compliance, or agrees to come into compliance, with any election law or any rule,**  
16 **directive or instruction made by the secretary under ORS 246.120, 246.140 or 246.150, after**  
17 **the secretary, county clerk, city elections officer or local elections official is contacted by**  
18 **an elector who alleges the secretary, county clerk, city elections officer or local elections**  
19 **official has violated an election law, rule, directive or instruction, the elector is entitled to**  
20 **recover attorney fees, costs and expenses incurred in bringing the allegations.**

21 [(2)] (6) The court shall dispose of the matter under subsection [(1)] (2) of this section as soon  
22 as possible, but in any case not later than the fifth day after the Secretary of State applies for an  
23 order.

24 [(3)] (7) [The] **A** remedy provided in this section is cumulative and does not exclude any other  
25 remedy against **the secretary or** a county clerk, city elections officer or local elections official who  
26 fails to comply with an interpretation of any election law or the rule, directive or instruction.

27 **SECTION 4. Section 5 of this 2007 Act is added to and made a part of ORS chapter 247.**

28 **SECTION 5. (1) The Secretary of State and any county clerk shall make available to any**  
29 **person a list of active electors, as described in ORS 247.013, within the jurisdiction of the**  
30 **secretary or county clerk.**

31 (2) **The secretary or county clerk shall make the list of active electors available on the**  
32 **Internet without charge.**

33 **SECTION 6.** ORS 247.955 is amended to read:

34 247.955. (1) Except as provided in subsection (2) of this section, [no] a person to whom a list of  
35 **active** electors is made available or supplied under [ORS 247.940 or 247.945 shall] **section 5 of this**  
36 **2007 Act may not** use any information in the list for commercial purposes.

37 (2) A person [shall not be] **is not** considered to use for commercial purposes any information  
38 contained in a list of **active** electors made available or supplied under [ORS 247.940 or 247.945]  
39 **section 5 of this 2007 Act** if the person obtains the list of electors for the purposes of resale to  
40 candidates or political committees for political purposes only.

41 **SECTION 7.** ORS 247.005 is amended to read:

42 247.005. It is the policy of this state that all election laws and procedures [shall be] **are** estab-  
43 lished and **shall be** construed to assist the elector in the exercise of the right of franchise **and to**  
44 **protect the security and integrity of the electoral process.**

45 **SECTION 8. Section 9 of this 2007 Act is added to and made a part of ORS chapter 247.**

1       **SECTION 9. (1) A person registering to vote in this state must supply evidence of iden-**  
 2 **tification with the person's completed registration card. The evidence of identification must**  
 3 **supply proof that the person resides at the residence address at which the person requests**  
 4 **registration.**

5       **(2) Documents acceptable as evidence of identification include:**

6       **(a) A valid Oregon driver license, driver permit or state identification card issued under**  
 7 **ORS 807.400 that contains the person's current residence address;**

8       **(b) An unlaminated social security card; or**

9       **(c) A valid United States passport or valid United States military identification card.**

10       **(3) The Secretary of State or county clerk shall keep a copy of the identification provided**  
 11 **under this section. The identification may not be disclosed as a public record under ORS**  
 12 **192.410 to 192.505.**

13       **SECTION 10.** ORS 247.171 is amended to read:

14       247.171. (1) *[Except as provided in this subsection, the Secretary of State shall design, prepare and*  
 15 *distribute state voter registration cards.]* The Secretary of State shall *[also]* distribute **state and** fed-  
 16 eral registration cards **to the public without charge**. Any person may apply in writing to the  
 17 Secretary of State for permission to print, copy or otherwise prepare and distribute the registration  
 18 cards designed by the Secretary of State. The secretary may revoke any permission granted under  
 19 this subsection at any time. All registration cards shall be distributed to the public without charge.

20       (2) The Secretary of State shall approve any voter registration application form developed for  
 21 use by the Department of Transportation under ORS 247.017 or by any other agency designated a  
 22 voter registration agency under ORS 247.208.

23       (3) Each *[voter]* registration card *[designed or approved by the Secretary of State]* shall describe  
 24 the penalties for knowingly supplying false information on the registration card **or false evidence**  
 25 **of identification under section 9 of this 2007 Act.** *[and shall contain space for a person to provide*  
 26 *the following information:]*

27       **(4) A registration card shall require the following information about the person regis-**  
 28 **tering to vote:**

29       (a) Full name;

30       (b) Residence address, mailing address or any other information necessary to locate the resi-  
 31 dence of the person offering to register to vote;

32       (c) The name of the political party with which the person is affiliated, if any;

33       (d) Date of birth;

34       (e) An indication that the person is a citizen of the United States; *[and]*

35       (f) A signature attesting to the fact that the person is qualified to be an elector*[.]*;

36       *[(4) Any form containing a voter registration card may also include space for a person to*  
 37 *provide:]*

38       *[(a)]* **(g)** A telephone number, **if any**, where the person may be contacted; and

39       *[(b)]* **(h)** If previously registered to vote in this state, the name then supplied by the person and  
 40 the county and, if known, the address of previous registration.

41       **(5) Each registration card shall state that evidence of identification is required for per-**  
 42 **sons registering to vote in this state and shall list examples of documents acceptable as ev-**  
 43 **idence of identification.**

44       *[(5)]* **(6)** A person *[shall]* **may** not supply any information under subsection *[(3) or]* (4) of this  
 45 section **or section 9 of this 2007 Act** knowing it to be false.

1        [(6)] (7) A county clerk or other person accepting registration cards [shall] **may** not request any  
2 information unless [it] **the information** is authorized by state or federal law.

3        [(7)] (8) A person shall attest to the information supplied on the [voter] registration card **and**  
4 **any evidence of identification supplied** by signing the completed registration card.

5        [(8)] (9) Any completed and signed registration card described in subsection [(3)] (4) of this  
6 section [shall be] **is** the official registration card of the elector.

7        **SECTION 11.** ORS 247.012 is amended to read:

8        247.012. (1) A qualified person may register to vote or update a registration to vote by:

9        (a) Delivering by mail or otherwise a completed registration card to any county clerk, the Sec-  
10 retary of State, any office of the Department of Transportation or any designated voter registration  
11 agency as described in ORS 247.208;

12        (b) Personally delivering the card to an official designated by a county clerk under subsection  
13 (7) of this section; or

14        (c) Completing the voter registration portion of the application for issuance or renewal of a  
15 driver license, issuance of a state identification card under ORS 807.400 or a change of address at  
16 an office of the Department of Transportation under ORS 247.017.

