

Senate Bill 647

Sponsored by Senator MORRISETTE

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**.

Changes date of primary election from third Tuesday in May to third Tuesday in September in even-numbered years. Retains presidential preference primary election in May. Modifies period for filing and conducting election contests, recounts and actions for false campaign statements following primary election. Directs Secretary of State to print single September voters' pamphlet. Changes deadlines for filing for nomination or election to office and for filing information relating to candidates and measures with election officials.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 171.185, 180.020, 198.747, 198.765,
3 199.519, 203.035, 203.085, 203.230, 203.710, 221.040, 221.180, 221.230, 222.040, 222.250, 241.002,
4 244.050, 246.179, 246.270, 246.560, 247.203, 247.296, 247.410, 247.435, 247.555, 247.940, 247.945,
5 248.007, 248.008, 248.033, 249.037, 249.078, 249.170, 249.180, 249.200, 249.205, 249.722, 249.830,
6 250.127, 250.131, 251.026, 251.065, 251.115, 251.165, 251.175, 251.185, 251.205, 251.215, 251.245,
7 251.255, 251.285, 251.295, 253.030, 253.045, 253.065, 253.540, 253.565, 254.016, 254.025, 254.046,
8 254.056, 254.069, 254.076, 254.085, 254.095, 254.103, 254.115, 254.135, 254.195, 254.365, 254.370,
9 254.470, 254.474, 254.546, 254.555, 254.565, 255.069, 255.085, 255.235, 255.345, 258.036, 258.055,
10 258.075, 258.085, 258.161, 258.190, 260.057, 260.118, 260.241, 260.532, 261.190, 261.355, 261.360,
11 261.710, 267.208, 268.710, 316.102, 341.085, 358.375, 607.025 and 777.326.

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

13 **SECTION 1.** ORS 254.056 is amended to read:

14 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
15 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
16 officers of the state and subdivisions of the state, members of Congress and electors of President
17 and Vice President of the United States [*as*] **that** are to be elected in that year shall be elected.

18 (2) The primary election shall be held on the third Tuesday in [*May*] **September** of each even-
19 numbered year, **except as provided in this subsection. In any even-numbered year when the**
20 **date of the general election is fewer than 49 days after the third Tuesday in September, the**
21 **primary election shall be held on the second Tuesday in September.** At the primary election
22 precinct committeepersons shall be elected and major political party candidates **other than candi-**
23 **dates for President of the United States** shall be nominated for offices to be filled at the general
24 election held in that year.

25 (3) **The presidential preference primary election shall be held on the third Tuesday in**
26 **May of each year in which electors of the President and Vice President of the United States**
27 **are to be elected. At the presidential preference primary election, electors may vote for**
28 **candidates for nomination for President of the United States.**

29 **SECTION 2.** ORS 246.179 is amended to read:

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.

1 246.179. (1) Notwithstanding ORS 246.250, the Secretary of State shall reimburse each county
 2 clerk for necessary expenses of an election described in subsection (2) of this section based on a
 3 claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on
 4 a form designed by the Secretary of State. The Secretary of State shall make the reimbursement
 5 from funds made available to the Secretary of State by the Emergency Board.

6 (2) The Secretary of State shall reimburse each county clerk for necessary expenses of:

7 (a) A special primary election or a special election to fill a vacancy in the election or office of
 8 United States Senator or Representative in Congress held on a date other than the date of the pri-
 9 mary election, **presidential preference primary election** or the general election; or

10 (b) A recall election involving the holder of a state office. As used in this subsection, “state
 11 office” has the meaning given that term in ORS 249.002.

12 **SECTION 3.** ORS 246.270 is amended to read:

13 246.270. On the day of any primary election, **presidential preference primary election**, general
 14 election or special election held throughout the county, the county clerk’s office shall remain open
 15 for business pertaining to the election from 7 a.m. to 8 p.m. of the same day.

16 **SECTION 4.** ORS 246.560 is amended to read:

17 246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting
 18 machine is constructed so that it:

19 (a) Secures to the elector secrecy of voting.

20 (b) Provides facilities for voting for the candidates of as many political parties or organizations
 21 as may make nominations and for or against as many measures as may be submitted.

22 (c) Permits the elector to vote for any person and as many persons for an office and upon any
 23 measure for which the elector has the right to vote.

24 (d) Permits the elector, except at a primary election **or presidential preference primary**
 25 **election**, to vote for all the candidates of one party or in part for the candidates of one party and
 26 in part for the candidates of one or more other parties.

27 (e) Correctly records on a separate ballot the votes cast by each elector for any person and for
 28 or against any measure.

29 (f) Provides that a vote for more than one candidate cannot be cast by one single operation of
 30 the voting machine or vote tally system except for President and Vice President and electors for
 31 those offices.

32 (g) Provides that straight party pointers shall be disconnected from all candidate pointers.

33 (h) Contains a device that will duplicate the votes cast by each elector onto a paper record
 34 copy.

35 (i) Contains a device that will allow each elector to view the elector’s paper record copy while
 36 preventing the elector from directly handling the paper record copy.

37 (2) A vote tally system shall be:

38 (a) Capable of correctly counting votes on ballots on which the proper number of votes have
 39 been marked for any office or measure that has been voted.

40 (b) Capable of ignoring the votes marked for any office or measure if more than the allowable
 41 number of votes have been marked, but shall correctly count the properly voted portions of the
 42 ballot.

43 (c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, ac-
 44 cumulating total votes by candidate for each office, and accumulating total votes for and against
 45 each measure of the ballots tallied for a precinct.

1 (d) Capable of tallying votes from ballots of different political parties, from the same precinct,
2 in a primary election **or presidential preference primary election**.

3 (e) Capable of accommodating the procedure established under ORS 254.155.

4 (f) Capable of automatically producing precinct totals in either printed, marked, or punched
5 form, or combinations thereof.

6 **SECTION 5.** ORS 247.203 is amended to read:

7 247.203. An elector who updates a registration during the period extending from the 20th day
8 before a primary election **or presidential preference primary election** to the date of the primary
9 election **or presidential preference primary election** may not, during that period:

10 (1) Change the elector's political party affiliation if the elector's immediate past registration
11 record shows the elector was or is registered as affiliated with a political party.

12 (2) Terminate affiliation with a political party if the elector's immediate past registration record
13 shows the elector was or is registered as affiliated with a political party.

14 (3) Adopt a political party affiliation if the elector's immediate past registration shows that the
15 elector was not or is not registered as affiliated with a political party.

16 **SECTION 6.** ORS 247.296 is amended to read:

17 247.296. (1) The county clerk shall use records of the United States Postal Service relating to
18 ballots issued by mail to verify the accuracy of addresses of electors contained in the registration
19 file of the county clerk.

20 (2) Based on information obtained under subsection (1) of this section, the county clerk shall
21 automatically update the registration of an elector under ORS 247.292 or mail a notice described in
22 ORS 247.563.

23 (3) The registration of an elector shall not be canceled during the 90-day period prior to any
24 primary **election, presidential preference primary election** or general election based on informa-
25 tion obtained under this section.

26 **SECTION 7.** ORS 247.410 is amended to read:

27 247.410. A person who is qualified to register, except that the person will have resided in this
28 state less than 20 days before the election, may vote in the election for candidates for nomination
29 or election for President or Vice President of the United States or elector of President and Vice
30 President of the United States if the person:

31 (1) Did not vote for the nomination of such candidates in another state during the six months
32 immediately preceding the person's request for registration to vote for the nomination of such can-
33 didates in the **presidential preference** primary election in this state; or

34 (2) Did not vote for the election of such candidates in another state during the six months im-
35 mediately preceding the person's request for registration to vote for the election of such candidates
36 in the general election in this state.

37 **SECTION 8.** ORS 247.435 is amended to read:

38 247.435. An elector of this state who moves to another state after the 31st day before a **presi-**
39 **dential preference** primary **election** or general election for President or for electors of President
40 and Vice President, and who does not qualify to vote in the state of the elector's present residence,
41 may vote for these offices in the **presidential preference** primary **election** or general election in
42 this state. The ballot for a person voting under this section shall be marked "Presidential only."

43 **SECTION 9.** ORS 247.555 is amended to read:

44 247.555. (1) A county clerk may cancel the registration of an elector:

45 (a) At the request of the elector;

1 (b) Upon the death of the elector;

2 (c) If the county clerk receives written evidence that the elector has registered to vote in an-
3 other county in this state or in another state; or

4 (d) If the elector has not responded to a notice described in ORS 247.563 and has not voted or
5 updated a registration during the period beginning on the date the notice is sent and ending on the
6 day after the date of the second [regular] general election that occurs after the date the notice was
7 sent.

8 (2) If the registration of an elector is canceled, the elector, in order to vote in an election, must
9 register as provided in this chapter.

10 **SECTION 10.** ORS 247.940 is amended to read:

11 247.940. (1) Not later than the 21st day before any primary election, **presidential preference**
12 **primary election**, general election or special congressional election, a major political party quali-
13 fied under ORS 248.006 or its affiliate within the county or a minor political party qualified under
14 ORS 248.008 may request from the county clerk a list of active electors, as described in ORS 247.013,
15 of the county. Except as provided in this section, the list shall contain the name, party affiliation,
16 residence or mailing address and precinct name or number of each active elector and shall be ar-
17 ranged in groups by election precinct. The list may not contain any information about participants
18 in the Address Confidentiality Program established under ORS 192.820 to 192.868. A major political
19 party or its affiliate within the county or a minor political party may make no more than two sep-
20 arate requests under this subsection.

21 (2) If the county clerk receives a request under subsection (1) of this section, the clerk shall
22 deliver the list not later than:

23 (a) Ten days after receiving the request; or

24 (b) The date requested, provided that the date requested is more than 10 days after the request
25 was made and at least 10 days before the date of any primary election, **presidential preference**
26 **primary election**, general election or special congressional election.

27 (3) The county clerk may not charge for preparation or delivery of the list supplied under this
28 section.

29 **SECTION 11.** ORS 247.945 is amended to read:

30 247.945. (1) The county clerk, upon request before the 45th day before a primary **election**,
31 **presidential preference primary election**, general **election** or special election, shall deliver to any
32 person a list of electors. The list may not contain any information about participants in the Address
33 Confidentiality Program established under ORS 192.820 to 192.868. The lists shall be prepared in the
34 manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

35 (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost
36 of supplying lists under subsection (1) of this section.

37 (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered
38 under this section.

39 (4) Upon request, the Secretary of State shall deliver to any person a statewide list of electors.
40 The secretary shall charge a fee of \$500 for delivering a list under this subsection. The list may not
41 contain any information about participants in the Address Confidentiality Program established under
42 ORS 192.820 to 192.868.

43 **SECTION 12.** ORS 248.007 is amended to read:

44 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
45 to national party conventions in any manner.

1 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
2 has notified the Secretary of State as provided in subsection (5) of this section that the party does
3 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-
4 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this
5 subsection.

6 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
7 of State as provided in subsection (5) of this section that the political party intends to be subject
8 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-
9 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major
10 political party fails to notify the Secretary of State under this subsection, the party shall be con-
11 sidered subject to the provisions of ORS 248.012 to 248.315.

12 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
13 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
14 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State
15 under this subsection, the party shall elect precinct committeepersons only as provided in ORS
16 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

17 (5) Not later than the 274th day before the date of the primary election, a major political party
18 shall notify the Secretary of State in writing whether or not the party intends to be subject to the
19 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeeper-
20 sons under subsection (4) of this section. If the major political party does not intend to be subject
21 to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under
22 subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice
23 is given under this subsection, a copy of its organizational documents setting forth the manner in
24 which its officers and managing committees are selected or any other manner in which it conducts
25 its affairs.

26 (6) In each even-numbered year, a major political party shall file with the Secretary of State a
27 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of
28 current organizational documents setting forth the manner in which its officers and managing com-
29 mittees are selected or any other manner in which it conducts its affairs. Material described in this
30 subsection shall be filed on the 274th day before the [*third Tuesday in May*] **first Tuesday after**
31 **the first Monday in November** of each [*odd-numbered*] **even-numbered** year.

32 (7) A major political party subject to the provisions of this section shall nominate candidates
33 of the major political party, for other than political party office, at the primary election.

34 **SECTION 13.** ORS 248.008 is amended to read:

35 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
36 other electoral district, qualified to make nominations for public office in that electoral district and
37 in any other electoral district wholly contained within the electoral district, when either of the
38 following events occurs:

39 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
40 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
41 in the electoral district for all candidates for Governor at the most recent election at which a can-
42 didate for Governor was elected to a full term. The petition also shall state the intention to form
43 a new political party and give the designation of it. The filed petition shall contain only original
44 signatures. The petition shall be filed not later than two years following the date the prospective
45 petition is filed. The circulator shall certify on each signature sheet that the circulator witnessed

1 the signing of the signature sheet by each individual whose signature appears on the signature sheet
 2 and that the circulator believes each individual is an elector registered in the electoral district. The
 3 Secretary of State shall verify whether the petition contains the required number of signatures of
 4 electors. The petition shall not be accepted for filing if it contains less than 100 percent of the re-
 5 quired number of signatures. The Secretary of State by rule shall designate a statistical sampling
 6 technique to verify whether a petition contains the required number of signatures of electors. A
 7 petition shall not be rejected for the reason that it contains less than the required number of sig-
 8 natures unless two separate sampling processes both establish that the petition lacks the required
 9 number of signatures. The second sampling must contain a larger number of signatures than the first
 10 sampling. The Secretary of State may employ professional assistance to determine the sampling
 11 technique. The statistical sampling technique may be the same as that adopted under ORS 250.105.
 12 Before circulating the petition, the chief sponsor of the petition shall file with the Secretary of State
 13 a signed copy of the prospective petition. The chief sponsor shall include with the prospective peti-
 14 tion a statement declaring whether one or more persons will be paid money or other valuable con-
 15 sideration for obtaining signatures of electors on the petition. After the prospective petition is filed,
 16 the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor
 17 first has knowledge or should have had knowledge that:

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

20 (B) No person is being paid for obtaining signatures, when the statement included with the
 21 prospective petition declared that one or more such persons would be paid.

22 (b) When the affiliation of electors has polled for any one of its candidates for any public office
 23 in the electoral district at least one percent of the total votes cast in the electoral district for all
 24 candidates for:

25 (A) Presidential elector at the last general election at which candidates for President and Vice
 26 President of the United States were listed on the ballot; or

27 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
 28 itical parties are permitted by law at the most recent election at which a candidate for the office
 29 was elected to a full term.

30 (2) After satisfying either requirement of subsection (1) of this section, the minor political party
 31 may nominate candidates at the next general election if at any time during the period beginning on
 32 the *[date of the next primary election]* **third Tuesday in May of an even-numbered year** and ending
 33 on the 90th day before the next general election, a number of electors equal to at least one-tenth
 34 of one percent of the total votes cast in the state or electoral district for all candidates for Governor
 35 at the most recent election at which a candidate for Governor was elected to a full term are regis-
 36 tered as members of the party.

37 (3) A filing officer shall not accept a certificate of nomination of a candidate nominated by a
 38 minor political party unless the minor political party has satisfied the registration requirement of
 39 subsection (2) of this section.

40 (4) After a minor political party qualifies to nominate candidates, in order to maintain status
 41 as a minor political party:

42 (a) A candidate or candidates of the party must poll a number of votes described in subsection
 43 (1)(b) of this section at each subsequent general election and following each general election, the
 44 registration requirement of subsection (2) of this section must be satisfied; or

45 (b) Following each general election, at any time during the period beginning on the *[date of the*

1 *next primary election*] **third Tuesday in May of an even-numbered year** and ending on the 90th
 2 day before the next general election, a number of electors equal to at least one-half of one percent
 3 of the total number of registered electors in this state must be registered as members of the party.

4 (5) An affiliation of electors ceases to be a minor political party in the state or electoral district
 5 if:

6 (a) The registration requirement of subsection (2) or (4)(b) of this section is not satisfied. The
 7 affiliation of electors ceases to be a minor political party on the date of the deadline for satisfying
 8 the registration requirement; or

9 (b) Except as provided in subsection (4)(b) of this section, in the case of a minor political party
 10 qualified to nominate candidates, a candidate or candidates of the minor political party do not sat-
 11 isfy the one percent requirement specified in subsection (1)(b) of this section at the next general
 12 election. The affiliation of electors ceases to be a minor political party on the date of the election.

13 (6) During the period beginning on the [*date of the primary election*] **third Tuesday in May of**
 14 **an even-numbered year** and ending on the 90th day before the date of the general election, the
 15 Secretary of State shall determine not less than once each month whether the registration require-
 16 ment of subsection (2) or (4)(b) of this section has been satisfied. If the party changes its name, only
 17 those electors who register on or after the effective date of the name change as members of the
 18 party under the new party name shall be counted as members of the party under this subsection.

19 (7) An affiliation of electors or a minor political party may not satisfy the one percent require-
 20 ment referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee
 21 of another political party at the same election.

22 **SECTION 14.** ORS 248.033 is amended to read:

23 248.033. (1) The organizational meeting of a county central committee shall be held no less fre-
 24 quently than every 25 months.

25 (2) The retiring county central committee shall prepare a written notice designating the time,
 26 date and place of the meeting and file a copy of the notice with the county clerk not later than the
 27 [*40th*] **45th** day before the date of the meeting. The retiring county central committee also shall mail
 28 a copy of the notice to the state central committee.

29 (3) Upon request of a county central committee, the county clerk shall provide the county cen-
 30 tral committee, without charge, a list of the names, addresses and other contact information, in-
 31 cluding electronic mail addresses or telephone numbers, of persons holding the office of precinct
 32 committeeperson for that major political party on the date the clerk receives notice of an organ-
 33 izational meeting under subsection (2) of this section.

34 (4) The chairperson of the retiring county central committee shall mail a copy of the notice of
 35 the time, date and place of the meeting, not later than the 10th day before the meeting, to each
 36 member of the county central committee. If permitted by the bylaws of the county central committee,
 37 the county central committee may notify members by means other than by mail.

38 **SECTION 15.** ORS 249.037 is amended to read:

39 249.037. (1) A nominating petition or declaration of candidacy shall be filed not sooner than the
 40 250th day and not later than the [*70th*] **85th** day before the date of the primary election.

41 (2) Notwithstanding subsection (1) of this section, a declaration of candidacy for the office of
 42 precinct committeeperson may not be filed before [*February 1*] **June 1** immediately preceding the
 43 primary election.

44 (3) **Subsection (1) of this section does not apply to a nominating petition for President**
 45 **of the United States filed under ORS 249.078.**

SECTION 16. ORS 249.078 is amended to read:

249.078. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence or mailing address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008.

(3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4) A nominating petition under this section shall be filed not sooner than the 250th day and not later than the 70th day before the date of the presidential preference primary election.

SECTION 17. ORS 249.170 is amended to read:

249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may withdraw not later than the [67th] **82nd** day before the date of the primary election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the [67th] **82nd** day before the date of the primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination.

SECTION 18. ORS 249.180 is amended to read:

249.180. Any person who has been nominated at a primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate and filed not later than the [67th day before the general] **sixth day after the primary** election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed.

SECTION 19. ORS 249.200 is amended to read:

249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office in the following manner:

1 (a) If the vacancy occurs on or before the [70th] **85th** day before a primary election, by selecting
2 a nominee at the next primary election; or

3 (b) If the vacancy occurs after the [70th] **85th** day before the primary election but before the
4 61st day before the general election, by selecting a nominee as provided by party rule.

5 (2) The procedure under subsection (1) of this section [*shall*] **does** not apply in any case in which
6 one of the following specific procedures for filling a vacancy applies:

7 (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and
8 United States Senator.

9 (b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

10 (c) The procedure specified in ORS chapter 236 for county office.

11 (d) The procedure specified in ORS chapter 221 for city office.

12 (3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the
13 nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed
14 of the name of the nominee by the most expeditious means practicable.

15 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
16 cancy within which a major political party that selects a nominee under subsection (1)(b) of this
17 section must notify the filing officer of the name of the nominee under subsection (3) of this section.

18 **SECTION 20.** ORS 249.205 is amended to read:

19 249.205. (1) If the only candidate nominated to a nonpartisan office dies, withdraws or becomes
20 ineligible, or if a vacancy occurs in the nonpartisan office after the [70th] **85th** day before the
21 nominating election and on or before the [62nd] **61st** day before the general election, a candidate
22 for the office may file a declaration of candidacy in the manner provided for nonpartisan office or
23 shall be nominated by nominating petition in the manner provided for nonpartisan office.

24 (2) The Secretary of State by rule may adopt a schedule for filing nominating petitions or dec-
25 larations of candidacy under this section. The schedule may specify the period within which nomi-
26 nating petitions or declarations of candidacy must be filed after a vacancy occurs.

27 **SECTION 21.** ORS 249.722 is amended to read:

28 249.722. (1) Except as provided in [*subsection (3)*] **subsections (3) and (4)** of this section, a
29 certificate of nomination of a candidate for public office shall be filed not sooner than the [15th]
30 **165th** day [*after the date of the primary election*] and not later than the [70th] **85th** day before the
31 date of the [*general*] **primary** election.

32 (2) A certificate of nomination of a candidate for:

33 (a) State office, United States Senator or Representative in Congress shall be filed with the
34 Secretary of State.

35 (b) County office shall be filed with the county clerk.

36 (c) City office shall be filed with the chief city elections officer.

37 (3) For a special election, including an election to fill a vacancy that occurs after the [70th] **85th**
38 day before the [*general*] **primary** election, the Secretary of State by rule may adopt a schedule
39 specifying the period within which a certificate of nomination must be filed. If the Secretary of State
40 does not adopt a rule under this subsection, a certificate of nomination must be filed before the 61st
41 day preceding the election.

42 (4) **A certificate of nomination of a candidate for elector of President and Vice President**
43 **of the United States shall be filed not sooner than the 15th day after the date of the presi-**
44 **dential preference primary election and not later than the 85th day before the date of the**
45 **primary election.**

1 **SECTION 22.** ORS 249.830 is amended to read:

2 249.830. (1) A person who has been nominated and has accepted the nomination under ORS
3 249.712 may withdraw from the nomination by filing with the officer with whom the certificate of
4 nomination was filed a written statement declining the nomination and stating the reason for with-
5 drawal.

6 (2) The statement must be:

7 (a) Signed by the person withdrawing from the nomination; and

8 (b) Filed not later than the [67th] **82nd** day before the [general] **primary** election.

9 (3) The statement may be sent to the Secretary of State through a county clerk, as provided by
10 ORS 249.850.

11 **SECTION 23.** ORS 250.127 is amended to read:

12 250.127. (1) [Not later than the 99th day before a special election held on the date of a primary
13 election or any general election at which any state measure is to be submitted to the people] **For a**
14 **state measure to be submitted to the people at the primary or general election**, the financial
15 estimate committee created under ORS 250.125 shall prepare and file with the Secretary of State the
16 estimates described in ORS 250.125 and, if the committee considers it necessary, a statement ex-
17 plaining the financial effects of the measure as described in ORS 250.125 (6) **not later than a date**
18 **set by the Secretary of State by rule.** The financial estimate committee may begin preparation
19 of the estimates and statement on the date that a petition is accepted for verification of signatures
20 under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the
21 Secretary of State, whichever is applicable.

22 (2) Not later than [the 95th day before the election] **a date set by the Secretary of State by**
23 **rule**, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to re-
24 ceive suggested changes to the estimates or statement or to receive other information. At the
25 hearing any person may submit suggested changes or other information orally or in writing. Written
26 suggestions or other information also may be submitted at any time before the hearing.

27 (3) The financial estimate committee shall consider suggestions and any other information sub-
28 mitted under subsection (2) of this section, and may file revised estimates or a revised statement
29 with the Secretary of State not later than [the 90th day before the election] **a date set by the Sec-**
30 **retary of State by rule.**

31 (4) Except as provided in subsection (5) of this section, the original estimates and statement and
32 any revised estimates or statement shall be approved by a majority of the members of the financial
33 estimate committee. If a member does not concur, the estimates or statement shall show only that
34 the member dissents. The Secretary of State shall certify final estimates and a final statement not
35 later than [the 90th day before the election at which the measure is to be voted upon] **a date set by**
36 **the Secretary of State by rule.** All estimates and statements prepared under ORS 250.125 and this
37 section shall be made available to the public.

38 (5) If a majority of the members of the financial estimate committee do not approve the esti-
39 mates or statement, the Secretary of State alone shall prepare, file and certify the estimates or
40 statement not later than [the 88th day before the election at which the measure is to be voted upon
41 with the data upon which the estimates or statement is based] **a date set by the Secretary of State**
42 **by rule.**

43 (6) The support or opposition of any member of the financial estimate committee to the original
44 or revised estimates or statement shall be indicated in the minutes of any meeting of the committee.
45 Meetings of the financial estimate committee shall be open to the public. Designees of the members

1 of the financial estimate committee may attend any meetings of the committee in the place of the
2 members, but the designees may not vote to approve or oppose any estimates or statement.

3 (7) A failure to prepare, file or certify estimates or a statement under ORS 250.125, this section
4 or ORS 250.131 does not prevent the inclusion of the measure in the voters' pamphlet or placement
5 of the measure on the ballot.

6 (8) If the estimates are not delivered to the county clerk by [*the 61st day before the election*] a
7 **date set by the Secretary of State by rule**, the county clerk may proceed with the printing of
8 ballots. The county clerk is not required to reprint ballots to include the estimates or to provide
9 supplemental information that includes the estimates.

10 **SECTION 24.** ORS 250.131 is amended to read:

11 250.131. (1) Any person alleging that an estimate or statement described in ORS 250.125 was
12 prepared, filed or certified in violation of the procedures specified in ORS 250.125 or 250.127 may
13 petition the Supreme Court seeking that the required procedures be followed and stating the reasons
14 the estimate or statement filed with the court does not satisfy the required procedures. A petition
15 is not allowed concerning the contents of the estimate or statement or whether an estimate or
16 statement should be prepared.

17 (2) If the petition is filed not later than [*the 85th day before the election at which the measure is*
18 *to be voted upon*] a **date set by the Secretary of State by rule**, the court shall review the proce-
19 dures under which the estimate or statement was prepared, filed and certified, hear arguments and
20 determine whether the procedures required under ORS 250.125 and 250.127 were satisfied. The re-
21 view by the Supreme Court shall be conducted expeditiously to ensure the orderly and timely con-
22 duct of the election at which the measure is to be submitted to the electors.

23 (3) If the court determines that the procedures described in ORS 250.125 and 250.127 were not
24 satisfied, the court shall order the preparation of a second estimate or statement, to be prepared,
25 filed and certified as provided in ORS 250.125 and 250.127 except that:

26 (a) The financial estimate committee created under ORS 250.125 shall prepare and file with the
27 Secretary of State an estimate or statement not later than two days following the decision of the
28 court;

29 (b) A hearing shall be held within two days after the estimate or statement is filed; and

30 (c) An estimate or statement shall be certified not later than seven days after the decision of
31 the court. The procedures under which the second estimate or statement is filed and certified may
32 not be appealed.

33 **SECTION 25.** ORS 251.026 is amended to read:

34 251.026. (1) **The Secretary of State shall prepare and have printed in September a voters'**
35 **pamphlet for both the primary election and the general election.** The Secretary of State shall
36 prepare and have printed in the voters' pamphlet [*for the state primary election, the general election*
37 *and any special election described in ORS 251.022*] a statement containing, if applicable:

38 (a) Requirements for a citizen to qualify as an elector.

39 (b) When an elector is required to register or update a registration.

40 (c) [*In the voters' pamphlet for the primary election,*] A statement of the duties and responsibil-
41 ities of a precinct committeeperson to be elected at the primary election.

42 (d) Any other information the Secretary of State considers relevant to the conduct of the
43 election.

44 (2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that
45 the pamphlet may be used to assist electors in voting.

1 (3) The Secretary of State may include in the voters' pamphlet the following information:

2 (a) Maps showing the boundaries of senatorial and representative districts.

3 (b) Voter registration forms.

4 (c) Elector instructions, including the right of an elector to request a second ballot if the first
5 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

6 **SECTION 26.** ORS 251.065 is amended to read:

7 251.065. (1) Not later than the [68th] **85th** day before the primary election, any candidate **de-**
8 **scribed in this subsection, or an** agent on behalf of the candidate [*for nomination or election at the*
9 *primary election to the office of President or Vice President of the United States, United States Senator,*
10 *Representative in Congress or any state office as defined in ORS 249.002 may file with the Secretary*
11 *of State a portrait of the candidate and a printed or typewritten statement of the reasons the candidate*
12 *should be nominated or elected. A candidate or agent on behalf of the candidate for nomination or*
13 *election to any county or city office, or to an elected office of a metropolitan service district organized*
14 *under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS*
15 *251.067.], **may file with the Secretary of State a portrait of the candidate and a printed or**
16 **typewritten statement of the reasons the candidate should be nominated or elected. This**
17 **subsection applies to the following candidates:***

18 (a) **Any candidate for nomination or election at the primary election to the office of**
19 **United States Senator, Representative in Congress, any state office as defined in ORS 249.002**
20 **or any county office, city office or elected office of a metropolitan service district organized**
21 **under ORS chapter 268 if the county, city or metropolitan service district candidate is per-**
22 **mitted under ORS 251.067; and**

23 (b) **Any independent or minor political party candidate for election at the general election**
24 **to a partisan office listed in paragraph (a) of this subsection and any candidate for election**
25 **at the next general election to the office of President or Vice President of the United States.**

26 [(2) *Not later than the 70th day before the general election, any candidate or agent on behalf of the*
27 *candidate for election at the general election to the office of President or Vice President of the United*
28 *States, United States Senator, Representative in Congress or any state office as defined in ORS 249.002*
29 *may file with the Secretary of State a portrait of the candidate and a printed or typewritten statement*
30 *of the reasons the candidate should be elected. A candidate or agent on behalf of the candidate for*
31 *election to any county or city office, or to an elected office of a metropolitan service district organized*
32 *under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS*
33 *251.067.]*

34 [(3)] (2) In the case of a special election to fill a vacancy as described in ORS 251.022, the
35 Secretary of State by rule shall set the deadline for filing with the secretary a portrait of the can-
36 didate and a printed or typewritten statement of the reasons the candidate should be nominated or
37 elected.

38 [(4)] (3) Subject to subsections (1) [to (3)] **and (2)** of this section, the Secretary of State by rule
39 shall establish the format of the statements permitted under this section.

40 [(5)] (4) A portrait or statement filed under this section shall be accompanied by a telephone
41 or electronic facsimile transmission machine number where the candidate may be contacted for
42 purposes of ORS 251.087.

43 **SECTION 27.** ORS 251.115 is amended to read:

44 251.115. (1) Not later than the [70th] **85th** day before the [*general*] **primary** election, the party
45 officers as designated in the organizational documents of any statewide political party or assembly

1 of electors [*having nominated*] **seeking to nominate** candidates **at the primary election or to**
 2 **elect candidates at the general election** may file with the Secretary of State a printed or type-
 3 written statement of arguments for the success of its principles and election of its candidates on a
 4 statewide basis and opposing the principles and candidates of other political parties or organizations
 5 on a statewide basis.

6 (2) Not later than the [*70th*] **85th** day before the [*general*] **primary** election, the party officers
 7 as designated in the organizational documents of any less than statewide political party or assembly
 8 of electors having nominated candidates may file with the Secretary of State a typewritten state-
 9 ment of arguments for the success of its principles and election of its candidates on a county basis
 10 and opposing the principles and candidates of other political parties or organizations on a county
 11 basis.

12 (3) The size of the statements permitted under this section shall not exceed 60 square inches for
 13 any statewide political party or assembly of electors having nominated candidates and 30 square
 14 inches for any less than statewide political party or assembly of electors having nominated candi-
 15 dates. The fee for a statement filed under this section shall be \$600 for any statewide political party
 16 or assembly of electors having nominated candidates and \$300 for any less than statewide political
 17 party or assembly of electors having nominated candidates.

18 **SECTION 28.** ORS 251.165 is amended to read:

19 251.165. (1) The Secretary of State shall prepare:

20 (a) A list of the names of candidates for nomination or election at the primary election to the
 21 offices of [*President or Vice President of the United States,*] United States Senator, Representative
 22 in Congress, any state office other than justice of the peace and any county or city office or elected
 23 office of a metropolitan service district required to be included under ORS 251.067, or a list of names
 24 of candidates for election at the general election to the offices of President or Vice President of the
 25 United States, United States Senator, Representative in Congress, any state office other than justice
 26 of the peace and any county or city office or elected office of a metropolitan service district re-
 27 quired to be included under ORS 251.067, along with a designation of the offices for which the can-
 28 didates are competing;

29 (b) All portraits and statements filed under ORS 251.065 and 251.115; and

30 (c) The information specified in ORS 251.185 relating to measures to be voted upon at the
 31 election for which the pamphlet is prepared.

32 (2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list
 33 of the names of candidates for nomination or election to the offices of United States Senator or
 34 Representative in Congress along with all portraits and statements filed for the special election
 35 under ORS 251.065.

36 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-
 37 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

38 **SECTION 29.** ORS 251.175 is amended to read:

39 251.175. (1) Except as provided in subsection (2) of this section, not later than the 20th day be-
 40 fore [*a*] **the** primary election[, *general election*] or special election for which a voters' pamphlet has
 41 been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-
 42 office mailing address in Oregon, and shall use any additional means of distribution necessary to
 43 make the pamphlet available to electors.

44 (2) For any special election described in ORS 251.022 that is not held statewide, or for any other
 45 state special election that is not held statewide, the Secretary of State by rule may prescribe

1 methods for distributing the voters' pamphlet prepared for the election. The rule shall require the
 2 secretary to mail the pamphlet to at least each elector whose registration is determined to be active
 3 on the 21st day before the date of the election and who is eligible to vote in the election. The rule
 4 may specify other methods of distribution. Voters' pamphlets prepared for the election shall be
 5 mailed not later than the date ballots are mailed to electors as provided in ORS 254.470.

6 **SECTION 30.** ORS 251.185 is amended to read:

7 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet [*for a general*
 8 *election or any special election*] a copy of the title and text of each state measure to be submitted to
 9 the people at the election **or elections** for which the pamphlet was prepared. Each measure shall
 10 be printed in the pamphlet with:

- 11 (a) The number and ballot title of the measure;
- 12 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- 13 (c) The explanatory statement prepared for the measure; and
- 14 (d) Arguments relating to the measure and filed with the Secretary of State.

15 (2) A county measure or measure of a metropolitan service district organized under ORS chapter
 16 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the
 17 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet
 18 described in subsection (1) of this section if required under ORS 251.067.

19 **SECTION 31.** ORS 251.205 is amended to read:

20 251.205. (1) As used in this section, "proponents" means:

- 21 (a) With respect to any state measure initiated or referred by petition, the chief petitioners; or
- 22 (b) With respect to a measure referred by the Legislative Assembly, the President of the Senate,
 23 who shall appoint a Senator, and the Speaker of the House of Representatives, who shall appoint a
 24 Representative.

25 (2) For each state measure to be submitted to the people at a special election held on the date
 26 of [*a*] **the** primary election or any general election, a committee of five citizens shall be selected to
 27 prepare the explanatory statement under ORS 251.215.

28 (3) Not later than [*the 120th day before the election*] **a date set by the Secretary of State by**
 29 **rule**, the proponents of the measure shall appoint two members to the committee and notify the
 30 Secretary of State in writing of the selections. If the proponents do not appoint two members, the
 31 Secretary of State shall appoint two members of the committee from among supporters, if any, of the
 32 measure not later than [*the 118th day before the election*] **a date set by the Secretary of State by**
 33 **rule**.