17        (2) If a registration card is mailed or delivered to:

18        (a) Any person other than a county clerk or the Secretary of State, the person shall forward the  
19 card to a county clerk or the Secretary of State not later than the fifth day after receiving the card;  
20 or

21        (b) The Secretary of State or a county clerk for a county other than the county in which the  
22 person applying for registration resides, the Secretary of State or county clerk shall forward the  
23 card to the county clerk for the county in which the person resides not later than the fifth day after  
24 receiving the card.

25        (3) Registration of a qualified person occurs:

26        (a) When a legible, accurate and complete registration card, **including evidence of identifica-**  
27 **tion**, is received in the office of any county clerk, the Office of the Secretary of State, an office of  
28 the Department of Transportation, a designated voter registration agency under ORS 247.208 or at  
29 a location designated by a county clerk under subsection (7) of this section;

30        (b) On the date a registration card is postmarked if the card, **including evidence of identifi-**  
31 **cation**, is received after the 21st day immediately preceding an election but is postmarked not later  
32 than the 21st day immediately preceding the election; or

33        (c) In the case of a registration card missing a date of birth, containing an incomplete date of  
34 birth or containing an unintentional scrivener's error that is supplied or corrected as described in  
35 subsection (4) or (6) of this section, on the date that registration would have occurred if the regis-  
36 tration card had not been missing the date of birth, contained an incomplete date of birth or con-  
37 tained the scrivener's error.

38        (4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name,  
39 residence address, date of birth, **evidence of identification** and signature, the county clerk shall  
40 register the person. If this information **or evidence of identification** is [missing from the registration  
41 card] **not supplied** or the date of birth is incomplete, the county clerk shall attempt to contact the  
42 person to obtain the missing or incomplete information. The county clerk may supply the registrant's  
43 date of birth from any previous registration of the registrant.

44        (5) If a registration card meets the requirements of subsection (4) of this section but is missing  
45 an indication of political party affiliation, the registrant [shall be] **is** considered not affiliated with

1 any political party. This subsection does not apply if an elector is updating a registration within the  
2 same county.

3 (6) If a registration card contains an unintentional scrivener's error, the county clerk may at-  
4 tempt to contact the person to correct the error.

5 (7) A county clerk may appoint officials to accept registration of persons at designated locations.  
6 The appointments and locations shall be in writing and filed in the office of the county clerk. The  
7 county clerk shall be responsible for the performance of duties by those appointed.

8 (8) A registration [*card received and accepted*] **that occurs** under this section [*shall be*] **is con-**  
9 **sidered an active registration.**

10 (9) A registration may be updated at any time.

11 **SECTION 12.** ORS 250.015 is amended to read:

12 250.015. [*The Secretary of State by rule shall:*]

13 [*(1) Design the form of the prospective petition, and the initiative and the referendum petition, in-*  
14 *cluding the signature sheets, to be used in any initiative or referendum in this state.*]

15 [*(2) Designate the quality of paper to be used for signature sheets in order to ensure the legibility*  
16 *of the signatures.*]

17 [*(3) Prescribe a system for numbering the signature sheets to be used in any initiative or referen-*  
18 *dum in this state.*]

19 **(1) Not more than 40 signatures on the signature sheet of a prospective petition, initi-**  
20 **ative petition or referendum petition may be counted.**

21 **(2) A signature sheet may contain signatures of electors from any county.**

22 **(3) A signature sheet for a prospective petition, initiative petition or referendum petition**  
23 **must contain the following information from an elector:**

24 **(a) The elector's signature;**

25 **(b) The elector's printed name;**

26 **(c) The elector's address, including city and zip code;**

27 **(d) The elector's county of residence; and**

28 **(e) The date the elector signed the petition.**

29 **(4) No information, other than the information required under subsection (3) of this**  
30 **section may be required on the front of a signature sheet of a prospective petition, initiative**  
31 **petition or referendum petition.**

32 **(5) The reverse side of an initiative or referendum petition shall contain:**

33 **(a) The complete ballot title of the initiative petition in 12-point font or, for a referendum**  
34 **petition, the final measure summary described in ORS 250.065 (1).**

35 **(b) If one or more persons are being paid for obtaining signatures of electors on the pe-**  
36 **tion, a notice stating: "Some Circulators For This Petition Are Being Paid." This notice**  
37 **shall be in boldfaced type, prominently displayed.**

38 **(c) The names and addresses of not more than three chief petitioners for the measure.**

39 **(d) The name of the circulator and a statement indicating whether the circulator is an**  
40 **elector or resident of the State of Oregon. This information shall be prominently displayed.**

41 **(e) A statement signed by the circulator certifying that the individuals signed the signa-**  
42 **ture sheet in the presence of the circulator and that the circulator believes each individual**  
43 **is an elector.**

44 **(6) Notwithstanding subsections (1) to (5) of this section, a chief petitioner of an initiative**  
45 **or referendum petition may make signature sheets available electronically if:**

1 (a) The signature sheets are made available in read-only, portable document format (pdf)  
2 on a website maintained by a chief petitioner;

3 (b) The signature sheets contain all of the information required by subsections (3) and  
4 (5) of this section on one side of the signature sheet;

5 (c) The signature sheet contains the Internet address for a website maintained by a chief  
6 petitioner and the notice: “This signature sheet was printed from the website maintained by  
7 a chief petitioner. For more information about this initiative or referendum, please visit the  
8 website.”; and

9 (d) The website required by paragraph (c) of this subsection contains a copy of the  
10 measure available for printing in read-only, portable document format (pdf).

11 **SECTION 13.** ORS 250.035 is amended to read:

12 250.035. (1) The ballot title of any measure[, *other than a state measure,*] to be initiated or re-  
13 ferred shall consist of:

14 (a) A caption [*of not more than 10 words which*] **that** reasonably identifies the subject of the  
15 measure;

16 (b) A question [*of not more than 20 words which plainly phrases*] **that reasonably identifies** the  
17 chief purpose of the measure so that an affirmative response to the question corresponds to an af-  
18 firmative vote on the measure; and

19 (c) A concise and impartial statement [*of not more than 175 words summarizing*] **that summa-**  
20 **ripes** the measure and **reasonably identifies** its major effect.