34 (4) Not later than [*the 118th day before the election*] **a date set by the Secretary of State by**
 35 **rule**, the Secretary of State shall appoint two members of the committee from among the opponents,
 36 if any, of the measure.

37 (5) The four appointed members of the committee shall select the fifth member and notify the
 38 Secretary of State in writing of the selection. If the four members have not selected the fifth member
 39 by [*the 111th day before the election*] **a date set by the Secretary of State by rule**, the fifth member
 40 shall be appointed by the Secretary of State not later than [*the 109th day before the election*] **a date**
 41 **set by the Secretary of State by rule**.

42 (6) A vacancy shall be filled not later than two business days after the vacancy occurs by the
 43 person who made the original appointment. Unless the Secretary of State fills a vacancy, the person
 44 filling the vacancy shall notify the Secretary of State in writing of the selection.

45 (7) With respect to a measure referred by the Legislative Assembly, a Senator or Representative

1 appointed under subsection (2) of this section may disclose whether the Senator or Representative
 2 supports or opposes the state measure. The Secretary of State shall print the disclosure in the vot-
 3 ers' pamphlet following the explanatory statement.

4 (8) The Legislative Administration Committee shall provide any administrative staff assistance
 5 required by the explanatory statement committee to facilitate the work of the explanatory statement
 6 committee under this section or ORS 251.215.

7 **(9) The appointment process under this section may begin prior to the date that an ini-**
 8 **tiative petition is accepted for verification of signatures under ORS 250.105 or on the date**
 9 **that a measure referred by the Legislative Assembly is filed with the Secretary of State,**
 10 **whichever is applicable.**

11 [(9)] (10) For purposes of this section, "measure" includes an initiative petition relating to a
 12 state measure that has been filed with the Secretary of State for the purpose of verifying signatures
 13 under ORS 250.105. The requirements of this section shall not apply to the petition if the secretary
 14 determines that the petition contains less than the required number of signatures of electors.

15 **SECTION 32.** ORS 251.215 is amended to read:

16 251.215. (1) Not later than [*the 99th day before a special election held on the date of a primary*
 17 *election or any general election at which any state measure is to be submitted to the people*] **a date**
 18 **set by the Secretary of State by rule**, the committee appointed under ORS 251.205 shall prepare
 19 and file with the Secretary of State, an impartial, simple and understandable statement explaining
 20 the measure. The statement shall not exceed 500 words. **The date set by the Secretary of State**
 21 **by rule may be any date after the date that an initiative petition is accepted for verification**
 22 **of signatures under ORS 250.105 or after the date that a measure referred by the Legislative**
 23 **Assembly is filed with the Secretary of State, whichever is applicable.**

24 (2) Not later than [*the 95th day before the election*] **a date set by the Secretary of State by**
 25 **rule**, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to re-
 26 ceive suggested changes or other information relating to any explanatory statement. At the hearing
 27 any person may submit suggested changes or other information orally or in writing. Written sug-
 28 gestions or other information also may be submitted at any time before the hearing.

29 (3) The committee for each measure shall consider suggestions and any other information sub-
 30 mitted under subsection (2) of this section, and may file a revised statement with the Secretary of
 31 State not later than [*the 90th day before the election*] **a date set by the Secretary of State by**
 32 **rule.**

33 (4) The original statement and any revised statement must be approved by at least three mem-
 34 bers of the committee. If a member does not concur, the statement shall show only that the member
 35 dissents.

36 (5) For purposes of this section, "measure" includes an initiative petition relating to a state
 37 measure that has been filed with the Secretary of State for the purpose of verifying signatures under
 38 ORS 250.105. The requirements of this section shall not apply to the petition if the secretary deter-
 39 mines that the petition contains less than the required number of signatures of electors.

40 **SECTION 33.** ORS 251.245 is amended to read:

41 251.245. (1) For any measure referred to the electors by the Legislative Assembly, an argument
 42 prepared by the Legislative Assembly in support of the measure may be printed in the voters' pam-
 43 phlet. The size and length of an argument under this section shall be determined as specified in ORS
 44 251.255.

45 (2) A joint committee consisting of one Senator, to be appointed by the President of the Senate,

1 and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be
 2 appointed to prepare the argument. The committee shall file the argument with the Secretary of
 3 State not later than the 70th day before [a general election or the 68th day before a special election
 4 held on the date of any] **the** primary election. There [shall be] **is** no fee for including an argument
 5 submitted under this section in the voters' pamphlet.

6 **SECTION 34.** ORS 251.255 is amended to read:

7 251.255. (1) [Not later than the 70th day before a general election or the 68th day before a special
 8 election held on the date of any primary election at which a state measure is to be voted upon] **For a**
 9 **state measure to be voted upon at the primary election or at the general election**, any person
 10 may file with the Secretary of State a printed or typewritten argument supporting or opposing the
 11 measure. **The argument shall be filed not later than a date set by the Secretary of State by**
 12 **rule.**

13 (2) A person filing an argument under this section shall pay a fee of \$500 to the Secretary of
 14 State when the argument is filed or may submit a petition in a form prescribed by the Secretary of
 15 State containing the signatures of 1,000 electors eligible to vote on the measure. Each person sign-
 16 ing the petition shall subscribe to a statement that the person has read and agrees with the argu-
 17 ment. The signatures on each petition shall be certified by the county clerk in the manner provided
 18 in ORS 249.008. The petition shall be filed with the Secretary of State.

19 (3) The Secretary of State by rule shall establish the size and length of arguments permitted
 20 under ORS 251.245 and this section. The size and length of an argument may not exceed 30 square
 21 inches or 325 words. The size and length limitations shall be the same for arguments submitted un-
 22 der ORS 251.245 or this section.

23 **SECTION 35.** ORS 251.285 is amended to read:

24 251.285. (1) If any county measure or any measure of a metropolitan service district organized
 25 under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the
 26 measure, are to be included by the Secretary of State in the state voters' pamphlet as provided in
 27 ORS 251.067, the requirements of this section shall be satisfied.

28 (2) The county or district measure, ballot title, explanatory statement and arguments shall not
 29 be printed in the voters' pamphlet unless:

30 (a) The ballot title is a concise and impartial statement of the purpose of the measure;

31 (b) The explanatory statement is an impartial, simple and understandable statement explaining
 32 the measure and its effect;

33 (c) The county or metropolitan service district adopts and complies with an ordinance that
 34 provides a review procedure for a ballot title or explanatory statement which is contested because
 35 it does not comply with the requirements of paragraph (a) or (b) of this subsection;

36 (d) The county or metropolitan service district adopts and complies with an ordinance that
 37 provides for acceptance of typewritten arguments relating to the measure to be printed on 30 square
 38 inches of the voters' pamphlet; and

39 (e) The county or metropolitan service district does not require of a person filing an argument
 40 a payment of more than \$300, or a petition containing more than a number of signatures equal to
 41 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever
 42 is less.

43 (3) Any judicial review of a determination made under the review procedures adopted under
 44 subsection (2)(c) of this section shall be first and finally in the circuit court of the judicial district
 45 in which the county is located or, for a district measure, in the circuit court of the judicial district

1 in which the administrative office of the metropolitan service district is located.

2 (4) If the county or metropolitan service district has adopted and complied with ordinances
3 prescribed in subsection (2) of this section, the decision to include the county or district measure,
4 ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

5 (a) The county governing body with regard to any county measure or the council of the metro-
6 politan service district with regard to any district measure;

7 (b) The chief petitioners of the initiative or referendum with regard to a county or district
8 measure initiated or referred by the people. The chief petitioners shall indicate their decision in a
9 statement signed by all of the chief petitioners and filed with the county clerk or, for a district
10 measure, with the executive officer of the metropolitan service district; or

11 (c) A political committee, as defined in ORS 260.005, that opposes the county or district measure.
12 The committee shall indicate its decision in a statement signed by every committee director, as de-
13 fined in ORS 260.005, and filed with the county clerk or, for a district measure, with the executive
14 officer of the metropolitan service district.

15 (5) The county or metropolitan service district shall file the measure, ballot title, explanatory
16 statement and arguments with the Secretary of State not later than the 70th day before the [*general*
17 *election or the 68th day before a special election held on the date of any*] primary election. The county
18 or district shall pay to the Secretary of State the cost of including the county or district material
19 in the pamphlet as determined by the secretary. The Secretary of State shall not have this material
20 printed in the pamphlet unless:

21 (a) The time for filing a petition for judicial review of a determination made under subsection
22 (2)(c) of this section has passed; and

23 (b) The measure, title, statement and arguments properly filed with the county or metropolitan
24 service district, are delivered to the secretary.

25 **SECTION 36.** ORS 251.295 is amended to read:

26 251.295. The Secretary of State, pursuant to ORS 193.310 to 193.360, may supplement the [*special*
27 *or general election*] voters' pamphlet by causing to have broadcast by radio or television, material
28 specified in this section at times the secretary determines suitable during the four weeks imme-
29 diately preceding the election at which state measures are to be submitted to the people. The ma-
30 terial provided by broadcast shall include only the following:

31 (1) The ballot title or popular name of each state measure.

32 (2) The number and form in which the ballot title of the state measures will be printed on the
33 official ballot.

34 (3) A summary of the explanatory statements filed relating to each state measure.

35 **SECTION 37.** ORS 253.030 is amended to read:

36 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
37 election.

38 (2) An application for an absentee ballot must be received by the clerk not later than 8 p.m. the
39 day of the election.

40 (3) If an applicant not affiliated with any political party desires to vote in any major political
41 party primary election **or presidential preference primary election**, the applicant may request and
42 shall be sent a ballot for a major political party if that political party has provided under ORS
43 254.365 for a primary election **or presidential preference primary election** that admits electors
44 not affiliated with any political party.

45 (4) Application for an absentee ballot may be made in any manner designated by the Secretary

1 of State by rule, including in writing, by electronic mail or by using a facsimile machine. As used
2 in this subsection, "facsimile machine" means a machine that electronically transmits or receives
3 facsimiles of documents through connection with a telephone network.

4 (5) If an elector desires, the elector's application shall be valid for every subsequent election
5 until the elector otherwise notifies the clerk or is no longer an elector of the county.

6 **SECTION 38.** ORS 253.045 is amended to read:

7 253.045. (1) The clerk shall print as many absentee ballots as may be necessary as soon as pos-
8 sible after receiving the information concerning candidates and measures to be voted on at an
9 election, but not later than:

10 (a) **The 40th day before a general election; or**

11 (b) The 45th day before *[the]* **any other** election.

12 (2) The clerk is responsible for the safekeeping and disposition of the ballots, and shall destroy
13 all unused ballots as soon as practicable after the election.

14 **SECTION 39.** ORS 253.065 is amended to read:

15 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver
16 an absentee ballot:

17 (a) Not later than the *[45th]* **40th** day before the election to each long term absent elector; and

18 (b) Not sooner than the 29th day before the election to each elector with a mailing address
19 outside this state who is not a long term absent elector.

20 (2) For electors with mailing addresses in this state, except if requested by the elector, absentee
21 ballots delivered by mail shall be delivered:

22 (a) For primary elections and general elections, or any statewide special election for which a
23 voters' pamphlet is prepared, not sooner than the date the Secretary of State first mails the voters'
24 pamphlet under ORS 251.175; or

25 (b) In the case of an election for which a statewide voters' pamphlet is not required to be pre-
26 pared, not sooner than the 20th day before the date of the election.

27 (3) The ballot may be delivered to the absent elector in the office of the clerk, by postage pre-
28 paid mail or by any other appropriate means.

29 (4) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a
30 return identification envelope and a secrecy envelope. The name, official title and address of the
31 clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed
32 by the absent elector, stating that the elector:

33 (a) Is qualified to vote;

34 (b) Unless prevented by physical disability, has personally marked the ballot; and

35 (c) Has not unnecessarily exhibited the marked ballot to any other person.

36 (5) Notwithstanding subsections (1) and (2) of this section, if the county clerk receives an ap-
37 plication for an absentee ballot after the fifth day before an election, the county clerk need not mail
38 the ballot for that election but may deliver the ballot by making it available in the office of the
39 clerk.

40 (6) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
41 received by the elector. The county clerk shall keep a record of each replacement ballot provided
42 under this subsection.

43 (7) A replacement ballot may be mailed or shall be made available in the office of the county
44 clerk.

45 (8) If the county clerk determines that an elector to whom a replacement ballot has been issued

1 at the request of the elector has voted more than once, the county clerk shall not count any ballot
 2 cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot
 3 for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

4 (a) Only the original ballot was voted and returned; or

5 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-
 6 iginal ballot.

7 **SECTION 40.** ORS 253.540 is amended to read:

8 253.540. (1) Any long term absent elector may secure an absentee ballot by submitting an ap-
 9 plication as specified in subsection (2) of this section to the clerk of the county of the long term
 10 absent elector's residence, or to the Secretary of State. If the application is addressed to the Sec-
 11 retary of State, the secretary shall forward it to the appropriate county clerk.

12 (2) An application for an absentee ballot by a long term absent elector shall be made in the form
 13 of a written request. The application shall be valid for every subsequent election until the elector
 14 otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed
 15 by the applicant and contain:

16 (a) The name and current mailing address of the applicant;

17 (b) A statement that the applicant is a citizen of the United States;

18 (c) A statement that the applicant will be 18 years of age or older on the date of the election;

19 (d) A statement that for more than 20 days preceding the election the applicant's home residence
 20 has been in this state, and giving the address of the last home residence;

21 (e) A statement of the facts that qualify the applicant as a long term absent elector or as the
 22 spouse or a dependent of a long term absent elector;

23 (f) A statement that the applicant is not requesting a ballot from any other state and is not
 24 voting in any other manner in the election except by the requested absentee ballot; and

25 (g) If the applicant desires to vote in a primary election **or a presidential preference primary**
 26 **election**, a designation of the applicant's political party affiliation or a statement that the applicant
 27 is not affiliated with any political party. An applicant not affiliated with any political party may
 28 request a ballot for a major political party. The applicant shall be sent the ballot for the political
 29 party that the applicant requested if that political party has provided under ORS 254.365 for a pri-
 30 mary election **or a presidential preference primary election** that admits electors not affiliated
 31 with any political party.

32 **SECTION 41.** ORS 253.565 is amended to read:

33 253.565. (1) Any long term absent elector may secure a special absentee ballot for a primary
 34 election, **presidential preference primary election** or general election by making an application
 35 under this section if the elector believes that:

36 (a) The elector will be residing, stationed or working outside the territorial limits of the United
 37 States and the District of Columbia; and

38 (b) The elector will be unable to vote and return a regular absentee ballot by normal mail de-
 39 livery within the period provided for regular absentee ballots.

40 (2) A long term absent elector shall make the application for a special absentee ballot in the
 41 form of a written request. The elector shall submit the application before the date of the applicable
 42 election to the clerk of the county of the long term absent elector's residence or to the Secretary
 43 of State. If the application is addressed to the Secretary of State, the secretary shall forward it to
 44 the appropriate county clerk. The application shall be signed by the applicant and contain:

45 (a) The name and current mailing address of the applicant;

1 (b) A designation of the election for which the applicant requests a special absentee ballot;

2 (c) A statement that the applicant is a citizen of the United States;

3 (d) A statement that the applicant will be 18 years of age or older on the date of the election;

4 (e) A statement that for more than 20 days preceding the election the applicant's home residence
5 has been in this state, and giving the address of the last home residence;

6 (f) A statement of the facts that qualify the applicant as a long term absent elector or as the
7 spouse or a dependent of a long term absent elector;

8 (g) A statement of the facts that qualify the applicant to vote by means of a special absentee
9 ballot;

10 (h) A statement that the applicant is not requesting a ballot from any other state and is not
11 voting in any other manner in the election except by the requested special absentee ballot; and

12 (i) If the applicant requests a ballot for a primary election **or a presidential preference pri-**
13 **mary election**, a designation of the applicant's political party affiliation or a statement that the
14 applicant is not affiliated with any political party. An applicant not affiliated with any political
15 party may request a ballot for a major political party. The applicant shall be sent the ballot for the
16 political party that the applicant requested if that political party has provided under ORS 254.365
17 for a primary election **or a presidential preference primary election** that admits electors not af-
18 filiated with any political party.

19 (3) An application for a special absentee ballot shall be valid only for the election specified in
20 the application.

21 (4) The county clerk shall list on the special absentee ballot the offices and measures scheduled
22 to appear on the regular ballot, if known when the ballot is prepared, and provide space in which
23 the elector may write in the elector's preference.

24 (5) The elector may write in the name of any eligible candidate for each office to be filled or for
25 which nominations will be made at the election, and may vote on any measure submitted at the
26 election.

27 **SECTION 42.** ORS 254.016 is amended to read:

28 254.016. Any primary election, **presidential preference primary election**, general election or
29 special election held in this state shall be conducted under the provisions of this chapter, unless
30 specifically provided otherwise in the statute laws of this state.

31 **SECTION 43.** ORS 254.025 is amended to read:

32 254.025. (1) Statutes applicable to primary elections **and presidential preference primary**
33 **elections** shall be construed as though the primary elections are separate elections for each major
34 political party nominating candidates.

35 (2) The primary elections **and presidential preference primary elections** shall be conducted
36 as nearly as possible according to the theory expressed in the preamble to chapter 1, Oregon Laws
37 1905.

38 **SECTION 44.** ORS 254.046 is amended to read:

39 254.046. If a city holds a special election on a date other than the primary election, **presidential**
40 **preference primary election** or general election, it shall bear the expense of the election.

41 **SECTION 45.** ORS 254.069 is amended to read:

42 254.069. (1) An elector may not participate in more than one nominating process for each partisan
43 public office to be filled at the general election.

44 (2) An elector is considered to have participated in the nominating process for each partisan
45 public office listed on the ballot at a primary election **or presidential preference primary election**

1 if the elector returned a ballot of a major political party at the primary election **or presidential**
 2 **preference primary election.**

3 (3) An elector is considered to have participated in the nominating process for a partisan public
 4 office listed on the ballot at the general election if:

5 (a) A minor political party nominated a candidate for that office in the manner specified by the
 6 party in documents filed under ORS 248.009 and the elector participated in the nominating process;
 7 or

8 (b) The elector participated in the nominating process for that office by signing the minutes of
 9 an assembly of electors under ORS 249.735 or by signing a certificate of nomination made by indi-
 10 vidual electors under ORS 249.740.

11 (4) If a filing officer described in ORS 249.722 determines that an elector who has signed the
 12 minutes of an assembly of electors under ORS 249.735 or a certificate of nomination under ORS
 13 249.740 has attempted to participate in more than one nominating process for the same office to be
 14 filled at the general election, the signature of the elector may not be considered for purposes of ORS
 15 249.735 or 249.740.

16 **SECTION 46.** ORS 254.076 is amended to read:

17 254.076. The chief elections officer shall keep a register of candidates for nomination at the
 18 primary election **and presidential preference primary election.** The register, if applicable, shall
 19 contain for each major political party:

20 (1) The title of each office for which the major political party will nominate candidates at the
 21 primary election **or presidential preference primary election.**

22 (2) The name and mailing address of each candidate for nomination at the primary election **or**
 23 **presidential preference primary election.**

24 (3) The name of the major political party with which the candidate is registered as affiliated.

25 (4) The date of filing of the prospective petition for nomination of the candidate.

26 (5) The date of filing of the completed petition for nomination of the candidate, the number of
 27 valid signatures contained and the number of signatures required.

28 (6) The date of filing of the declaration of candidacy of the candidate.

29 (7) Such other information as may aid the chief elections officer in arranging the official ballot
 30 for the primary election **or presidential preference primary election.**

31 **SECTION 47.** ORS 254.085 is amended to read:

32 254.085. (1) The Secretary of State, not later than the 61st day before the date of a primary [*or*
 33 *general*] election, **and not later than the 40th day before the date of a general election,** shall
 34 file with each county clerk a statement of the state and congressional district offices to be filled
 35 or for which candidates are to be nominated in the county at the election[,] **and** information con-
 36 cerning all candidates for the offices[, *and*].

37 **(2) The Secretary of State, not later than the 61st day before the date of a primary**
 38 **election, presidential preference primary election or general election, shall prepare and fur-**
 39 **nish to each county clerk a certified statement of** the state measures to be voted on.

40 [(2)] (3) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon
 41 Tax Court and circuit court shall include a designation of incumbent for each candidate who is the
 42 regularly elected or appointed judge of the court to which the candidate seeks election. If a candi-
 43 date was regularly elected or appointed to a specific position or department on the court, the candi-
 44 date shall be designated as the incumbent only if the person is a candidate for that position or
 45 department.

1 [(3)] (4) Included with each state measure shall be the measure number, the latest ballot title
 2 certified by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the
 3 title under ORS 250.085, the title certified by the court and the financial estimates under ORS
 4 250.125. The Secretary of State shall keep a copy of the statement.

5 **SECTION 48.** ORS 254.095 is amended to read:

6 254.095. (1) The chief elections officer of any city shall file with the county clerk of the county
 7 in which the city hall of the city is located, a statement of the city offices to be filled or for which
 8 candidates are to be nominated at the election and information concerning all candidates for the
 9 offices not later than:

10 (a) **The 40th day before an election held on the date of the general election; or**

11 (b) The 61st day before the date of *[the]* **any other** election.

12 (2) Except as provided in subsection (3) of this section, the chief elections officer of any city
 13 shall file with the county clerk of the county in which the city hall is located, a statement of the
 14 city measures to be voted on, including the ballot title for each measure, not later than:

15 (a) **The 40th day before an election held on the date of the general election; or**

16 (b) The 61st day before the date of *[the]* **any other** election.

17 (3) If a measure to be submitted to the electors of a city at an election held on the first Tuesday
 18 after the first Monday in November was submitted on the election date in ORS 221.230 (1) imme-
 19 diately preceding the first Tuesday after the first Monday in November, the chief elections officer
 20 of the city shall file the statement required for that measure in subsection (2) of this section *[on]*
 21 **not later than:**

22 (a) **The 40th day before an election held on the date of the general election; or**

23 (b) The 47th day before *[an]* **any other** election held on the first Tuesday after the first Monday
 24 in November.

25 (4) The chief elections officer of the city shall keep a copy of each statement filed under this
 26 section.

27 (5) If a city is located in more than one county, the county clerk under subsection (1) of this
 28 section shall immediately file the statement and information required under subsection (1) of this
 29 section with the county clerk of any other county in which the city is located.

30 **SECTION 49.** ORS 254.103 is amended to read:

31 254.103. (1) The governing body of a county shall file with the county clerk each measure re-
 32 ferred by the county governing body not later than:

33 (a) **The 40th day before an election held on the date of the general election; or**

34 (b) The 61st day before the date of *[the]* **any other** election.

35 (2) If a measure to be submitted to the electors of a county at an election held on the first
 36 Tuesday after the first Monday in November was submitted on the election date in ORS 203.085 (1)
 37 immediately preceding the first Tuesday after the first Monday in November, the county governing
 38 body shall file the measure with the county clerk not later than:

39 (a) **The 40th day before an election held on the date of the general election; or**

40 (b) The 47th day before *[an]* **any other** election held on the first Tuesday after the first Monday
 41 in November.

42 **SECTION 50.** ORS 254.115 is amended to read:

43 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating
 44 Ballot for the _____ Party." and shall state:

45 (a) The name of the county for which it is intended.

1 (b) The date of the primary election.

2 (c) The names of all candidates for nomination at the primary election whose nominating pe-
3 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
4 or become disqualified.

5 (d) The names of candidates for election as precinct committeeperson.

6 *[(e) The names of candidates for the party nomination for President of the United States who*
7 *qualified for the ballot under ORS 249.078.]*

8 (2) The primary election ballot may include any city, county or nonpartisan office or the number,
9 ballot title and financial estimates under ORS 250.125 of any measure.

10 (3) The ballot may not contain the name of any person other than those referred to in sub-
11 sections (1) and (2) of this section. The name of each candidate for whom a nominating petition or
12 declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event
13 that two or more candidates for the same nomination or office have the same or similar surnames,
14 the location of their places of residence shall be printed opposite their names to distinguish one from
15 another.

16 **SECTION 51. Section 52 of this 2009 Act is added to and made a part of ORS chapter 254.**

17 **SECTION 52. (1) The official presidential preference primary election ballot or ballot label**
18 **shall be styled "Official Ballot" and shall state:**

19 (a) **The date of the presidential preference primary election.**

20 (b) **The names of all candidates for the party nomination for President of the United**
21 **States who qualified for the ballot under ORS 249.078.**

22 (2) **The presidential preference primary election ballot may also include the names of**
23 **candidates to be nominated or elected to other offices at the election held on the third**
24 **Tuesday in May and the numbers, ballot titles and financial estimates of any measure.**

25 (3) **The name of each candidate shall be printed on the ballot in but one place. In the**
26 **event that two or more candidates for the same nomination or office have the same or**
27 **similar surnames, the location of their places of residence shall be printed opposite their**
28 **names to distinguish one from another.**

29 **SECTION 53. ORS 254.135 is amended to read:**

30 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
31 shall state:

32 (a) The name of the county for which it is intended.

33 (b) The date of the election.

34 (c) The names of all candidates for offices to be filled at the election whose nominations have
35 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may
36 not contain the name of any other person.

37 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be
38 voted on at the election.

39 (2) The names of candidates for President and Vice President of the United States shall be
40 printed in groups together, under their political party designations. The names of the electors may
41 not be printed on the general election ballot. A vote for the candidates for President and Vice
42 President is a vote for the group of presidential electors supporting those candidates and selected
43 as provided by law. The general election ballot shall state that electors of President and Vice
44 President are being elected and that a vote for the candidates for President and Vice President shall
45 be a vote for the electors supporting those candidates.

1 (3)(a) The name of each candidate nominated shall be printed upon the ballot in but one place,
 2 without regard to how many times the candidate may have been nominated. The name of a political
 3 party shall be added opposite the name of a candidate for other than nonpartisan office according
 4 to the following rules:

5 (A) For a candidate not affiliated with a political party who is nominated by a minor political
 6 party, the name of the minor political party shall be added opposite the name of the candidate;

7 (B) For a candidate not affiliated with a political party who is nominated by more than one
 8 minor political party, the name of the minor political party selected by the candidate shall be added
 9 opposite the name of the candidate;

10 (C) For a candidate who is a member of a political party who is nominated by a political party
 11 of which the candidate is not a member, the name of the political party that nominated the candi-
 12 date shall be added opposite the name of the candidate;

13 (D) For a candidate who is a member of a political party who is nominated by more than one
 14 political party of which the candidate is not a member, the name of the political party selected by
 15 the candidate shall be added opposite the name of the candidate; and

16 (E) For a candidate who is nominated by a political party of which the candidate is a member,
 17 the name of the political party of which the candidate is a member shall be added opposite the name
 18 of the candidate.

19 (b) If a candidate is required to select the name of a political party to be added on the ballot
 20 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection
 21 not later than the [61st] **40th** day before the day of the election.

22 (c) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court
 23 of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary
 24 of State under ORS 254.085.

25 (d) The word “nonaffiliated” shall follow the name of each candidate who is not affiliated with
 26 a political party and who is nominated by an assembly of electors or individual electors.

27 (e) If two or more candidates for the same office have the same or similar surnames, the location
 28 of their places of residence shall be printed opposite their names to distinguish one from another.

29 **SECTION 54.** ORS 254.195 is amended to read:

30 254.195. (1) Official ballots shall be printed in black ink upon good quality material. The primary
 31 election **or presidential preference primary election** ballots shall be of different colors for the
 32 major political parties.

33 (2) The governing body of a city, county or district may mail sample ballots to all electors
 34 within the city, county or district to assist the electors’ preparation for voting.

35 **SECTION 55.** ORS 254.365 is amended to read:

36 254.365. (1) An elector is not qualified or permitted to vote at any primary election **or presi-**
 37 **dential preference primary election** for any candidate of a major political party, and it is unlawful
 38 for the elector to offer to do so, unless:

39 (a) The elector is registered as being affiliated with one of the major political parties nominating
 40 or electing its candidates for public office at the primary election **or presidential preference pri-**
 41 **mary election;** or

42 (b) The elector is registered as not being affiliated with any political party and wishes to vote
 43 in the primary election **or presidential preference primary election** of a major political party that
 44 has provided under subsection (3) of this section for a primary election **or presidential preference**
 45 **primary election** that admits electors not affiliated with any political party.

1 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election
 2 **or presidential preference primary election** shall be given a ballot of the major political party
 3 with which the elector is registered as being affiliated. The elector may not be given a ballot of any
 4 other political party at that primary election **or presidential preference primary election**. An
 5 elector not affiliated with any political party and offering to vote at the primary election **or presi-**
 6 **dential preference primary election** shall be given the ballot of the major political party in whose
 7 primary election **or presidential preference primary election** the elector wishes to vote if that
 8 party has provided under subsection (3) of this section for a primary election **or presidential**
 9 **preference primary election** that admits electors not affiliated with any political party. An elector
 10 not affiliated with any political party who is given a ballot of the major political party associates
 11 with the party for the purpose of voting in that primary election **or presidential preference pri-**
 12 **mary election**.

13 (3)(a) Not later than the 90th day before the date of the primary election **or presidential**
 14 **preference primary election**, a major political party may file with the Secretary of State a certified
 15 copy of the current party rule allowing an elector not affiliated with any political party to vote in
 16 the party's primary election **or presidential preference primary election**. The party may not re-
 17 peal the rule as filed during the 90 days before the primary election **or presidential preference**
 18 **primary election**. The rule shall continue to be effective after the date of the primary election **or**
 19 **presidential preference primary election** until the party gives written notice to the Secretary of
 20 State that the rule has been repealed. Except as provided in paragraph (b) of this subsection, a party
 21 rule under this subsection may limit the candidates for whom an elector who is not affiliated with
 22 any political party may vote.

23 (b) The party rule shall allow any elector who is permitted to vote for the most numerous
 24 branch of the Legislative Assembly also to vote in federal legislative elections, consistent with sec-
 25 tion 2, Article I, and the Seventeenth Amendment to the United States Constitution.

26 (4) If the primary election **or presidential preference primary election** ballot includes city,
 27 county or nonpartisan offices or measures, and it is given to an elector who is not eligible to vote
 28 for party candidates, the ballot shall be marked "non-affiliated."

29 **SECTION 56.** ORS 254.370 is amended to read:

30 254.370. The county clerk shall maintain:

31 (1) A monthly registration record of all electors registered as not being affiliated with any pol-
 32 itical party;

33 (2) At each primary election **or presidential preference primary election**, a record of the
 34 number of electors who voted from each major political party;

35 (3) A record of all electors registered as not being affiliated with any political party who vote
 36 in a primary election **or presidential preference primary election** of a major political party that
 37 has provided under ORS 254.365 for a primary election **or presidential preference primary**
 38 **election** that admits electors not affiliated with any political party; and

39 (4) A record of all electors registered as not being affiliated with any political party who vote
 40 in the general election.

41 **SECTION 57.** ORS 254.470, as amended by section 5, chapter 53, Oregon Laws 2008, is amended
 42 to read:

43 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
 44 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
 45 dates and times the places of deposit must be open and the security requirements for the places of

1 deposit. At a minimum, the places designated under this section shall be open on the date of the
 2 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
 3 of deposit designated under this section, the county clerk shall prominently display a sign stating
 4 that the location is an official ballot drop site.

5 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
 6 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
 7 ope not sooner than the 18th day before the date of an election and not later than the 14th day
 8 before the date of the election, to each active elector of the electoral district as of the 21st day
 9 before the date of the election.

10 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
 11 day before the date of the election does not receive daily mail service from the United States Postal
 12 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
 13 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
 14 date of an election and not later than the 18th day before the date of the election.

15 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
 16 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
 17 the date of the election.

18 (3) For an election held on the date of a primary election **or presidential preference primary**
 19 **election:**

20 (a) The county clerk shall mail the official ballot of a major political party to each elector who
 21 is registered as being affiliated with the major political party as of the 21st day before the date of
 22 the election.

23 (b) The county clerk shall mail the official ballot of a major political party to an elector not
 24 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 25 section and that party has provided under ORS 254.365 for a primary election **or presidential**
 26 **preference primary election** that admits electors not affiliated with any political party.

27 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 28 **or presidential preference primary election** of a major political party shall apply to the county
 29 clerk in writing. The application shall indicate which major political party ballot the elector wishes
 30 to receive. Except for electors described in subsection (4) of this section, and subject to ORS 247.203,
 31 the application must be received by the county clerk not later than 5 p.m. of the 21st day before the
 32 date of the election.

33 (d) If the primary election **or presidential preference primary election** ballot includes city,
 34 county or nonpartisan offices or measures, the county clerk shall mail to each elector who is not
 35 eligible to vote for party candidates a ballot limited to those offices and measures for which the
 36 elector is eligible to vote.

37 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
 38 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
 39 velope available either by mail or at the county clerk's office or at another place designated by the
 40 county clerk. An elector to whom this subsection applies must request a ballot from the county
 41 clerk.

42 (5) The ballot shall contain the following warning:
 43 _____
 44

45 Any person who, by use of force or other means, unduly influences an elector to vote in any

1 particular manner or to refrain from voting is subject to a fine.

2
3
4 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
5 the return identification envelope supplied with the ballot and comply with the instructions provided
6 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
7 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
8 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
9 in the return identification envelope. If the elector returns the ballot by mail, the elector must
10 provide the postage. A ballot must be received at the office of the county clerk, at the designated
11 place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the
12 period determined under subsection (1) of this section on the date of the election.

13 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
14 received by the elector. Replacement ballots shall be issued and processed as described in this
15 section and ORS 247.307 and 254.480. The county clerk shall keep a record of each replacement
16 ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection
17 (2) of this section, a replacement ballot may be mailed, made available in the office of the county
18 clerk or made available at one central location in the electoral district in which the election is
19 conducted. The county clerk shall designate the central location. A replacement ballot need not be
20 mailed after the fifth day before the date of the election.

21 (8) A ballot shall be counted only if:

- 22 (a) It is returned in the return identification envelope;
23 (b) The envelope is signed by the elector to whom the ballot is issued; and
24 (c) The signature is verified as provided in subsection (9) of this section.

25 (9) The county clerk shall verify the signature of each elector on the return identification en-
26 velope with the signature on the elector's registration card, according to the procedure provided by
27 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
28 replacement ballot has been issued has voted more than once, the county clerk shall count only one
29 ballot cast by that elector.

30 (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit
31 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474
32 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the
33 act of voting.

34 **SECTION 58.** ORS 254.474 is amended to read:

35 254.474. (1) At each primary election, **presidential preference primary election** and general
36 election, the county clerk shall maintain voting booths in the county as follows:

37 (a) In each county with 35,000 or more electors in the county, the county clerk shall maintain
38 a number of voting booths equal to at least one voting booth for every 20,000 electors in the county;
39 and

40 (b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain
41 at least one voting booth.

42 (2) The county clerk may determine the location of the voting booths required under this sec-
43 tion.

44 **SECTION 59.** ORS 254.546 is amended to read:

45 254.546. (1) In the case of a recall election held on a date other than the date of the primary

1 election, **presidential preference primary election** or general election, the county clerk shall
 2 prepare an abstract of the votes and deliver it to the elections official authorized to order the recall
 3 election not later than the 20th day after the election.

4 (2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II,
 5 Oregon Constitution, the result of the recall election referred to in subsection (1) of this section
 6 shall be considered officially declared on the date the abstract of the votes is delivered.