21 [(2) *The ballot title of any state measure to be initiated or referred shall consist of:*]

22 [(a) *A caption of not more than 15 words that reasonably identifies the subject matter of the state*  
23 *measure. The caption of an initiative or referendum amendment to the Constitution shall begin with the*  
24 *phrase, “Amends Constitution,” which shall not be counted for purposes of the 15-word caption limit;*]

25 [(b) *A simple and understandable statement of not more than 25 words that describes the result if*  
26 *the state measure is approved. The statement required by this paragraph shall include either the*  
27 *phrase, “I vote” or “vote yes,” or a substantially similar phrase, which may be placed at any point*  
28 *within the statement;*]

29 [(c) *A simple and understandable statement of not more than 25 words that describes the result if*  
30 *the state measure is rejected. The statement required by this paragraph shall not describe existing*  
31 *statutory or constitutional provisions in a way that would lead an average elector to believe incorrectly*  
32 *that one of those provisions would be repealed by approval of the state measure, if approval would not*  
33 *have that result. Any thing or action described both in the statement required by paragraph (b) of this*  
34 *subsection and in the statement required by this paragraph shall be described using the same terms in*  
35 *both statements, to the extent practical. Any different terms must be terms that an average elector would*  
36 *understand to refer to the same thing or action. The statement shall include either the phrase, “I*  
37 *vote” or “vote no,” or a substantially similar phrase, which may be placed at any point within the*  
38 *statement; and*]

39 [(d) *A concise and impartial statement of not more than 125 words summarizing the state measure*  
40 *and its major effect.*]

41 [(3) *The statements required by subsection (2)(b) and (c) of this section shall be written so that, to*  
42 *the extent practicable, the language of the two statements is parallel.*]

43 [(4) *The statement required by subsection (2)(b) of this section shall be written so that an affirma-*  
44 *tive response to the statement corresponds to an affirmative vote on the state measure.*]

45 [(5) *The statement required by subsection (2)(c) of this section shall be written so that an affirma-*

1 *tive response to the statement corresponds to a negative vote on the state measure.]*

2 [(6)] (2) To avoid confusion, a ballot title [shall] **may** not resemble any title previously filed for  
3 a measure to be submitted at that election.

4 [(7)] (3) In the [statements] **question and statement** required by subsection [(2)(b), (c) and (d)]  
5 (1)(b) and (c) of this section, reasonable discretion shall be allowed in the use of articles and con-  
6 junctions, but the [statements shall] **question and statement may** not omit articles and conjunc-  
7 tions that are necessary to avoid confusion to or misunderstanding by an average elector.

8 (4) **As used in this section, “reasonably identifies” means that the caption, question or**  
9 **statement informs the average elector of the subject, chief purpose or major effect of the**  
10 **measure in language as plain and direct as possible, taking care not to use politically charged**  
11 **words, phrases or terms inserted into the initiative or referendum by the chief petitioners**  
12 **for the purpose of influencing the elector to vote for the measure.**

13 **SECTION 14.** ORS 250.045 is amended to read:

14 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,  
15 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective  
16 petition. The prospective petition for a state measure to be initiated shall contain a statement of  
17 sponsorship signed by at least 25 electors. The statement of sponsorship shall be attached to a full  
18 and correct copy of the measure to be initiated. [*The signatures in the statement of sponsorship must*  
19 *be accompanied by a certificate of the county clerk of each county in which the electors who signed the*  
20 *statement reside, stating the number of signatures believed to be genuine.*] The Secretary of State shall  
21 date and time stamp the prospective petition and specify the form on which the petition shall be  
22 printed for circulation. The secretary shall approve or disapprove the form of any petition signature  
23 sheet within five business days after the signature sheet is submitted for review by the secretary.  
24 The secretary shall retain the prospective petition.

25 (2) The chief petitioner may amend the proposed initiated measure filed with the Secretary of  
26 State without filing another prospective petition, if:

27 (a) The Attorney General certifies to the Secretary of State that the proposed amendment will  
28 not substantially change the substance of the measure; and

29 (b) The deadline for submitting written comments on the draft title has not passed.

30 [(3)] *The cover of an initiative or referendum petition shall designate the name and residence ad-*  
31 *dress of not more than three persons as chief petitioners and shall contain instructions for persons*  
32 *obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of*  
33 *State by rule. The cover of a referendum petition shall contain the final measure summary described*  
34 *in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Supreme Court by*  
35 *the deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall contain the*  
36 *ballot title described in ORS 250.067 (2). However, if the Supreme Court has reviewed the ballot title,*  
37 *the cover of the initiative petition shall contain the title certified by the court.]*

38 [(4)] (3) The chief petitioners shall include with the prospective petition a statement declaring  
39 whether one or more persons will be paid money or other valuable consideration for obtaining sig-  
40 natures of electors on the initiative or referendum petition. After the prospective petition is filed,  
41 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief  
42 petitioners first has knowledge or should have had knowledge that:

43 (a) Any person is being paid for obtaining signatures, when the statement included with the  
44 prospective petition declared that no such person would be paid.

45 (b) No person is being paid for obtaining signatures, when the statement included with the pro-

1 prospective petition declared that one or more such persons would be paid.

2 [(5)(a) *Each sheet of signatures on an initiative petition shall contain the caption of the ballot title.*  
3 *Each sheet of signatures on a referendum petition shall contain the subject expressed in the title of the*  
4 *Act to be referred.*]

5 [(b) *Each sheet of signatures on an initiative or referendum petition shall:*]

6 [(A) *Contain only the signatures of electors of one county; and*]

7 [(B) *If one or more persons will be paid for obtaining signatures of electors on the petition, contain*  
8 *a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be in bold-*  
9 *faced type and shall be prominently displayed on the sheet.*]

10 [(c) *The Secretary of State by rule shall adopt a method of designation to distinguish signature*  
11 *sheets of referendum petitions containing the same subject reference and being circulated during the*  
12 *same period.*]

13 [(6) *The reverse side of the cover of an initiative or referendum petition shall be used for obtaining*  
14 *signatures on an initiative or referendum petition.*]

15 [(7) *Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall*  
16 *be counted. The circulator shall certify on each signature sheet of the initiative or referendum petition*  
17 *that the individuals signed the sheet in the presence of the circulator and that the circulator believes*  
18 *each individual is an elector.*]

19 [(8)] (4) The person obtaining signatures on the petition shall carry at least one full and correct  
20 copy of the measure to be initiated or referred and shall allow any person to review a copy upon  
21 request of the person.

22 **SECTION 15.** ORS 250.065 is amended to read:

23 250.065. (1) When a prospective petition for a state measure to be referred is filed with the  
24 Secretary of State, the secretary shall authorize the circulation of the petition using the final  
25 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.  
26 After the referendum petition has been filed containing the required number of verified signatures,  
27 the Secretary of State immediately shall send two copies of the prospective petition to the Attorney  
28 General.