7 (3) If the elections official authorized to order the recall election is the Secretary of State, the
 8 Secretary of State shall officially declare the result of the election not later than the 30th day after
 9 the election.

10 **SECTION 60.** ORS 254.555 is amended to read:

11 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,
 12 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
 13 shall:

14 (a) Canvass the votes for the offices, except the office of Governor after the general election.

15 (b) Enter in a register of nominations after the primary election **or presidential preference**
 16 **primary election** the name and, if applicable, major political party of each candidate nominated, the
 17 office for which the candidate is nominated, and the date of entry.

18 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most
 19 votes for nomination for or election to the office. The Secretary of State shall sign the certificate
 20 under the seal of the state.

21 (d) Issue a proclamation declaring the election of candidates to the offices.

22 (2) Not later than the 30th day after the election:

23 (a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall
 24 canvass the votes for each measure.

25 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each
 26 such measure, and declaring the approved measures as the law on the effective date of the measure.
 27 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
 28 is paramount.

29 **SECTION 61.** ORS 254.565 is amended to read:

30 254.565. Subject to ORS 254.548, the chief city elections officer:

31 (1) After the primary election **or presidential preference primary election**, shall enter in a
 32 register of nominations:

33 (a) The name of each candidate for city office nominated at the primary election **or presidential**
 34 **preference primary election**.

35 (b) The office for which the candidate is nominated.

36 (c) If applicable, the name of the major political party nominating the candidate.

37 (d) The date of the entry.

38 (2) After the general election, shall prepare and deliver a certificate of election to each qualified
 39 candidate having the most votes for election to a city office.

40 (3) Not later than the 30th day after any election, shall canvass the vote on each city measure,
 41 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-
 42 amount.

43 **SECTION 62.** ORS 255.069 is amended to read:

44 255.069. (1) Not later than the 115th day before a regular district election, or not later than the
 45 135th day before a district election held on the date of a primary election, **presidential preference**

1 **primary election** or general election, the elections officer shall deliver to each district elections
 2 authority, by certified mail, a form for updating information on members of district boards. The form
 3 shall include, at a minimum, the district offices to be filled or for which candidates are to be nomi-
 4 nated or elected at the next district election and information concerning the candidates.

5 (2) Not later than the 105th day before a regular district election or not later than the 125th
 6 day before a district election held on the date of a primary election, **presidential preference pri-
 7 mary election** or general election, the district elections authority shall return to the elections of-
 8 ficer the form for updating information on members of district boards.

9 (3) The elections officer shall prepare the notice required by ORS 255.075 by using the form
 10 completed by the district elections authority and any other information available. If the form is not
 11 returned by the district elections authority by the deadline specified in subsection (2) of this section,
 12 the elections officer shall prepare the notice for the district using the most current information
 13 available. If the form is returned by the district elections authority after the deadline, the elections
 14 officer shall prepare a corrected notice. The district shall be liable for any additional costs incurred
 15 in preparing and publishing a corrected notice.

16 (4) The elections officer shall retain the completed forms in a file maintained for that purpose.
 17 All forms shall be kept for a period of at least four years after the district election for which the
 18 form was completed.

19 (5) If a district is located in more than one county, the elections officer shall immediately certify
 20 the information contained on the form required under subsection (2) of this section to the county
 21 clerk of any other county in which the district is located.

22 (6) The Secretary of State by rule shall establish the forms and procedures the elections officer
 23 and the district elections authority shall use in maintaining adequate records for preparation of the
 24 form required under subsection (1) of this section.

25 **SECTION 63.** ORS 255.085 is amended to read:

26 255.085. (1) Not later than the **40th day before a district election on a measure to be held**
 27 **on the date of the general election or the** 61st day before a district election on a measure **held**
 28 **on any other date**, the district elections authority shall deliver to the elections officer a notice
 29 stating the date of the election and a ballot title. The district elections authority shall prepare the
 30 ballot title for a measure referred by the authority with the assistance of the district attorney for
 31 the county of the elections officer or an attorney employed by the district elections authority.

32 (2) If a district submits a measure to the electors of the district at an election held on the first
 33 Tuesday after the first Monday in November and the district submitted a measure on the election
 34 date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after
 35 the first Monday in November, the district elections authority shall file the measure for the election
 36 held on the first Tuesday after the first Monday in November with the elections officer not later
 37 than:

38 (a) **The 40th day before an election held on the date of the general election; or**

39 (b) The 47th day before [an] **any other** election held on the first Tuesday after the first Monday
 40 in November.

41 (3) A notice of election called to approve the issuance of bonds shall include:

42 (a) The purpose for which the bonds are to be used;

43 (b) The amount and the term of the bonds;

44 (c) The kind of bonds proposed to be issued; and

45 (d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS

1 450.905.

2 (4)(a) In the case of a measure submitted by initiative or referendum petition, the elections of-
3 ficer shall publish the notice in the next available edition of a newspaper of general circulation in
4 the district after the deadline for filing the notice.

5 (b) In the case of a measure referred by the district elections authority, the elections officer
6 shall publish the notice of election in the next available edition of a newspaper of general circu-
7 lation in the district after the notice of election is filed. The notice shall also state that an elector
8 may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.
9 If the circuit court certifies a different ballot title, the elections officer shall publish an amended
10 notice of election in the next available edition of the newspaper referred to in this subsection after
11 the new title is certified to the elections officer.

12 **SECTION 64.** ORS 255.235 is amended to read:

13 255.235. (1) A candidate for election as a member of a district board shall be nominated by filing
14 with the elections officer either:

15 (a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, re-
16 siding in the election district for the office, whichever number is less; or

17 (b) A declaration of candidacy accompanied by a filing fee of \$10.

18 (2) A petition for nomination or a declaration of candidacy shall be filed with the elections of-
19 ficer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this sub-
20 section and:

21 (a) Not later than the 61st day before the date of the district election if the election is a regular
22 district election or the first election at which members of the district board are elected.

23 (b) Not later than the 70th day before the date of the district election if the election is held on
24 the date of a primary election or **presidential preference primary election.**

25 (c) **Not later than the 70th day before the date of the primary election if the election is**
26 **held on the date of the general election.**

27 (3) A nominating petition or declaration of candidacy shall contain the information specified in
28 ORS 249.031.

29 (4) In a district in which a position or zone number is assigned to each office on the district
30 board or local school committee, each petition for nomination or declaration of candidacy for
31 election to the district board or local school committee shall state the position or zone number of
32 the office to which the candidate seeks election.

33 (5) The provisions of ORS 249.009 (1)(b) and 249.061 shall not apply to nominating petitions filed
34 under this section.

35 (6) A nominee for election to the district board may withdraw the nomination not later than 5
36 p.m. of the last day specified for filing a petition or declaration under this section by filing with the
37 elections officer a written withdrawal of candidacy. The withdrawal shall be signed by the nominee
38 and state the reasons for withdrawal.

39 **SECTION 65.** ORS 255.345 is amended to read:

40 255.345. (1) Except as provided in subsection (2) of this section, a special election called by a
41 district elections authority shall not be held on any date other than:

42 (a) The second Tuesday in March;

43 (b) The third Tuesday in May;

44 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**
45 **September; or**

1 (d) The first Tuesday after the first Monday in November.

2 (2) A special election may be held on a date other than that provided in subsection (1) of this
 3 section, if the district elections authority by resolution finds that an election sooner than the next
 4 available election date is required on a measure to finance repairs to property damaged by fire,
 5 vandalism or a natural disaster.

6 (3) As used in this section, “district elections authority” means the body or officer authorized
 7 or required to call an election for a public corporation formed under, and deriving its powers solely
 8 from, the statutes of this state, but does not include a city or county.

9 **SECTION 66.** ORS 258.036 is amended to read:

10 258.036. (1) **Except as provided in subsection (2) of this section**, not later than the 40th day
 11 after the election or the seventh day after completion of a recount of votes cast in connection with
 12 the nomination, office or measure, any person authorized to contest a result of the election may file
 13 a petition of contest. The petition shall be filed with:

14 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate
 15 for election to the office of elector of President and Vice President of the United States or a can-
 16 didate for nomination or election to the office of United States Senator, United States Represen-
 17 tative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner
 18 of the Bureau of Labor and Industries, Superintendent of Public Instruction or a position of judge
 19 on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

20 (b) The circuit court for the county where a majority of the electors in the electoral district
 21 reside if the petition involves a candidate for nomination or election to the office of state Senator,
 22 state Representative, circuit court judge or district attorney.

23 (c) The circuit court for the county in which the filing officer is located if the petition involves
 24 a candidate for nomination or election to county, city or district office or a county, city or district
 25 measure. If a district is located in more than one county, the petition shall be filed with the circuit
 26 court for the county in which the administrative office of the district is located.

27 **(2) For a primary election or a nominating or special election held on the date of a pri-**
 28 **mary election, any person authorized to contest a result of the election may file a petition**
 29 **of contest not later than the sixth calendar day after the election.**

30 [(2)] (3) The petition shall be verified in the manner required for verification of complaints in
 31 civil cases and shall specify:

32 (a) The cause of the contest; and

33 (b) The names of all contestees.

34 **SECTION 67.** ORS 258.055 is amended to read:

35 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-
 36 tion of contest with the circuit court described under ORS 258.036 (1), the contestant shall, within
 37 three business days of filing the petition, publish a notice stating that the petition has been filed
 38 and identifying the date of the deadline described in this subsection for filing a motion to intervene.
 39 The notice shall be published at least once in the next available issue of a newspaper of general
 40 circulation published in the county where the proceeding is pending. Jurisdiction over the election
 41 contest shall be complete within 10 days after the notice is published as provided in this section.
 42 Any person interested may at any time before the expiration of the 10 days appear and contest the
 43 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

44 (2) Subsection (1) of this section does not apply if the contest involves a state measure, the
 45 election of a candidate to the office of elector of President and Vice President of the United States

1 or the nomination or election of a candidate to the office of United States Senator, United States
 2 Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Com-
 3 missioner of the Bureau of Labor and Industries, Superintendent of Public Instruction or a position
 4 of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

5 (3) Not later than two business days after a petition of contest is filed with the circuit court,
 6 the contestant shall serve a copy of the petition by certified mail on each contestee. If the Secre-
 7 tary of State or county clerk is not a contestee, not later than one business day after a petition of
 8 contest is filed with the circuit court, the contestant shall file a copy of the petition with:

9 (a) The Secretary of State if the petition involves a candidate for state office or a state measure;
 10 or

11 (b) The county clerk if the petition involves a candidate for county, city or district office or a
 12 county, city or district measure. As used in this paragraph, "county clerk" includes the county clerk
 13 of the county in which the administrative office of a city or district is located regarding a measure
 14 or a candidate for an office to be voted on in a city or district located in more than one county.

15 (4) **Except as provided in subsection (6) of this section**, the circuit court shall fix a time for
 16 the hearing by the circuit court of the contest proceeding, and not later than the fifth day before
 17 the hearing shall give written notice of the hearing to each party to the proceeding. In fixing the
 18 time for the hearing, the court shall consider the dates set in any notice published under subsection
 19 (1) of this section and the dates of service on the contestees. The contest proceeding shall take
 20 precedence over all other business on the circuit court docket.

21 (5) **Except as provided in subsection (6) of this section**, the circuit court shall hear and de-
 22 termine the proceeding without a jury and shall issue written findings of law and fact. The practice
 23 and procedure otherwise applicable to civil cases shall govern the proceeding, except that the
 24 contestant has the burden of proof by clear and convincing evidence.

25 **(6) When a petition of contest is filed under ORS 258.036 (2):**

26 (a) **The clerk of the court shall cause notice to be served on all contestees named in the**
 27 **petition, notifying them that they may respond by petition not sooner than the third nor**
 28 **later than the sixth calendar day after the date the petition of contest was filed; and**

29 (b) **The court in which the petition of contest is filed shall hear and determine the pro-**
 30 **ceeding expeditiously on the basis of the petitions. The decision of the court shall be the first**
 31 **and final decision on the matter.**

32 **SECTION 68.** ORS 258.075 is amended to read:

33 258.075. (1) Except as provided in subsection (4) of this section, after the contest hearing, the
 34 circuit court shall render a judgment affirming or setting aside the approval or rejection of the
 35 measure.

36 (2) If the judgment sets aside the approval or rejection of a measure, the circuit court shall di-
 37 rect the measure to be resubmitted at a special election held on one of the dates specified in this
 38 subsection, as set by the court. In setting the election date, the court shall provide sufficient time
 39 for adequate notice to be given. The special election may be held on any of the following dates:

40 (a) The second Tuesday in March;

41 (b) The third Tuesday in May;

42 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**
 43 **September; or**

44 (d) The first Tuesday after the first Monday in November.

45 (3) The county of the county clerk or the local elections official who committed the error in the

1 distribution of the official ballots shall bear the cost of the special election.

2 (4) In a contest under ORS 258.016 (7), the court shall determine whether the challenge to the
3 determination of the number of electors who were eligible on election day to participate in the
4 election on a measure conducted under section 11 (8), Article XI of the Oregon Constitution, is valid.
5 In making the determination, the court shall rely on the provisions of ORS chapter 247 and shall
6 receive testimony from the county clerk regarding the clerk's administration of ORS chapter 247.
7 If, after a contest hearing, the court determines that the challenge to the determination of the
8 number of electors who were eligible to participate is valid and that the change in the number of
9 electors eligible to participate is sufficient to change the outcome of the election on the measure,
10 the court shall order the county clerk to make a new determination of the number of eligible elec-
11 tors and to certify the results of the election based on the new determination.

12 **SECTION 69.** ORS 258.085 is amended to read:

13 258.085. **Except as provided in ORS 258.055 (6)**, any party to the contest proceeding may ap-
14 peal from the judgment rendered by the circuit court to the Court of Appeals in the same manner
15 as appeals in civil cases are taken. The appeal shall take precedence over all other business on the
16 docket.

17 **SECTION 70.** ORS 258.161 is amended to read:

18 258.161. (1) A candidate or an officer of a political party on behalf of a candidate of the political
19 party may file a demand requiring the Secretary of State to direct that a recount be made [*in spec-*
20 *ified precincts in which votes were*] **of the votes** cast for the nomination or office for which the
21 candidate received a vote.

22 (2) An elector may file a demand requiring the Secretary of State to direct that a recount be
23 made [*in specified precincts in which votes were*] **of the votes** cast on any measure which appeared
24 on the ballot.

25 (3) A county clerk may file a demand requiring the Secretary of State to direct that a recount
26 be made in specified precincts in which votes were cast for the nomination or office for which a
27 candidate received a vote or on any measure that appeared on the ballot. The cash deposit re-
28 quirement of subsection (5) of this section shall not apply to a demand made under this subsection.
29 The cost of a recount conducted under this subsection shall be paid by the county of the county
30 clerk making the demand.

31 (4) Except as provided in subsection (9) of this section, the person making a demand for a re-
32 count may, in the first demand, specify a partial or a full recount. A person making a demand for
33 a partial recount shall specify the precincts in which votes were cast for the nomination or office
34 or on the measure to be recounted. If in the first demand the person requested a partial recount,
35 the person may file a supplemental demand for a recount of all the remainder of the precincts.

36 (5) Except as provided in subsections (3) and (6) of this section, each demand shall be accom-
37 panied by a cash deposit of \$15 for each precinct to be recounted up to a maximum of \$8,000 for a
38 recount of all precincts in the state on a measure or for a nomination or office. The Secretary of
39 State may retain the deposit for not more than 60 days after the election for which the recount was
40 demanded, without depositing it in the General Fund.

41 (6) Upon application from a county clerk, the Secretary of State may waive the cash deposit
42 requirement of subsection (5) of this section if, after the first demand, it appears that due to
43 nondeliberate and material error by a local elections official, as defined in ORS 246.012, or a county
44 clerk, the outcome of an election on a candidate or measure will be changed. The cost of a recount
45 conducted under this subsection shall be paid by the county of the county clerk or the county of the

1 local elections official who committed the error.

2 (7) Each demand shall be in the form and shall contain the information prescribed by the Sec-
3 retary of State, including the names and addresses of all persons and organizations providing any
4 part of the cash deposit and the amount provided by each.

5 (8) Except as provided in subsection (9) of this section, the first demand shall be filed in the
6 office of the Secretary of State not later than the 35th day and a supplemental demand not later
7 than the 45th day after the date of the election in which votes were cast for the nomination, office
8 or measure.

9 (9)(a) A demand for a recount made under this section on behalf of the electors of presidential
10 and vice presidential candidates shall be for a full recount only and [shall] **must** be filed [no] **not**
11 later than five business days after the Secretary of State declares the result of the election under
12 ORS 254.555.

13 **(b) A demand for a recount made under this section involving any candidate or measure**
14 **at the primary election or a nominating election held on the date of the primary election**
15 **shall be for a full recount only and must be filed not later than six calendar days after the**
16 **date of the election.**

17 **SECTION 71.** ORS 258.190 is amended to read:

18 258.190. (1) After a recount demand is filed, the Secretary of State shall direct the official who
19 conducted the election or the clerk of any county containing precincts in which ballots were cast
20 on the measure or for the nomination or office specified in the demand for a recount to conduct a
21 recount in the precincts specified in the demand.

22 (2) If the demand for a recount of votes cast for a nomination or office is filed, the Secretary
23 of State, not later than the third day after the filing of the first demand **under ORS 258.161 (4) or**
24 **the filing of the demand under ORS 258.161 (9)**, shall notify the affected candidates by certified
25 or registered mail that a recount is to be made in the precincts specified in the demand.

26 (3) The official who is to conduct the recount, within a reasonable time before the recount, shall
27 notify the affected candidates or the individual filing the demand for recount for a measure of the
28 date, time and place of the recount.