29 (2) When an approved prospective petition for a state measure to be initiated is filed with the  
30 Secretary of State, the secretary immediately shall send two copies of it to the Attorney General.

31 (3) Not later than the fifth business day after [receiving] **the Secretary of State sends** the  
32 copies of the prospective petition for a state measure to be initiated[,] **to the Attorney General, the**  
33 **chief petitioners of the petition** shall [provide a] **send three** draft ballot [title] **titles** for the state  
34 measure to be initiated [and return one copy of the prospective petition and the ballot title to the  
35 Secretary of State] **to the Attorney General.**

36 (4) Not later than the 10th business day after receiving the copies of the prospective petition for  
37 a state measure to be referred, the Attorney General shall provide a draft ballot title for the state  
38 measure to be referred and return one copy of the prospective petition and the draft ballot title to  
39 the Secretary of State.

40 (5) **Not later than the fifth business day after receiving the three draft ballot titles for**  
41 **a state measure to be initiated, the Attorney General shall choose from among the three**  
42 **draft ballot titles the draft ballot title that most closely satisfies the requirements of ORS**  
43 **250.035. Not later than the next business day, the Attorney General shall provide the draft**  
44 **ballot title to the Secretary of State.**

45 **SECTION 16.** ORS 250.067 is amended to read:



1 250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General  
 2 under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft  
 3 ballot title and of the public’s right to submit written comments as provided in this section. Written  
 4 comments concerning a draft ballot title shall be submitted to the Secretary of State not later than  
 5 the 10th business day after the Secretary of State receives the draft title from the Attorney General.  
 6 On the next business day after the deadline for submitting comments to the Secretary of State, the  
 7 secretary shall send a copy of all written comments to the Attorney General **and to the chief**  
 8 **petitioners of the state measure to be initiated or referred.** The secretary shall maintain a re-  
 9 cord of written comments received.

10 (2)(a) The Attorney General shall consider any written comments submitted under subsection (1)  
 11 of this section. *[and]*

12 **(b) For a state measure to be referred, the Attorney General** shall certify to the Secretary  
 13 of State either the draft ballot title or a revised ballot title not later than the 10th business day  
 14 after receiving the comments from the Secretary of State. If no written comments are submitted to  
 15 the Secretary of State, the Attorney General shall certify the draft ballot title not later than the  
 16 20th business day after the Secretary of State receives the draft title from the Attorney General.  
 17 The Secretary of State shall furnish the chief petitioner with a copy of the ballot title.

18 **(c) For a state measure to be initiated, the Attorney General shall certify to the Secre-**  
 19 **tary of State the draft ballot title selected by the Attorney General and provide a letter**  
 20 **opinion to the chief petitioners of the petition regarding the adequacy of the draft ballot title.**

21 (3) Unless the Supreme Court certifies a different ballot title, the ballot title provided by the  
 22 Attorney General under subsection (2) of this section shall be the title printed in the voters’ pam-  
 23 phlet and on the ballot.

24 (4) If a petition for review of a ballot title is filed with the Supreme Court as provided in ORS  
 25 250.085, the Secretary of State shall file with the Supreme Court a copy of the written comments  
 26 received as part of the record on review of the ballot title.

27 (5) The Secretary of State by rule shall specify the means for providing reasonable statewide  
 28 notice for submitting comments on a draft ballot title.

29 **SECTION 17.** ORS 250.036 is amended to read:

30 250.036. (1) Notwithstanding any other provision of law, all ballot titles subject to section 11 (8),  
 31 Article XI of the Oregon Constitution, shall include the following statement as the first statement  
 32 of the ballot title summary:

---

33  
 34  
 35  
 36 This measure may be passed only at an election with at least a 50 percent voter turnout.  
 37

---

38  
 39  
 40 (2) As used in this section, “at least a 50 percent voter turnout” means a voter turnout that  
 41 meets the requirements of section 11 (8), Article XI of the Oregon Constitution.

42 *[(3) The statement required by this section shall not be counted in determining the word count re-*  
 43 *quirements of ORS 250.035.]*

44 *[(4)]* (3) Subsection (1) of this section shall not apply to the ballot title of a measure submitted  
 45 to voters in a general election in an even-numbered year.

**SECTION 18.** ORS 250.037 is amended to read:

250.037. (1) The ballot title of any measure requesting elector approval of bonds, the principal and interest on which will be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall contain, in addition to the matters required by ORS 250.035, the following statement immediately after the ballot title question and appearing with it, in this manner:

---

Question: (herein the question is stated) If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

---

*[(2) The words of the statement required by subsection (1) of this section shall not be counted for purposes of ORS 250.035.]*

[(3)] (2) The ballot title statement for any measure requesting elector approval of bonds, the principal and interest on which is to be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall contain, in addition to the other requirements of ORS 250.035 and this section, a reasonably detailed, simple and understandable description of the use of proceeds.

[(4)] (3) If the election for a measure to which this section applies is to be conducted by mail, the front of the outer envelope in which the ballot title is mailed shall state, clearly and boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE."

**SECTION 19.** ORS 250.043 is amended to read:

250.043. (1) Notwithstanding ORS 250.105, 250.215, 250.315 and 255.175, an initiative or referendum petition for which original signatures are otherwise required may be accepted by the appropriate filing officer for signature verification with photographic copies of one or more signature sheets if[.:]

[(a)] the signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God[; and]

[(b) *The photographic copy of each original signature sheet contains the number of the original signature sheets prescribed by the Secretary of State under ORS 250.015].*

(2) As used in this section:

(a) "Act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(b) "Filing officer" means the Secretary of State in the case of an initiative or referendum petition relating to a state measure, the county clerk in the case of an initiative or referendum petition relating to a county measure, the city elections officer in the case of an initiative or referendum petition relating to a city measure and the elections officer as defined in ORS 255.005 in the case of an initiative or referendum petition relating to a district measure.

**SECTION 20.** ORS 254.175 is amended to read:

254.175. (1) In lieu of printing the complete ballot title of any measure, *[other than a state*

1 *measure,*] the county clerk may print the caption and the question of the ballot title and the measure  
 2 number on the ballot or ballot label. If the complete ballot title is omitted from the ballots or ballot  
 3 labels and the election is conducted at polling places, the complete ballot title shall be printed in  
 4 14-point type or larger and posted in each voting compartment within view of the elector.

5 [(2) *In lieu of printing the complete ballot title and financial estimates of any state measure to be*  
 6 *initiated or referred, the county clerk may print the caption of the ballot title, the statements described*  
 7 *in ORS 250.035 (2)(b) and (c) and the measure number on the ballot or ballot label. If the complete*  
 8 *ballot title and financial estimates are omitted from the ballots or ballot labels and the election is*  
 9 *conducted at polling places, they shall be printed in 14-point type or larger and posted in each voting*  
 10 *compartment within view of the elector.*]

11 [(3)] (2) In the case of a recall election:

12 (a) If the election is conducted at polling places, the statements described in section 18, Article  
 13 II of the Oregon Constitution, and ORS 249.877 may be posted in each voting compartment within  
 14 view of the elector; and

15 (b) If the ballot is delivered by mail, the statements described in section 18, Article II of the  
 16 Oregon Constitution, and ORS 249.877 shall be included with material delivered to the elector.

17 [(4)] (3) The complete text of each ballot title and any financial estimates shall be included with  
 18 any absentee or mailed official ballot.

19 [(5)] (4) Sample ballots and the publication of any facsimile sample ballots shall include the full  
 20 text of the ballot title and any financial estimates.

21 **SECTION 21.** ORS 280.070 is amended to read:

22 280.070. (1) An election within a county for the purpose of approving a tax levy or tax rate un-  
 23 der ORS 280.060 shall be called by the county court or board of county commissioners and shall be  
 24 held on a date specified in ORS 203.085.

25 (2) An election within a city for the purpose of approving a tax levy or tax rate under ORS  
 26 280.060 or under section 11 (3)(c), Article XI of the Oregon Constitution, shall be called by the  
 27 governing body of the city and held on a date specified in ORS 221.230.

28 (3) An election within a political subdivision other than a county or city for the purpose of ap-  
 29 proving a tax levy or tax rate under ORS 280.060 or under section 11 (3)(c), Article XI of the Oregon  
 30 Constitution, shall be called by the governing body of the subdivision and held on a date specified  
 31 in ORS 255.345.

32 (4)(a) The ballot title for a measure authorizing the imposition of local option taxes shall contain  
 33 the following additional statement:

34 \_\_\_\_\_  
 35  
 36 This measure may cause property taxes to increase more than three percent.  
 37 \_\_\_\_\_

38  
 39 [(b) *The statements required by this subsection shall not be considered for purposes of the word*  
 40 *count limitations under ORS 250.035.*]

41 [(c)] (b) The [*statements*] **statement** required by this subsection shall be placed after the ques-  
 42 tion on the ballot title.

43 (5) As part of the question, the ballot title for a measure authorizing the imposition of local  
 44 option taxes shall state:

45 (a) The length in years of the period during which the proposed local option tax will be imposed.

1 (b) The first fiscal year in which the proposed local option tax will be imposed.

2 (6) As part of the question, the ballot title for a measure authorizing the establishment of a  
3 permanent rate limitation shall contain the following information:

4 (a) The tax rate per \$1,000 of assessed value of the proposed permanent rate limitation.

5 (b) The first fiscal year in which the proposed permanent rate limitation will be imposed.

6 (7) The ballot title for a measure authorizing the imposition of local option taxes or a permanent  
7 rate limitation shall be in compliance with ORS 250.036.

8 **SECTION 22.** ORS 280.075 is amended to read:

9 280.075. (1) Notwithstanding any other law and when not inconsistent with or otherwise pro-  
10 vided for in the Oregon Constitution, whenever a proposed local option tax is submitted to a vote  
11 of the people by any subdivision, the statement in the ballot title for the measure that *[explains the*  
12 *chief purpose of the measure and gives reasons for the]* **summarizes the** measure shall state the total  
13 amount of money to be raised by the proposed local option tax, in dollars and cents. If the statement  
14 in the ballot title for the measure submitted includes an estimated tax impact, it shall be based on  
15 the most current estimate of assessed value from the county assessor. The measure shall bear the  
16 statement: "The estimated tax cost for this measure is an ESTIMATE ONLY based on the best in-  
17 formation available from the county assessor at the time of estimate."

18 (2) Subsection (1) of this section does not apply to a local option tax described in ORS 280.060  
19 (1)(b). For a levy described in ORS 280.060 (1)(b), an estimate of the total amount of money to be  
20 raised for each year of the proposed local option tax shall be stated in dollars and cents. If the levy  
21 described in ORS 280.060 (1)(b) raises more money than estimated, the excess collections above that  
22 estimate shall be considered a budget resource for the levy fund in the next fiscal year of the sub-  
23 division. This section has no application to elections and levies with respect to bonds, for which  
24 provision is made in ORS 287.004 to 287.022 and 287.052 to 287.488 or other laws.

25 (3) The statement or statements required by subsections (1) and (2) of this section shall be added  
26 to and made a part of the *[175-word]* statement required by ORS 250.035. *[The number of words*  
27 *contained in the statements described in subsections (1) and (2) of this section shall not be included in*  
28 *the 175-word limitation.]*

29 **SECTION 23.** ORS 335.495 is amended to read:

30 335.495. (1) Any union high school board may, or shall upon petition of 100 electors of the dis-  
31 trict, submit to the electors of the district the question of lengthening the course of study in the  
32 district. The petition is subject to ORS 332.118. The election shall be held at the next date under  
33 ORS 255.345 by which the requirements for the election can be met.

34 (2) ORS chapter 255 governs the conduct of an election under this section. If a union high school  
35 district contains a split district, the electors from the split district shall not participate in an  
36 election under this section.

37 (3) If the result of the election to lengthen the course of study includes all grades within one  
38 single district, the ballot title must include a statement that the effect of an affirmative vote is that  
39 the component common and union high school districts shall be merged and only one common school  
40 district shall operate in the area in which the election is held. The ballot title must also list all af-  
41 fected school districts by name and district number, and specify which of those districts will be  
42 merged pursuant to ORS 335.505 if the measure is approved. *[The listing of affected school districts*  
43 *by name and district number shall not be considered part of the ballot title for the purpose of deter-*  
44 *mining the number of words permitted under ORS 250.035.]*

45 (4) The union high school board may submit to the electors of the district the question of dis-

1     tribution of existing bonded debt.

2             **SECTION 24.** ORS 260.993 is amended to read:

3             260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532  
4     (6) and (8).