29 **SECTION 72.** ORS 260.057, as amended by section 1, chapter 41, Oregon Laws 2008, is amended
30 to read:

31 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

32 (a) All candidates and political committees to file with the secretary statements of contributions
33 received and expenditures made by the candidates and political committees, as described in ORS
34 260.083; and

35 (b) Treasurers appointed by the chief petitioners of initiative, referendum or recall petitions
36 under ORS 260.118 to file with the secretary statements of contributions received and expenditures
37 made by the treasurers and chief petitioners.

38 (2)(a) A candidate for nomination or election at any primary, **presidential preference primary**
39 **election** or general election or a political committee supporting or opposing a candidate or measure
40 at any primary, **presidential preference primary election** or general election shall file a statement
41 described in subsection (1) of this section not later than seven calendar days after a contribution is
42 received or an expenditure is made. This paragraph applies to contributions received and expen-
43 ditures made during the period:

44 **(A)** Beginning on the 42nd calendar day before the date of any primary election and ending on
45 the date of the primary election [*and the period*];

1 **(B) Beginning on the 42nd calendar day before the date of any presidential preference**
2 **primary election and ending on the date of the presidential preference primary election; and**

3 **(C) [Beginning on the 42nd calendar day before the date of any general election] Beginning on**
4 **the third Tuesday in September or, as provided in ORS 254.056, the second Tuesday in Sep-**
5 **tember and ending on the date of the general election.**

6 (b) For any special election, the secretary by rule may establish a period during which a candi-
7 dicate for nomination or election at the special election or a political committee supporting or op-
8 posing a candidate or measure at the special election must file a statement described in subsection
9 (1) of this section not later than seven calendar days after a contribution is received or an expend-
10 iture is made.

11 (3) Except as provided in subsection (4) of this section, during a period not described in sub-
12 section (2) of this section, a candidate or political committee shall file a statement described in
13 subsection (1) of this section not later than 30 calendar days after a contribution is received or an
14 expenditure is made.

15 (4)(a) If a candidate for nomination or election at any primary election **or presidential prefer-**
16 **ence primary election** or a political committee supporting or opposing a candidate or measure at
17 any primary election **or presidential preference primary election** receives a contribution or
18 makes an expenditure prior to the 42nd calendar day before the date of the primary election **or**
19 **presidential preference primary election** and the candidate or political committee has not filed
20 a statement of the contribution or expenditure under subsection (3) of this section by the 43rd cal-
21 endar day before the date of the primary election **or presidential preference primary election**, the
22 candidate or political committee shall file a statement described in subsection (1) of this section not
23 later than the 35th calendar day before the date of the primary election **or presidential preference**
24 **primary election.**

25 (b) If a candidate for nomination or election at any general election or a political committee
26 supporting or opposing a candidate or measure at any general election receives a contribution or
27 makes an expenditure prior to the 42nd calendar day before the date of the general election and the
28 candidate or political committee has not filed a statement of the contribution or expenditure under
29 subsection (3) of this section by the 43rd calendar day before the date of the general election, the
30 candidate or political committee shall file a statement described in subsection (1) of this section not
31 later than the 35th calendar day before the date of the general election.

32 (5) The electronic filing system shall be provided free of charge by the secretary and:

33 (a) Accept electronic files that conform to the format prescribed by the secretary by rule; or

34 (b) Be compatible with any other electronic filing application provided or approved by the sec-
35 retary.

36 (6)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data
37 filed electronically under this section and all information filed with the secretary under ORS
38 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of
39 charge according to a schedule adopted by the secretary by rule. The secretary shall make the data
40 available in a searchable database that is easily accessible by the public. When the secretary makes
41 data or information available on the Internet under this subsection, the secretary shall display any
42 contribution received from a person or political committee with an out-of-state address in a different
43 colored font than a contribution received from a person or political committee with an in-state ad-
44 dress.

45 (b) The secretary may not make data that are filed electronically under this section or ORS

1 260.118 available to the public under this section, unless the data are required to be listed under
 2 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed
 3 electronically under this section or ORS 260.118, unless the data are required to be listed under ORS
 4 260.083.

5 (7)(a) Except as provided in paragraph (b) of this subsection, each statement required by this
 6 section shall be signed and certified as true by the candidate or treasurer required to file it. Sig-
 7 natures shall be supplied in the manner specified by the secretary by rule.

8 (b) A candidate or treasurer may designate a person to sign and certify as true a statement re-
 9 quired by this section. The designation must be filed in writing with the secretary and must be re-
 10 newed for each two-year period beginning January 1 of an even-numbered year.

11 (8) Subsections (1) to (7) of this section do not apply to:

12 (a) Candidates for federal office;

13 (b) Candidates who are not required to file a statement of organization under ORS 260.043; or

14 (c) Candidates or political committees who file certificates under ORS 260.112.

15 **SECTION 73.** ORS 260.118 is amended to read:

16 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a
 17 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and
 18 expenditures made by or through the treasurer.

19 (2) The treasurer or a chief petitioner shall file a statement of organization with the appropriate
 20 filing officer. The treasurer or a chief petitioner shall file the statement not later than the third
 21 business day after the chief petitioners receive a contribution or make an expenditure relating to
 22 the initiative, referendum or recall petition. The statement shall include:

23 (a) The name and address of the chief petitioners.

24 (b) The name and address of the treasurer appointed under subsection (1) of this section.

25 (c) A designation of the initiative, referendum or recall petition. The designation of the recall
 26 petition shall include the name of the officer whose recall is demanded.

27 (3) If there is a change in the information submitted in a statement of organization under sub-
 28 section (2) of this section, the treasurer or a chief petitioner shall file an amended statement of or-
 29 ganization not later than the 10th day after the change in information.

30 (4) The treasurer of an initiative, referendum or recall petition shall use the electronic filing
 31 system adopted under ORS 260.057 to file with the Secretary of State statements of contributions
 32 received and expenditures made by the treasurer, as described in ORS 260.083.

33 (5) The treasurer of an initiative petition shall file a statement described in subsection (4) of this
 34 section not later than seven calendar days after a contribution is received or an expenditure is
 35 made. This subsection applies to contributions received and expenditures made:

36 (a) During the period beginning on the 42nd calendar day before the date that is four months
 37 before a general election and ending on the date that is four months before a general election;
 38 *[and]*

39 **(b) During the period beginning on the 42nd calendar day before the date of any presi-**
 40 **dential preference primary election and ending on the date of the presidential preference**
 41 **primary election; and**

42 *[(b)]* (c) During the period beginning on the 42nd calendar day before the date of any primary
 43 election and ending on the date of the primary election and the period beginning on the *[42nd cal-*
 44 *endar day before the date of any general election]* **third Tuesday in September or, as provided in**
 45 **ORS 254.056, the second Tuesday in September** and ending on the date of the general election.

1 (6) The treasurer of a referendum petition or a recall petition shall file a statement described
 2 in subsection (4) of this section not later than seven calendar days after a contribution is received
 3 or an expenditure is made. This subsection applies:

4 (a) For a referendum petition, to contributions received and expenditures made during the period
 5 beginning on the date the treasurer is appointed under subsection (1) of this section and ending on
 6 the deadline for submitting signatures for verification; and

7 (b) For a recall petition, to contributions received and expenditures made during the period be-
 8 ginning on the day after the date on which the statement of contributions received and expenditures
 9 made that is required under ORS 249.865 is filed and ending on the deadline for submitting signa-
 10 tures for verification.

11 (7) Except as provided in subsection (8) of this section, during a period not described in sub-
 12 section (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition shall file
 13 a statement described in subsection (4) of this section not later than 30 calendar days after a con-
 14 tribution is received or an expenditure is made.

15 (8) If a treasurer of an initiative petition receives a contribution or makes an expenditure prior
 16 to the 42nd calendar day before the date that is four months before a general election, or the 42nd
 17 day before the date of the primary election or general election, and the treasurer has not filed a
 18 statement of the contribution or expenditure under subsection (4) of this section by the 43rd calen-
 19 dar day before the date that is four months before a general election, or the 43rd day before the date
 20 of the primary election or general election, the treasurer shall file a statement described in sub-
 21 section (4) of this section not later than the 35th calendar day before the date that is four months
 22 before a general election, or the 35th day before the date of the primary election or general election.

23 (9) For an initiative petition, the accounting period for the first statement filed under this sec-
 24 tion begins on the date the treasurer is appointed under subsection (1) of this section.

25 (10) Each statement required under this section shall be signed and certified as true by a chief
 26 petitioner or by the treasurer. Signatures shall be supplied in the manner specified by the secretary
 27 by rule.

28 (11) As used in this section, "contribution" and "expenditure" include a contribution or ex-
 29 penditure to or on behalf of an initiative, referendum or recall petition.

30 **SECTION 74.** ORS 260.241 is amended to read:

31 260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination re-
 32 quired to be filed under ORS 260.057, or in the filing of a certificate described in ORS 260.112 in lieu
 33 of a statement required under ORS 260.057, prior to the nominating election, the candidate's name
 34 shall appear on the general election ballot if those statements or the certificate is filed before the
 35 [61st] **40th** day before the general election.

36 (2) A candidate's name shall not be placed on the general election ballot if the statements or
 37 certificate referred to in subsection (1) of this section is not filed before the [61st] **40th** day before
 38 the general election.

39 (3) If the statements or certificate referred to in subsection (1) of this section is not filed by the
 40 [68th] **45th** day before the general election, the filing officer by mail shall notify the person required
 41 to file the statements or certificate that the candidate's name may not be placed on the general
 42 election ballot. The filing officer shall send the notice described in this subsection by certified mail
 43 to the individual who is the candidate and by first class mail to the candidate's treasurer or the
 44 treasurer of the candidate's principal campaign committee. The filing officer is not required to send
 45 two notices if the candidate serves as the treasurer of the candidate's principal campaign committee.

1 **SECTION 75.** ORS 260.532 is amended to read:

2 260.532. (1) [*No person shall*] **A person may not** cause to be written, printed, published, posted,
3 communicated or circulated, any letter, circular, bill, placard, poster, photograph or other publica-
4 tion, or cause any advertisement to be placed in a publication, or singly or with others pay for any
5 advertisement, with knowledge or with reckless disregard that the letter, circular, bill, placard,
6 poster, photograph, publication or advertisement contains a false statement of material fact relating
7 to any candidate, political committee or measure.

8 (2) As used in subsection (1) of this section, “cause” does not include the broadcast of an ad-
9 vertisement by a radio or television station or cable television company unless the advertisement
10 is for:

11 (a) The candidacy of the owner, licensee or operator of the station or company; or

12 (b) A ballot measure of which a chief petitioner is the owner, licensee or operator of the station
13 or company.

14 (3) A candidate who knows of and consents to a publication or advertisement prohibited by this
15 section with knowledge or with reckless disregard that it contains a false statement of material fact,
16 violates this section regardless of whether the candidate has participated directly in the publication
17 or advertisement.

18 (4) There is a rebuttable presumption that a candidate knows of and consents to any publication
19 or advertisement prohibited by this section caused by a political committee over which the candi-
20 date exercises any direction and control.

21 (5) Any candidate or political committee aggrieved by a violation of this section [*shall have*] **has**
22 a right of action against the person alleged to have committed the violation. The aggrieved party
23 may file the action in the circuit court for any county in this state in which a defendant resides or
24 can be found or, if the defendant is a nonresident of this state, in the circuit court for any county
25 in which the publication occurred. To prevail in such an action, the plaintiff must show by clear and
26 convincing evidence that the defendant violated subsection (1) of this section.

27 (6) A plaintiff who prevails in an action provided by subsection (5) of this section may recover
28 economic and noneconomic damages, as defined in ORS 31.710, or \$2,500, whichever is greater. The
29 court may award such additional equitable relief as it considers necessary or proper. The equitable
30 relief may include, but is not limited to, a requirement that a retraction of the false statement be
31 disseminated in the manner directed by the court. Proof of entitlement to economic and noneconomic
32 damages must be by a preponderance of evidence. The court shall award the prevailing party rea-
33 sonable attorney fees at trial and on appeal.

34 (7) A political committee has standing to bring an action provided by subsection (5) of this sec-
35 tion as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations
36 and publications has been injured by the violation and if it has fully complied with the provisions
37 of this chapter. In an action brought by a political committee as provided by subsection (5) of this
38 section, the plaintiff may recover economic and noneconomic damages for all injury to the purpose
39 of the committee as provided in subsection (6) of this section.

40 (8) If a judgment is rendered in an action under this section against a defendant who has been
41 nominated to public office or elected to a public office other than state Senator or state Represent-
42 ative, and it is established by clear and convincing evidence that the false statement was delib-
43 erately made or caused to be made by the defendant, the finder of fact shall determine whether the
44 false statement reversed the outcome of the election. If the finder of fact finds by clear and con-
45 vincing evidence that the false statement reversed the outcome of the election, the defendant shall

1 be deprived of the nomination or election and the nomination or office shall be declared vacant.

2 (9) An action under this section must be filed not later than the **sixth day after the primary**
 3 **election or nominating election relating to which a publication or advertisement in violation**
 4 **of this section was made and not later than the 30th day after [the] any other** election relating
 5 to which a publication or advertisement in violation of this section was made. Proceedings on a
 6 complaint filed under this section shall have precedence over all other business on the docket. The
 7 courts shall proceed in a manner which will ensure that:

8 (a) Final judgment on a complaint [*which*] **that** relates to a primary election, **presidential**
 9 **preference primary election** or nominating election is rendered before the 30th day before the
 10 general election; and

11 (b) Final judgment on a complaint which relates to an election to an office is rendered before
 12 the term of that office begins.

13 (10) The remedy provided by this section is the exclusive remedy for a violation of this section.

14 **SECTION 76.** ORS 171.185 is amended to read:

15 171.185. (1) Except as provided in subsection (2) of this section, an election called by the Leg-
 16 islative Assembly shall be held only on:

17 (a) The second Tuesday in March;

18 (b) The third Tuesday in May;

19 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**
 20 **September;** or

21 (d) The first Tuesday after the first Monday in November.

22 (2) An election may be held on a date other than that provided in subsection (1) of this section,
 23 if the Legislative Assembly by resolution or Act finds that an election sooner than the next avail-
 24 able election date is required on a measure to finance repairs to property damaged by fire,
 25 vandalism or a natural disaster.

26 **SECTION 77.** ORS 180.020 is amended to read:

27 180.020. The Attorney General shall be elected by the electors of this state at the [*regular*]
 28 general election in the same manner as other state officers are elected. The term of the Attorney
 29 General shall commence on the first Monday in January of the year succeeding election. The At-
 30 torney General shall hold office for the term of four years, and until a successor is elected and
 31 qualified.

32 **SECTION 78.** ORS 198.747 is amended to read:

33 198.747. (1) Notwithstanding any provision of ORS 198.705 to 198.955 that provides a different
 34 effective date, an annexation, withdrawal, consolidation or merger shall not become effective during
 35 the period:

36 (a) Beginning after the 90th day before a primary election, **presidential preference primary**
 37 **election** or general election and ending on the day after the election; or

38 (b) Beginning after the deadline for filing the notice of election before any other election held
 39 by any district or other municipal corporation involved in the annexation, withdrawal, consolidation
 40 or merger and ending on the day after the election.

41 (2) If the effective date established for an annexation, withdrawal, consolidation or merger is a
 42 date that is prohibited under this section, the annexation, withdrawal, consolidation or merger shall
 43 become effective on the day after the election.

44 (3) For the purposes of ORS 308.225 only, the effective date of an annexation shall be the date
 45 of the order declaring the annexation under ORS 198.855.

1 (4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form
2 with the county assessor and the Department of Revenue as provided in ORS 308.225.

3 **SECTION 79.** ORS 198.765 is amended to read:

4 198.765. (1) A petition shall not be accepted for filing unless the signatures thereon have been
5 secured within six months of the date on which the first signature on the petition was affixed. A
6 petition for formation of a district shall not be accepted for filing if it is not accompanied by the
7 economic feasibility statement required under ORS 198.749. When a petition for formation of a dis-
8 trict includes a proposed permanent rate limit for operating taxes, the petition shall be filed not
9 later than 180 days before the date of the next primary election [*or general election at which the*
10 *petition for formation will be voted upon*], **if the petition for formation will be voted upon at the**
11 **primary election or general election.** Petitions required to be filed with the county board shall
12 be filed with the county clerk of the principal county. Petitions required to be filed with the district
13 board shall be filed with the secretary of the district board. It is not necessary to offer all
14 counterparts of a petition for filing at the same time, but all counterparts when certified as provided
15 by subsection (3) of this section shall be filed at the same time.

16 (2) Within 10 days after the date a petition is offered for filing, the county clerk or district
17 secretary, as the case may be, shall examine the petition and determine whether it is signed by the
18 requisite number of qualified signers. In the case of a petition required or permitted to be signed
19 by landowners, within 10 days after the date a petition is offered for filing, the county assessor shall
20 examine the petition and determine whether it is signed by the requisite number of qualified land-
21 owners. If the requisite number of qualified signers have signed the petition, the county clerk or
22 district secretary shall file the petition. If the requisite number have not signed, the county clerk
23 or district secretary shall so notify the chief petitioners and may return the petition to the
24 petitioners.

25 (3) A petition shall not be filed unless the certificate of the county clerk or the district secretary
26 is attached thereto certifying that the county clerk or district secretary has compared the signa-
27 tures of the signers with the appropriate records, that the county clerk or district secretary has
28 ascertained therefrom the number of qualified signers appearing on the petition, and that the peti-
29 tion is signed by the requisite number of qualified signers. In the case of a petition required or
30 permitted to be signed by landowners, a petition shall not be filed unless the certificate of the
31 county assessor is attached thereto certifying that the county assessor has compared the signatures
32 of the signers with the appropriate records and that the petition is signed by the requisite number
33 of qualified landowners.

34 (4) No petition for dissolution shall be accepted for filing within one year after an election held
35 on the question of dissolution of a district.