5             (2) Violation of ORS 247.125, 247.171 [(5)] **(6)**, 247.420 (2), 253.710, 260.402, 260.555, 260.558,  
6     260.575, 260.645 or 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or  
7     260.715 is a Class C felony.

8             (3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

9             (4) Violation of ORS 247.171 [(6)] **(7)** is a Class C misdemeanor.

10            **SECTION 25.** ORS 195.210 is amended to read:

11            195.210. (1) The statement summarizing the measure and its major effect in the ballot title of a  
12     proposal for adoption of an annexation plan shall contain a general description of the boundaries  
13     of each territory proposed to be annexed. The description shall use streets and other generally re-  
14     cognized features. [*Notwithstanding ORS 250.035,*] The statement summarizing the measure and its  
15     major effect shall not exceed 150 words.

16            (2) The notice of an annexation plan election shall be given as provided in ORS 254.095 and  
17     254.205, except that in addition the notice shall contain a map indicating the boundaries of each  
18     territory proposed to be annexed.

19            **SECTION 26.** ORS 222.130 is amended to read:

20            222.130. (1) The statement summarizing the measure and its major effect in the ballot title for  
21     a proposal for annexation shall contain a general description of the boundaries of each territory  
22     proposed to be annexed. The description shall use streets and other generally recognized features.  
23     [*Notwithstanding ORS 250.035,*] The statement summarizing the measure and its major effect shall  
24     not exceed 150 words.

25            (2) The notice of an annexation election shall be given as provided in ORS 254.095 and 254.205,  
26     except that in addition the notice shall contain a map indicating the boundaries of each territory  
27     proposed to be annexed.

28            (3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same  
29     notice and publication shall fulfill the requirements of publication for the city election and the  
30     election held in the territory.

31            **SECTION 27.** ORS 222.250 is amended to read:

32            222.250. (1) After the charter commission has prepared and adopted a charter, the secretary of  
33     the charter commission shall file copies of the charter, certified as correct by the secretary or two  
34     or more members of the commission, with the governing bodies of each of the incorporated cities to  
35     be included in the proposed city. Within 30 days after the filing the governing bodies of the cities  
36     shall meet in joint convention, at the usual place of meeting of the governing body of the city having  
37     the largest population as shown by the last federal census, to adopt a ballot title for the question  
38     of consolidation and adoption of a city charter and tax base. The ballot title shall comply with the  
39     requirements of ORS 250.035. The permanent rate limit for operating taxes that is submitted to the  
40     electors shall be the permanent rate limit included in the petition for consolidation filed under ORS  
41     222.230.

42            (2) The election shall be held on the date of the next primary election or general election that  
43     is not earlier than the 90th day after the filing. The election shall be called and held for the purpose  
44     of submitting the following question to the electors of each incorporated city and of each  
45     unincorporated area to be included in the proposed city:

1 (a) Whether an incorporated city shall be created consisting of the largest city proposed to be  
2 included therein, of each other incorporated city whose electors vote to create the proposed city,  
3 and of each unincorporated area in which the electors vote to create the proposed city;

4 (b) Whether the charter proposed by the charter commission shall be adopted as the charter for  
5 the city; and

6 (c) Whether the proposed permanent rate limit included in the petition for consolidation filed  
7 under ORS 222.230 shall be adopted as the proposed permanent rate limit of the new city.

8 (3) If the governing bodies cannot agree at the joint convention upon a date and a ballot title  
9 for the election, the county court of the county in which is located the administrative office of the  
10 city having the largest population of all cities proposed to be included in the consolidated city, by  
11 resolution duly adopted by the county court, shall determine a date and adopt a ballot title. The  
12 election in that case shall be called by the county court for the purposes provided in the petitions  
13 and ORS 222.210 to 222.310.

14 (4) The statement summarizing the measure and its major effect in a ballot title for an election  
15 under this section shall include a general description of the boundaries of the proposed city. The  
16 description shall use streets and other generally recognized features and name the cities proposed  
17 to be included in the consolidated city. [Notwithstanding ORS 250.035,] The statement summarizing  
18 the measure and its major effect shall not exceed 150 words.

19 (5) Not later than the 61st day before the date of the election, the officer performing the duties  
20 of clerk of the joint convention or the county court shall file the ballot title with the county clerk  
21 of the county in which is located the administrative office of the city having the largest population  
22 of all cities proposed to be included in the consolidated city. The ballot title may be challenged in  
23 the manner provided for county measures in ORS 250.195.

24 **SECTION 28.** ORS 247.025 is amended to read:

25 247.025. To vote in an election:

26 (1) A person's registration card, **including evidence of identification**, must be received at an  
27 office or location described in ORS 247.012 not later than the time the office or location closes for  
28 business on the 21st day immediately preceding the election, but in no case later than midnight of  
29 the 21st day immediately preceding the election; or

30 (2) A person's registration card must be postmarked not later than the 21st day immediately  
31 preceding the election.

32 **SECTION 29.** ORS 247.965 is amended to read:

33 247.965. (1) Any elector may request the county clerk to keep the residence address of the  
34 elector exempt from disclosure as a public record under ORS 192.410 to 192.505.

35 (2) The county clerk shall keep the residence address of an elector exempt from disclosure as  
36 a public record under ORS 192.410 to 192.505 if the elector making the request demonstrates to the  
37 satisfaction of the county clerk that the elector's personal safety or the safety of any family member  
38 residing with the elector is in danger if the elector's address remains available for public inspection.

39 (3) The county clerk shall automatically mail a ballot to an elector whose residence address is  
40 exempt from disclosure under this section.

41 (4) An exemption from disclosure granted under this section shall remain in effect until the  
42 elector requests termination of the exemption or the elector is required to update the elector's  
43 registration. If the elector is required to update the elector's registration, the elector may apply for  
44 another exemption from disclosure.

45 (5) An exemption from disclosure granted under this section includes an exemption from disclo-

1 sure of the residence address of an elector under [ORS 247.940 or 247.945] **section 5 of this 2007**  
 2 **Act.**

3 (6) A county clerk shall not be held liable for:

4 (a) Granting or denying an exemption from disclosure under this section; or

5 (b) Any unauthorized release of a residence address granted an exemption from disclosure under  
 6 this section.

7 **SECTION 30.** ORS 266.380 is amended to read:

8 266.380. (1) This section establishes the procedure for determining whether the method adopted  
 9 in a district for nominating and electing board members should be changed to another method. The  
 10 question shall be decided by election. The district board:

11 (a) May order the election on its own resolution; or

12 (b) Shall order the election when a petition is filed as provided in this section.

13 (2) Except as otherwise provided in this section, the requirements for preparing, circulating and  
 14 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to  
 15 255.205.

16 (3) If the question proposes creation of zones or a change in the boundaries or the number of  
 17 existing zones, the following requirements shall apply:

18 (a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be  
 19 attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

20 (b) [Notwithstanding ORS 250.035,] The statement summarizing the measure and its major effect  
 21 in the ballot title shall not exceed 150 words. The statement:

22 (A) Shall specify the method of nomination and election of board members from among the  
 23 methods described in ORS 266.375. The statement also shall specify whether, in filling each position  
 24 on the board, an elector of the district may sign a petition of nomination or vote for a candidate  
 25 from any zone or only for a candidate from the zone in which the elector resides.

26 (B) Shall include a general description of the proposed boundaries of the zones, using streets  
 27 and other generally recognized features.

28 (c) The order calling the election shall contain a map of the proposed zone boundaries and a  
 29 metes and bounds or legal description of the proposed zone boundaries. The map and description  
 30 shall be prepared by the county surveyor or county assessor and shall reflect any adjustments made  
 31 in the boundaries under subsection (6) of this section.

32 (4) The map to be contained in the petition under subsection (3) of this section shall be prepared  
 33 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost  
 34 of preparing the map, as determined by the county surveyor or county assessor. The county clerk  
 35 shall not accept the prospective petition for filing until the chief petitioners have paid the amount  
 36 due.

37 (5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

38 (6) Before submitting to election a question to which subsection (3) of this section applies, the  
 39 district board shall adjust the proposed boundaries of the zones to make them as nearly equal in  
 40 population as feasible according to the latest federal census. The district board shall amend the  
 41 ballot title as necessary to reflect its adjustment of the boundaries.

42 (7) If the electors of the district approve the establishment of zones or a change in the bounda-  
 43 ries or the number of existing zones, board members shall continue to serve until their terms of of-  
 44 fice expire. As vacancies occur, positions to be filled by nomination or election by zone shall be  
 45 filled by persons who reside within zones which are not represented on the board. If more than one

1 zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board  
2 member shall be decided by lot.

3 **SECTION 31.** ORS 341.331 is amended to read:

4 341.331. (1) This section establishes the procedure for determining whether the method adopted  
5 in a district for nominating and electing board members should be changed to another method de-  
6 scribed in ORS 341.327. The question shall be decided by election. The district board shall order an  
7 election on the question when a petition is filed as provided in this section.

8 (2) Except as otherwise provided in this section, the requirements for preparing, circulating and  
9 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to  
10 255.205.

11 (3) If the question proposes creation of zones or a change in the number of existing zones, the  
12 following requirements shall apply:

13 (a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be  
14 attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

15 (b) [*Notwithstanding ORS 250.035,*] The statement summarizing the measure and its major effect  
16 in the ballot title shall not exceed 150 words. The statement:

17 (A) Shall specify the method of nomination and election of board members from among the  
18 methods described in ORS 341.327. The statement also shall specify whether, in filling each position  
19 on the board, an elector of the district may sign a petition of nomination or vote for a candidate  
20 from any zone or only for a candidate from the zone in which the elector resides.

21 (B) Shall include a general description of the proposed boundaries of the zones, using streets  
22 and other generally recognized features.

23 (c) The order calling the election shall contain a map and a metes and bounds or legal de-  
24 scription of the proposed zone boundaries. The map and description shall be prepared by the county  
25 surveyor or county assessor and shall reflect any adjustment made in the boundaries under sub-  
26 section (6) of this section.

27 (4) The map to be contained in the petition under subsection (3) of this section shall be prepared  
28 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost  
29 of preparing the map, as determined by the county surveyor or county assessor. The county clerk  
30 shall not accept the prospective petition for filing until the chief petitioners have paid the amount  
31 due.

32 (5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

33 (6) Before submitting to election a question to which subsection (3) of this section applies, the  
34 district board shall adjust the proposed boundaries of the zones to make them as nearly equal in  
35 population as feasible according to the latest federal census. The district board shall amend the  
36 ballot title as necessary to reflect its adjustment of the boundaries.

37 (7) If the electors of the district approve the establishment of zones or a change in the number  
38 of existing zones, board members shall continue to serve until their terms of office expire. As va-  
39 cancies occur, positions to be filled by nomination or election by zone shall be filled by persons who  
40 reside within zones which are not represented on the board. If more than one zone is not repres-  
41 ented on the board when a vacancy occurs, the zone entitled to elect a board member shall be de-  
42 cided by lot.

43 **SECTION 32.** ORS 357.246 is amended to read:

44 357.246. (1) This section establishes the procedure for determining whether the method adopted  
45 in a district for nominating and electing board members should be changed to another method de-



1 scribed in ORS 357.241. The question shall be decided by election. The district board:

2 (a) May order the election on its own resolution; or

3 (b) Shall order the election when a petition is filed as provided in this section.

4 (2) Except as otherwise provided in this section, the requirements for preparing, circulating and  
5 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to  
6 255.205.

7 (3) If the question proposes creation of zones or a change in the number of existing zones, the  
8 following requirements shall apply:

9 (a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be  
10 attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

11 (b) [*Notwithstanding ORS 250.035,*] The statement summarizing the measure and its major effect  
12 in the ballot title shall not exceed 150 words. The statement:

13 (A) Shall specify the method of election of board members from among the methods described  
14 in ORS 357.241. The statement also shall specify whether, in filling each position on the board, an  
15 elector of the district may sign a petition of nomination or vote for a candidate from any zone or  
16 only for a candidate from the zone in which the elector resides.

17 (B) Shall include a general description of the proposed boundaries of the zones, using streets  
18 and other generally recognized features.

19 (c) The order calling the election shall contain a map of the proposed zone boundaries and a  
20 metes and bounds or legal description of the proposed zone boundaries. The map and description  
21 shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made  
22 in the boundaries under subsection (6) of this section.

23 (4) The map to be contained in the petition under subsection (3) of this section shall be prepared  
24 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost  
25 of preparing the map, as determined by the county surveyor or county assessor. The county clerk  
26 shall not accept the prospective petition for filing until the chief petitioners have paid the amount  
27 due.

28 (5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

29 (6) Before submitting to election a question to which subsection (3) of this section applies, the  
30 district board shall adjust the proposed boundaries of the zones to make them as nearly equal in  
31 population as feasible according to the latest federal census. The district board shall amend the  
32 ballot title as necessary to reflect its adjustment of the boundaries.