36 **SECTION 80.** ORS 199.519 is amended to read:

37 199.519. (1) Notwithstanding any different effective date specified in ORS 199.480, 199.505 or
38 199.507, a boundary change under ORS 199.410 to 199.534 shall not become effective during the pe-
39 riod:

40 (a) Beginning after the 90th day before a primary election, **presidential preference primary**
41 **election** or general election and ending on the day after the election; or

42 (b) Beginning after the deadline for filing the notice of election before any other election held
43 by any city or district involved in the boundary change and ending on the day after the election.

44 (2) If the effective date established for a boundary change is a date that is prohibited under this
45 section, the boundary change shall become effective on the day after the election for voting pur-

1 poses.

2 (3) The provisions of this section do not apply if the territory affected by the boundary change
3 has no registered voters.

4 (4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form
5 with the county assessor and the Department of Revenue as provided in ORS 308.225.

6 **SECTION 81.** ORS 203.035 is amended to read:

7 203.035. (1) Subject to subsection (3) of this section, the governing body or the electors of a
8 county may by ordinance exercise authority within the county over matters of county concern, to
9 the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully
10 as if each particular power comprised in that general authority were specifically listed in ORS
11 203.030 to 203.075.

12 (2) The power granted by this section is in addition to other grants of power to counties, shall
13 not be construed to limit or qualify any such grant and shall be liberally construed, to the end that
14 counties have all powers over matters of county concern that it is possible for them to have under
15 the Constitutions and laws of the United States and of this state.

16 (3) An ordinance adopted by a county governing body that changes the number or mode of se-
17 lection of elective county officers shall not take effect unless the ordinance is submitted to and ap-
18 proved by the electors of the county at a primary election, **presidential preference primary**
19 **election**, general election or election held on the first Tuesday after the first Monday in November
20 of an odd-numbered year. However, an ordinance adopted under this section may not change the
21 mode of selection of a county assessor.

22 (4) Nothing in this section shall be construed to limit the rights of the electors of a county to
23 propose county ordinances through exercise of the initiative power.

24 **SECTION 82.** ORS 203.085 is amended to read:

25 203.085. (1) Except as provided in subsection (2) of this section, no election on a county measure
26 or for a county office shall be held on any date other than:

27 (a) The second Tuesday in March;

28 (b) The third Tuesday in May;

29 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**
30 **September; or**

31 (d) The first Tuesday after the first Monday in November.

32 (2) An emergency election may be held on a date other than those provided in subsection (1)
33 of this section, if the county governing body by resolution finds that an emergency exists that will
34 require an election sooner than the next available election date to avoid extraordinary hardship to
35 the community. A determination under this subsection as to whether an emergency exists is within
36 the sole discretion of the county governing body.

37 (3) A county governing body, with adequate notice, shall hold a public hearing, on a date other
38 than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that
39 an emergency exists before scheduling an election on a date other than those specified in subsection
40 (1) of this section.

41 (4) Notice of a county's intent to hold an emergency election shall be filed with the county
42 elections authority no later than 47 days preceding the desired election date. At the time the notice
43 of election is given to the county elections authority, the county shall also file with the elections
44 authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
45 county governing body to authorize the emergency election as required under subsection (3) of this

1 section.

2 **SECTION 83.** ORS 203.230 is amended to read:

3 203.230. (1) The county court of any county which has not adopted a county charter pursuant
4 to ORS 203.710 to 203.770, and in which the county judge has no judicial function, may order the
5 office of county judge abolished and create in lieu thereof a third county commissioner. The order
6 shall transfer all powers and duties of the county court and county judge to the board of county
7 commissioners and, unless referred to the people, shall be effective on the date specified therein.
8 The order made under this subsection may be referred to the people of the county for their approval
9 or rejection and, if approved, shall become operative on the date specified in the order referred. The
10 people of the county shall vote on such order at a primary election, **presidential preference pri-**
11 **mary election** or general election.

12 (2) If, in a year in which a county judge is to be elected in the county, the order made under
13 subsection (1) of this section is to become operative:

14 (a) On or subsequent to the date of the primary election **or presidential preference primary**
15 **election** but prior to the general election, then those persons nominated at the primary election for
16 the office of county judge shall be candidates for the office of county commissioner created in the
17 order.

18 (b) On or subsequent to the date of the [*regular*] general election, then the person elected to the
19 office of county judge shall, upon the expiration of the term of office of the county judge holding
20 office at the time the order was approved, take office as the county commissioner created in the
21 order if the order has become operative.

22 (3) When the order issued under subsection (1) of this section becomes operative, the county
23 judge shall, until the expiration of the term of office of the county judge, serve as the third county
24 commissioner. At the general election next preceding the expiration of the term of office of the
25 county judge there shall be elected, in addition to the two county commissioners provided by law
26 for each county, one county commissioner who shall possess the same qualifications and be subject
27 to the same provisions of law as the other county commissioners.

28 (4) The order issued under subsection (1) of this section may specify any or all of the following
29 relating to the third commissioner:

30 (a) Compensation that is different from the other commissioners;

31 (b) Powers and duties that are different from the other commissioners; and

32 (c) Service as chairperson of the board of commissioners.

33 (5) The person serving as county judge on the date the office is abolished shall serve as chair-
34 person of the board of county commissioners until the expiration of the term of office of that person
35 and shall be subject to the same provisions of law as the other county commissioners.

36 **SECTION 84.** ORS 203.710 is amended to read:

37 203.710. (1) The designation of county officers to perform functions under ORS 203.710 to 203.770
38 extends to those officers who, under a county charter or legislation enacted pursuant thereto, may
39 be designated to perform the same functions.

40 (2) References to the county court in ORS 203.710 to 203.770 include the board of county com-
41 missioners.

42 (3) As used in ORS 203.710 to 203.770, unless the context requires otherwise, "legally called
43 election" means any primary election, **presidential preference primary election** or general
44 election held throughout the county.

45 **SECTION 85.** ORS 221.040 is amended to read:

1 221.040. (1) When a petition for incorporation described in ORS 221.031 is signed by 20 percent
2 or, in a county with a population over 300,000, by 10 percent, of the electors registered in the area
3 proposed to be incorporated, the petition shall be filed with the county court of the county in which
4 the proposed petition was filed under ORS 221.031. A petition shall not be accepted for filing unless
5 all the signatures on the petition were obtained within the six-month period immediately following
6 the date on which the petitions were filed under ORS 221.031. Upon the filing of the petition, the
7 county court shall fix the time and place for the hearing of such petition and shall give notice
8 thereof by publication once each week for two successive weeks in a newspaper published in the
9 county where the petition is filed and of general circulation within the boundaries, and by posting
10 the notice for the same period of time in three public places in the area proposed to be incorporated.
11 The notice shall state the time and place of the hearing, describe the boundaries set forth in the
12 petition and state the purpose of the petition. If any portion of the proposed incorporation of a city
13 lies within another county or counties, then the notice shall be published in a newspaper of general
14 circulation in each of the counties and in the same time and manner.

15 (2) At the time and place fixed for the hearing, or at any time and place at which the hearing
16 may be continued or postponed, any person interested may appear and present oral or written ob-
17 jections to the granting of the petition, the forming of the proposed incorporated city or the esti-
18 mated rate of taxation set forth in the petition. The court may alter the boundaries as set forth in
19 the petition to include all territory which may be benefited by being included within the boundaries
20 of the proposed incorporated city, but shall not modify boundaries so as to exclude any land which
21 would be benefited by the formation of the proposed city. No land shall be included in the proposed
22 city which will not, in the judgment of the court, be benefited. If the court determines that any land
23 has been improperly omitted from the proposed city and the owner has not appeared at the hearing,
24 it shall continue the hearing and shall order notice given to the nonappearing owner requiring the
25 owner to appear before it and show cause, if any the owner has, why the owner's land should not
26 be included in the proposed city. The notice shall be given by publication and posting in the same
27 manner as the original notice for hearing and for the same period. For the purposes of this sub-
28 section, "owner" means the legal owner of record except that if there is a vendee under a duly re-
29 corded contract, the vendee shall be deemed to be the owner.

30 (3) Upon the final hearing of the petition, the court, if it approves the petition as originally
31 presented or in an altered form, shall provide by order for the holding of an election relating to the
32 incorporation of the proposed city. The order calling the election shall fix the date of the election
33 on the date of the next primary election, **presidential preference primary election** or general
34 election that is not sooner than the 90th day after the date of the order. The order shall contain:

35 (a) A description of the exterior boundaries of the proposed city as determined by the court. The
36 description shall be a metes and bounds or legal description prepared by the county surveyor or
37 county assessor. The description prepared under this paragraph shall accurately describe the exte-
38 rior boundaries of the proposed city as indicated on the map filed under ORS 221.031 (3) unless those
39 boundaries were altered by the county court, in which case the description shall accurately describe
40 the boundaries as altered;

41 (b) A provision requiring the county official in charge of elections to include on the ballot for
42 the election a description of the boundaries of the proposed city using streets and other generally
43 recognized features and a statement of the proposed permanent rate limit for operating taxes in-
44 cluded in the petition for incorporation of the proposed city as required by ORS 221.031, which
45 statement shall comply with the requirements of ORS 250.035; and

1 (c) The date on which the election will be held in the proposed city.

2 **SECTION 86.** ORS 221.180 is amended to read:

3 221.180. (1) This section and ORS chapters 249 and 254 govern the manner of nominating and
4 electing candidates for municipal offices in all cities.

5 (2) Notwithstanding ORS 249.037, if a city does not hold a nominating election for municipal
6 offices, a nominating petition or declaration of candidacy shall be filed not sooner than the [15th]
7 **250th** day [after the date of the primary election] and not later than the [70th] **85th** day before the
8 date of the [general] **primary** election. A candidate who is nominated under this subsection may
9 withdraw candidacy under ORS 249.830.

10 (3) All nominating petitions and declarations of candidacy shall be filed with the city elections
11 officer. If the city charter or ordinance provides a manner of filing for nomination, a candidate for
12 any office of that city shall file in that manner.

13 **SECTION 87.** ORS 221.230 is amended to read:

14 221.230. (1) Except as provided in subsection (2) of this section, no election on a city measure
15 or for a city office shall be held on any date other than:

16 (a) The second Tuesday in March;

17 (b) The third Tuesday in May;

18 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**
19 **September;** or

20 (d) The first Tuesday after the first Monday in November.

21 (2) An emergency election may be held on a date other than those provided in subsection (1)
22 of this section, if the city governing body by resolution finds that an emergency exists that will re-
23 quire an election sooner than the next available election date to avoid extraordinary hardship to the
24 community. A determination under this subsection as to whether an emergency exists is within the
25 sole discretion of the city governing body.

26 (3) A city governing body, with adequate notice, shall hold a public hearing, on a date other
27 than a regularly scheduled council meeting, for the purpose of making findings substantiating the
28 fact that an emergency exists before scheduling an election on a date other than those specified in
29 subsection (1) of this section.

30 (4) Notice of a city's intent to hold an emergency election shall be filed with the county
31 elections authority no later than 47 days preceding the desired election date. At the time the notice
32 of election is given to the county elections authority, the city shall also file with the elections au-
33 thority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
34 city governing body to authorize the emergency election as required under subsection (3) of this
35 section.

36 **SECTION 88.** ORS 222.040 is amended to read:

37 222.040. (1) Notwithstanding any provision of this chapter that provides a different effective
38 date, an annexation, transfer of territory, consolidation or merger under this chapter, or any re-
39 moval by a city by ordinance of a newly annexed area from a special district, shall not become ef-
40 fective during the period:

41 (a) Beginning after the 90th day before a primary election, **presidential preference primary**
42 **election** or general election and ending on the day after the election; or

43 (b) Beginning after the deadline for filing the notice of election before any other election held
44 by any city, district or other municipal corporation involved in the annexation, transfer of territory,
45 consolidation, merger or removal, and ending on the day after the election.

1 (2) If the effective date established for an annexation, transfer of territory, consolidation, merger
2 or removal is a date that is prohibited under this section, the annexation, transfer of territory,
3 consolidation, merger or removal shall become effective on the day after the election.

4 (3) For the purposes of ORS 308.225 only, the effective date of an annexation under ORS 222.180
5 shall be the date of filing of the abstract referred to in ORS 222.180.

6 **SECTION 89.** ORS 222.250 is amended to read:

7 222.250. (1) After the charter commission has prepared and adopted a charter, the secretary of
8 the charter commission shall file copies of the charter, certified as correct by the secretary or two
9 or more members of the commission, with the governing bodies of each of the incorporated cities to
10 be included in the proposed city. Within 30 days after the filing the governing bodies of the cities
11 shall meet in joint convention, at the usual place of meeting of the governing body of the city having
12 the largest population as shown by the last federal census, to adopt a ballot title for the question
13 of consolidation and adoption of a city charter and tax base. The ballot title shall comply with the
14 requirements of ORS 250.035. The permanent rate limit for operating taxes that is submitted to the
15 electors shall be the permanent rate limit included in the petition for consolidation filed under ORS
16 222.230.

17 (2) The election shall be held on the date of the next primary election, **presidential preference**
18 **primary election** or general election that is not earlier than the 90th day after the filing. The
19 election shall be called and held for the purpose of submitting the following question to the electors
20 of each incorporated city and of each unincorporated area to be included in the proposed city:

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

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

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

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

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

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

44 **SECTION 90.** ORS 241.002 is amended to read:

45 241.002. (1) If the majority of electors of any county voting at a *[regular]* general election pur-

1 suant to ORS 241.006 approve a proposal to establish, substitute or amend a system of civil service
2 under which county employees shall be employed, the system or amendments to an existing system
3 of civil service approved by the electors shall apply to such county.

4 (2) If ORS 241.016 to 241.990 become applicable in a county, "board of county commissioners"
5 as used in ORS 241.016 to 241.990 means the county court of a county which does not have a board
6 of county commissioners.

7 (3) If ORS 242.702 to 242.824 become applicable in a county, "governing body" as used in ORS
8 242.702 to 242.824 means the board of county commissioners or county court of a county, as the case
9 may be.

10 **SECTION 91.** ORS 244.050 is amended to read:

11 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
12 Government Ethics Commission a verified statement of economic interest as required under this
13 chapter:

14 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
15 Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and mem-
16 bers of the Legislative Assembly.

17 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
18 judicial officer who does not otherwise serve as a judicial officer.

19 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

20 (d) The Deputy Attorney General.

21 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
22 Secretary of the Senate and the Chief Clerk of the House of Representatives.

23 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
24 vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the
25 State Board of Higher Education.

26 (g) The following state officers:

27 (A) Adjutant General.

28 (B) Director of Agriculture.

29 (C) Manager of State Accident Insurance Fund Corporation.

30 (D) Water Resources Director.

31 (E) Director of Department of Environmental Quality.

32 (F) Director of Oregon Department of Administrative Services.

33 (G) State Fish and Wildlife Director.

34 (H) State Forester.

35 (I) State Geologist.

36 (J) Director of Human Services.

37 (K) Director of the Department of Consumer and Business Services.

38 (L) Director of the Department of State Lands.

39 (M) State Librarian.

40 (N) Administrator of Oregon Liquor Control Commission.

41 (O) Superintendent of State Police.

42 (P) Director of the Public Employees Retirement System.

43 (Q) Director of Department of Revenue.

44 (R) Director of Transportation.

45 (S) Public Utility Commissioner.

- 1 (T) Director of Veterans' Affairs.
- 2 (U) Executive Director of Oregon Government Ethics Commission.
- 3 (V) Director of the State Department of Energy.
- 4 (W) Director and each assistant director of the Oregon State Lottery.
- 5 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 6 (i) Every elected city or county official.
- 7 (j) Every member of a city or county planning, zoning or development commission.
- 8 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 9 cipal administrator of the city or county.
- 10 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 11 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 12 ficer thereof.
- 13 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 14 (o) The chief administrative officer and the financial officer of each common and union high
- 15 school district, education service district and community college district.
- 16 (p) Every member of the following state boards and commissions:
- 17 (A) Board of Geologic and Mineral Industries.
- 18 (B) Oregon Economic and Community Development Commission.
- 19 (C) State Board of Education.
- 20 (D) Environmental Quality Commission.
- 21 (E) Fish and Wildlife Commission of the State of Oregon.
- 22 (F) State Board of Forestry.
- 23 (G) Oregon Government Ethics Commission.
- 24 (H) Oregon Health Policy Commission.
- 25 (I) State Board of Higher Education.
- 26 (J) Oregon Investment Council.
- 27 (K) Land Conservation and Development Commission.
- 28 (L) Oregon Liquor Control Commission.
- 29 (M) Oregon Short Term Fund Board.
- 30 (N) State Marine Board.
- 31 (O) Mass transit district boards.
- 32 (P) Energy Facility Siting Council.
- 33 (Q) Board of Commissioners of the Port of Portland.
- 34 (R) Employment Relations Board.
- 35 (S) Public Employees Retirement Board.
- 36 (T) Oregon Racing Commission.
- 37 (U) Oregon Transportation Commission.
- 38 (V) Wage and Hour Commission.
- 39 (W) Water Resources Commission.
- 40 (X) Workers' Compensation Board.
- 41 (Y) Oregon Facilities Authority.
- 42 (Z) Oregon State Lottery Commission.
- 43 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- 44 (BB) Columbia River Gorge Commission.
- 45 (CC) Oregon Health and Science University Board of Directors.

1 (q) The following officers of the State Treasurer:

2 (A) Chief Deputy State Treasurer.

3 (B) Chief of staff for the office of the State Treasurer.

4 (C) Director of the Investment Division.

5 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
6 or 777.915 to 777.953.

7 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

8 (2) By [April 15] **August 15** next after the date an appointment takes effect, every appointed
9 public official on a board or commission listed in subsection (1) of this section shall file with the
10 Oregon Government Ethics Commission a statement of economic interest as required under ORS
11 244.060, 244.070 and 244.090.