33 (7) If the electors of the district approve the establishment of zones or a change in the number  
34 of existing zones, board members shall continue to serve until their terms of office expire. As va-  
35 cancies occur, positions to be filled by nomination or election by zone shall be filled by electors who  
36 reside within zones which are not represented on the board. If more than one zone is not repres-  
37 ented on the board when a vacancy occurs, the zone entitled to elect a board member shall be de-  
38 cided by lot.

39 **SECTION 33.** ORS 401.839 is amended to read:

40 401.839. (1) This section establishes the procedure for determining whether the method adopted  
41 in a district for nominating and electing board members should be changed to another method. The  
42 question shall be decided by election. The district board:

43 (a) May order the election on its own resolution; or

44 (b) Shall order the election when a petition is filed as provided in this section.

45 (2) Except as otherwise provided in this section, the requirements for preparing, circulating and

1 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to  
2 255.205.

3 (3) If the question proposes creation of zones or a change in the boundaries of existing zones,  
4 the following requirements shall apply:

5 (a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be  
6 attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

7 (b) [*Notwithstanding ORS 250.035,*] The statement summarizing the measure and its major effect  
8 in the ballot title shall not exceed 150 words. The statement:

9 (A) Shall specify the method of nomination and election of board members from among the  
10 methods described in ORS 401.836.

11 (B) Shall include a general description of the proposed boundaries of the zones, using streets  
12 and other generally recognized features.

13 (c) The order calling the election shall contain a map of the proposed zone boundaries and a  
14 metes and bounds or legal description of the proposed zone boundaries. The map and description  
15 shall be prepared by the county surveyor or county assessor and shall reflect any adjustments made  
16 in the boundaries under subsection (6) of this section.

17 (4) The map to be contained in the petition under subsection (3) of this section shall be prepared  
18 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost  
19 of preparing the map, as determined by the county surveyor or county assessor. The county clerk  
20 shall not accept the prospective petition for filing until the chief petitioners have paid the amount  
21 due.

22 (5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

23 (6) Before submitting to election a question to which subsection (3) of this section applies, the  
24 district board shall adjust the proposed boundaries of the zones to make them as nearly equal in  
25 population as feasible according to the latest federal census. The district board shall amend the  
26 ballot title as necessary to reflect its adjustment of the boundaries.

27 (7) If the electors of the district approve the establishment of zones or a change in the bounda-  
28 ries of existing zones, board members shall continue to serve until their terms of office expire. As  
29 vacancies occur, positions to be filled by nomination or election by zone shall be filled by persons  
30 who reside within zones which are not represented on the board. If more than one zone is not re-  
31 presented on the board when a vacancy occurs, the zone entitled to elect a board member shall be  
32 decided by lot.

33 **SECTION 34.** ORS 478.225 is amended to read:

34 478.225. (1) This section establishes the procedure for determining either of the following  
35 questions:

36 (a) Whether subdistricts should be created in a district for the purpose of nominating or electing  
37 two or more directors.

38 (b) Whether the method established in a district for nominating and electing directors should  
39 be changed to another method.

40 (2) A question under this section shall be decided by election. The district board shall order an  
41 election when a petition is filed as provided in this section.

42 (3) Except as otherwise provided in this section, the requirements for preparing, circulating and  
43 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to  
44 255.205.

45 (4) If the question proposes creation of subdistricts or a change in the boundaries or the number

1 of existing subdistricts, the following requirements shall apply:

2 (a) The petition shall contain a map indicating the proposed subdistrict boundaries. The map  
3 shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in  
4 size.

5 (b) [*Notwithstanding ORS 250.035,*] The statement summarizing the measure and its major effect  
6 in the ballot title shall not exceed 150 words.

7 (c) The following apply to the statement summarizing the measure and its major effect in the  
8 ballot title:

9 (A) The statement shall specify the method of nomination and election of directors from among  
10 the methods described in ORS 478.221.

11 (B) The statement shall specify whether, in filling each position on the board, an elector of the  
12 district may sign a petition of nomination or vote for a candidate from any subdistrict or only for  
13 a candidate from the subdistrict in which the elector resides.

14 (C) If the method for nominating directors combines nomination of candidates from and by sub-  
15 districts and nomination of candidates at large, the statement shall specify the number of candidates  
16 to be nominated in each manner. The statement shall include a general description of the proposed  
17 boundaries of the subdistricts, using streets and other generally recognized features.

18 (d) The order calling the election shall contain a map of the proposed subdistrict boundaries and  
19 a metes and bounds or legal description of the proposed subdistrict boundaries. The map and de-  
20 scription shall be prepared by the county surveyor or county assessor and shall reflect any adjust-  
21 ment made in the boundaries under subsection (7) of this section.

22 (5) The map to be contained in the petition under subsection (4) of this section shall be prepared  
23 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost  
24 of preparing the map, as determined by the county surveyor or county assessor. The county clerk  
25 shall not accept the prospective petition for filing until the chief petitioners have paid the amount  
26 due.

27 (6) Subsection (4) of this section does not apply if the question proposes abolition of all subdis-  
28 tricts.

29 (7) If the district board determines or adjusts the boundaries of the subdistricts under ORS  
30 478.228 before submitting the question under this section, the district board shall amend the ballot  
31 title as necessary to reflect its adjustment of the boundaries.

32 (8) If the electors of the district approve the creation of subdistricts, or a change in the  
33 boundaries or the number of existing subdistricts, directors then holding office shall continue to  
34 serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or  
35 election by subdistrict shall be filled by persons who reside within subdistricts which are not re-  
36 presented on the board. If more than one subdistrict is not represented on the board when a vacancy  
37 occurs, the subdistrict entitled to elect a director shall be decided by lot.

38 **SECTION 35. ORS 247.940 and 247.945 are repealed.**

39 **SECTION 36. (1) Section 9 of this 2007 Act and the amendments to ORS 247.012, 247.025**  
40 **and 247.171 by sections 10, 11 and 28 of this 2007 Act apply to persons who register to vote**  
41 **on or after January 1, 2008.**

42 **(2) The amendments to ORS 250.015, 250.035, 250.036, 250.037, 250.043, 250.045, 250.065,**  
43 **250.067 254.175, 280.070, 280.075 and 335.495 by sections 12 to 23 of this 2007 Act apply to ini-**  
44 **tiative petitions for which a prospective petition is filed on or after January 1, 2008, and to**  
45 **ballot titles required to be prepared on or after January 1, 2008.**