12 (3) By [April 15] **August 15** next after the filing deadline for the primary election, each candi-
13 date for public office described in subsection (1) of this section shall file with the commission a
14 statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

15 (4) Within 30 days after the filing deadline for the general election, each candidate for public
16 office described in subsection (1) of this section who was not a candidate in the preceding primary
17 election, or who was nominated for public office described in subsection (1) of this section at the
18 preceding primary election by write-in votes, shall file with the commission a statement of economic
19 interest as required under ORS 244.060, 244.070 and 244.090.

20 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
21 appointed public officials as of [April 15] **August 15** and to persons who are candidates for public
22 office on [April 15] **August 15**. Subsections (1) to (4) of this section also apply to persons who do
23 not become candidates until 30 days after the filing deadline for the statewide general election.

24 (6) If a statement required to be filed under this section has not been received by the commis-
25 sion within five days after the date the statement is due, the commission shall notify the public of-
26 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
27 requirements of this section. If the public official or candidate fails to comply by the date set by the
28 commission, the commission may impose a civil penalty as provided in ORS 244.350.

29 **SECTION 92.** ORS 261.190 is amended to read:

30 261.190. (1) At all elections where the creation of a district is authorized, five directors shall
31 be elected to manage and transact the business of the district.

32 (2) Candidates for the office of director must be electors of this state, must have resided in the
33 proposed district continuously for not less than two years next preceding the date of the election,
34 and must continue to reside in the district during their term of office.

35 (3) All electors of the proposed district shall have the right to vote for five candidates at the
36 election.

37 (4) The five candidates receiving the highest number of votes in the area approved by the elec-
38 tors and declared by the county governing body to be a district shall be elected to serve until the
39 first Monday in January after the first [regular] general election which occurs not less than one
40 year following the election to create the district, and until their successors are elected and qualified.

41 **SECTION 93.** ORS 261.355 is amended to read:

42 261.355. (1) For the purpose of carrying into effect the powers granted in this chapter, any dis-
43 trict may issue and sell revenue bonds, when authorized by a majority of its electors voting at any
44 primary election, **presidential preference primary election**, general election or special election.

45 (2) All revenue bonds issued and sold under this chapter shall be so conditioned as to be paid

1 solely from that portion of the revenues derived by the district from the sale of water, waterpower
2 and electricity, or any of them, or any other service, commodity or facility which may be produced,
3 used or furnished in connection therewith, remaining after paying from those revenues all expenses
4 of operation and maintenance, including taxes.

5 (3) Notwithstanding subsection (1) of this section and subject to subsection (4) of this section,
6 any district may, by a duly adopted resolution of its board, issue and sell revenue bonds for the
7 purpose of financing betterments and extensions of the district, including renewable energy facilities
8 or the purchase or sale of electricity, electrical capacity or renewable energy certificates, but the
9 amount of revenue bonds so issued shall be limited to the reasonable value of the betterments and
10 extensions plus an amount not to exceed 10 percent thereof for administrative purposes. Revenue
11 bonds shall not be issued and sold for the purpose of acquiring an initial utility system or acquiring
12 property or facilities owned by another entity that provides electric utility service unless:

13 (a) The acquisition is a voluntary transaction between the district and the other entity that
14 provides electric utility service; or

15 (b) The electors within the district have approved issuance of the bonds by a vote.

16 (4) Not later than the 30th day prior to a board meeting at which adoption of a resolution under
17 subsection (3) of this section will be considered, the district shall:

18 (a) Provide for and give public notice, reasonably calculated to give actual notice to interested
19 persons including news media which have requested notice, of the time and place of the meeting and
20 of the intent of the board to consider and possibly adopt the resolution; and

21 (b) Mail to its customers notice of the time and place of the meeting and of the intent of the
22 board to consider and possibly adopt the resolution.

23 (5) Except as otherwise provided in this section, any authorizing resolution adopted for the
24 purposes of subsection (3) of this section shall provide that electors residing within the district may
25 file a petition with the district asking to have the question of whether to issue such bonds referred
26 to a vote.

27 (6) If within 60 days after adoption of a resolution under subsection (3) of this section the dis-
28 trict receives petitions containing valid signatures of not fewer than five percent of the electors of
29 the district, the question of issuing the bonds shall be placed on the ballot at the next date on which
30 a district election may be held under ORS 255.345 (1).

31 (7) When petitions containing the number of signatures required under subsection (6) of this
32 section are filed with the district within 60 days after adoption of a resolution under subsection (3)
33 of this section, revenue bonds shall not be sold until the resolution is approved by a majority of the
34 electors of the district voting on the resolution.

35 (8) Any district issuing revenue bonds may pledge that part of the revenue which the district
36 may derive from its operations as security for payment of principal and interest thereon remaining
37 after payment from such revenues of all expenses of operation and maintenance, including taxes, and
38 consistent with the other provisions of this chapter.

39 (9) Prior to any district board taking formal action to issue and sell any revenue bonds under
40 this section, the board shall have on file with the secretary of the district a certificate executed by
41 a qualified engineer that the net annual revenues of the district, including the property to be ac-
42 quired or constructed with the proceeds of the bonds, shall be sufficient to pay the maximum amount
43 that will be due in any one fiscal year for both principal of and interest on both the bonds then
44 proposed to be issued and all bonds of the district then outstanding.

45 (10) Except as otherwise provided in this section, the district shall order an election for the

1 authorization of revenue bonds to finance the acquisition or construction of an initial utility system,
2 including the replacement value of the unreimbursed investment of an investor owned utility in en-
3 ergy efficiency measures and installations within the proposed district, as early as practicable under
4 ORS 255.345 after filing the certificate required under subsection (9) of this section. An election for
5 the authorization of revenue bonds to finance the acquisition or construction of an initial utility
6 system shall be held no more than twice in any one calendar year for any district. In even-numbered
7 years no election shall be held on any other date than the date of the primary election, **presidential**
8 **preference primary election** or general election.

9 (11) A district may issue revenue bonds under ORS 287A.150 without an election authorizing the
10 issuance, except that revenue bonds shall not be issued under ORS 287A.150 for the purpose of ac-
11 quiring an initial utility system or acquiring property or facilities owned by another entity that
12 provides electric utility service unless:

13 (a) The acquisition is a voluntary transaction between the district and the other entity that
14 provides electric utility service; or

15 (b) The electors within the district have approved issuance of the bonds by a vote.

16 **SECTION 94.** ORS 261.360 is amended to read:

17 261.360. (1) When authorized by a majority of its electors voting at any primary election, **pres-**
18 **idential preference primary election** or general election or at a special election, at which special
19 election not less than 25 percent of the electors of the district voted on the question, any district
20 may issue and sell general obligation bonds so conditioned that the district shall therein and thereby
21 unconditionally undertake, promise and agree to pay the same in whole or in part from revenue or
22 from taxes or both.

23 (2) The general obligation bonds of the district outstanding at any time shall not exceed two and
24 one-half percent (0.025) of the real market value of all taxable property within the limits of the
25 district.

26 (3) General obligation bonds may be made payable primarily from and secured by a lien on and
27 pledge of the revenues derived by the district from its operations remaining after paying from such
28 revenues all expenses of operation and maintenance, and secondarily from taxes.

29 **SECTION 95.** ORS 261.710 is amended to read:

30 261.710. (1) The dissolution election may be called by the board of directors on their own motion
31 or by a petition filed with the directors of the district, signed by electors of the district equal in
32 number to not less than three percent of the total number of votes cast for all candidates for Gov-
33 ernor in the district at the most recent election at which a candidate for Governor was elected to
34 a full term, requesting the directors of the district to submit to the electors of the district the pro-
35 position of dissolving the district and settling its affairs.

36 (2) The petition shall be referred to the county clerk of each county wherein the district or any
37 part thereof is located. The county clerk of each of such counties shall examine the purported
38 signatures on the petition of electors of the county and shall certify as to the regularity and suffi-
39 ciency thereof. Where the district is located in more than one county, the certificate of the county
40 clerk of each county as to the regularity of the signatures on the petition shall be filed with the
41 Secretary of State, who shall accept the certificates by the county clerks as to the regularity of the
42 signatures, and based thereon, shall certify as to the sufficiency of all signatures on the petition.
43 Whenever a dissolution petition has been certified as sufficient, the certificate of sufficiency with
44 copy of the petition shall be transmitted to the directors of the district, who shall immediately call
45 an election to be held concurrently with a primary election, **presidential preference primary**

1 **election** or general election.

2 (3) If a majority of the electors of the district, voting at the election, votes in favor of dissol-
3 ution, the directors shall issue their proclamation dissolving the district and shall file the procla-
4 mation in the office of the county clerk of the county wherein the district is located.

5 (4) The district shall thereafter continue to exist solely for the purpose of settling its affairs as
6 provided in ORS 261.715 to 261.730.

7 **SECTION 96.** ORS 267.208 is amended to read:

8 267.208. (1) An alteration of the boundaries of a district under ORS 267.207 or 267.250 to 267.263
9 shall not become effective during the period:

10 (a) Beginning after the 90th day before a primary election, **presidential preference primary**
11 **election** or general election and ending on the day after the election; or

12 (b) Beginning after the deadline for filing the notice of election before any other election held
13 by the district and ending on the day after the election.

14 (2) If the effective date established for the alteration of the boundaries is a date that is prohib-
15 ited under this section, the alteration shall become effective on the day after the election.

16 (3) For the purposes of ORS 308.225 only, the effective date of an alteration of district bounda-
17 raries shall be the date on which the board adopts the ordinance altering the boundaries or, if such
18 an ordinance is initiated or referred, the date on which the ordinance is approved by the electors
19 as provided in ORS 267.207.

20 (4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form
21 with the county assessor and the Department of Revenue as provided in ORS 308.225.

22 **SECTION 97.** ORS 268.710 is amended to read:

23 268.710. (1) The electors of any metropolitan service district, by majority vote of such electors
24 voting thereon at any legally called election, may adopt, amend, revise or repeal a charter for the
25 district. The charter, or legislation passed by the district pursuant thereto, shall provide a method
26 whereby the electors of the district, by majority vote of such electors voting thereon at any legally
27 called election, may amend, revise or repeal the charter.

28 (2) Provisions of a district charter and district legislation that relate to the amendment, revision
29 or repeal of a district charter are matters of metropolitan concern and shall prevail over conflicting
30 provisions of state law that are first effective after January 1, 1999, unless such law specifically
31 provides otherwise. After January 1, 1997, no person may commence or maintain an action to
32 challenge the validity of a district charter existing and effective on January 1, 1997, on the basis
33 of inconsistency or conflict between the district charter and ORS 268.030, 268.300, 268.310, 268.317,
34 268.318, 268.320, 268.330, 268.340, 268.345, 268.357, 268.360, 268.370, 268.500, 268.505, 268.507, 268.520,
35 268.525, 268.530, 268.590, 268.600 to 268.660 and 268.990. To the extent that provisions of a district
36 charter limit the exercise of a power granted by the statutes listed in this subsection, the provisions
37 of the district charter shall be given full force and effect. In addition to any authority expressly
38 granted to a metropolitan service district by the Legislative Assembly, a district charter is an in-
39 dependent grant of authority by the affected electorate pursuant to section 1 (5), Article IV and
40 section 2, Article XI of the Oregon Constitution.

41 (3) A charter of a metropolitan service district shall prescribe the organization of the district
42 government and shall provide directly, or by its authority, for the number, election or appointment,
43 qualifications, tenure, compensation, powers and duties of such officers as the district considers
44 necessary. Such officers shall among them exercise all the powers and perform all the duties, as
45 granted to, imposed upon or distributed among district officers by the Constitution or laws of this

1 state, by the district charter or by its authority.

2 (4) Any reference to the executive officer of a metropolitan service district in statutes of this
3 state relating to elections or government ethics shall be construed to include any district officer
4 who serves in an elective office and performs executive functions. Any reference in a district charter
5 to a district court judge may be construed as referring to a judge of the circuit court.

6 (5) As used in this section, "legally called election" means an election held on the same date
7 as a primary election, **presidential preference primary election** or general election held through-
8 out this state.

9 (6) Consistent with ORS 197.013, the land use planning authority granted to a district under ORS
10 chapter 268 is a matter of statewide concern. Provisions of a district charter and implementing or-
11 dinances adopted and effective on January 1, 1997, that establish procedural requirements relating
12 to the exercise of land use planning authority of the district, including but not limited to require-
13 ments for local government advisory committees, are supplementary to ORS 268.380, 268.385, 268.390
14 and ORS chapter 197. After January 1, 1997, no person may commence or maintain an action to
15 challenge the validity of such district charter provisions or implementing ordinances on the basis
16 of inconsistency or conflict with the procedural requirements of ORS 268.380, 268.385 or 268.390 or
17 the procedural requirements of ORS chapter 197 existing on January 1, 1997.

18 (7) If a district charter is repealed, the provisions of the charter providing for district officers,
19 their powers and duties and the election of such officers shall continue in effect until the Legislative
20 Assembly provides by law for the restructuring or dissolution of the district.

21 **SECTION 98.** ORS 316.102 is amended to read:

22 316.102. (1) A credit against taxes shall be allowed for voluntary contributions in money made
23 in the taxable year:

24 (a) To a major political party qualified under ORS 248.006 or to a committee thereof or to a
25 minor political party qualified under ORS 248.008 or to a committee thereof.

26 (b) To or for the use of a person who must be a candidate for nomination or election to a fed-
27 eral, state or local elective office in any primary election, **presidential preference primary**
28 **election**, general election or special election in this state. The person must, in the calendar year in
29 which the contribution is made, either be listed on a primary election, **presidential preference**
30 **primary election**, general election or special election ballot in this state or have filed in this state
31 one of the following:

32 (A) A prospective petition;

33 (B) A declaration of candidacy;

34 (C) A certificate of nomination; or

35 (D) A designation of a principal campaign committee.

36 (c) To a political committee, as defined in ORS 260.005, if the political committee has certified
37 the name of its treasurer to the filing officer, as defined in ORS 260.005, in the manner provided in
38 ORS chapter 260.

39 (2) The credit allowed by subsection (1) of this section shall be the lesser of:

40 (a) The total contribution, not to exceed \$50 on a separate return; the total contribution, not to
41 exceed \$100 on a joint return; or

42 (b) The tax liability of the taxpayer.

43 (3) The claim for tax credit shall be substantiated by submission, with the tax return, of official
44 receipts of the candidate, agent, political party or committee thereof or political committee to whom
45 contribution was made.

1 **SECTION 99.** ORS 341.085 is amended to read:

2 341.085. (1) An election for the purpose of presenting the question of formation of a district and
3 establishing a permanent rate limit for operating taxes and the boundaries of the zones, if the zones
4 were recommended by the State Board of Education, shall be held to submit the question to the
5 electors registered in the proposed district designated in the recommendation of the state board. The
6 election shall be held not sooner than the 90th day after the effective date of the appropriation re-
7 quired by ORS 341.102. The election date shall be uniform throughout the proposed district, and
8 shall be set by the state board on a date specified in ORS 255.345. However, if the question of es-
9 tablishing a permanent rate limit for operating taxes is to be submitted, the election must be held
10 on the same date as the next primary election, **presidential preference primary election** or *[the*
11 *next]* general election, as determined by the state board.

12 (2) ORS chapter 255 and ORS 250.035 and 250.036 govern the notice and conduct of an election
13 under this section. The state board shall be the district elections authority for an election conducted
14 under this section. Notwithstanding ORS 255.305, the state board shall pay the expenses incurred
15 for the election.

16 (3) An elector registered in a precinct or in the portion of a precinct which is located within
17 the boundaries of the proposed district may vote on any matter arising at the election under sub-
18 section (1) of this section.

19 **SECTION 100.** ORS 358.375 is amended to read:

20 358.375. (1) In the case of a city museum, and when authorized by the electors of the city voting
21 at a primary election, **presidential preference primary election** or general election, the governing
22 body may issue general obligation or revenue bonds of the city for the purpose of providing all or
23 part of the funds necessary to acquire a museum site or sites and to construct the museum.

24 (2) In the case of a joint city museum, and when authorized by the electors of the two or more
25 cities voting at a primary election, **presidential preference primary election** or general election,
26 each city council of the two or more respective cities may issue general obligation bonds or revenue
27 bonds of each of the two or more respective cities for the purpose of providing such portion of the
28 funds necessary to acquire a museum site or sites and to construct the museum as is determined by
29 the governing body.

30 **SECTION 101.** ORS 607.025 is amended to read:

31 607.025. When, at the request of the petitioners, the election is to be held on a day other than
32 one on which a primary election, **presidential preference primary election** or general election is
33 scheduled to be held, and if the request is approved by the county court or board of county com-
34 missioners, one or more of the petitioners shall deposit money with the county clerk in an amount
35 to be fixed by the county court or board of county commissioners, which shall be a sum deemed by
36 it sufficient to defray the probable expenses of the special election. Until the money is deposited,
37 the county clerk shall neither take action nor incur expense in connection with the special election.
38 If the amount deposited exceeds the total expenses of the election, as ascertained by the county
39 clerk and certified by the county clerk to the county court or board of county commissioners, the
40 excess shall be returned to the petitioner or petitioners who deposited the money.

41 **SECTION 102.** ORS 777.326 is amended to read:

42 777.326. (1) This section applies when an annexation would increase the area of a port by one-
43 half or more, or would increase the assessed value of taxable property within a port by one-half or
44 more. An annexation proposal subject to this section, if approved by the county board, shall be
45 submitted to the electors at an election which shall be held at the same time as a primary

1 election, **presidential preference primary election** or general election.

2 (2) When the county board orders an election on the annexation proposal, the board shall adopt
 3 an order dividing or redividing the area of the port, including the territory annexed, into five sub-
 4 districts. The boundaries of the subdistricts shall be determined in accordance with ORS 777.155 and
 5 shall be described in the order calling the election on the proposed annexation.

6 (3) At the first regular district election following the effective date of the annexation, one
 7 commissioner from each of the five subdistricts established under subsection (2) of this section shall
 8 be elected. The terms of the incumbent commissioners shall terminate and the terms of the com-
 9 missioners elected under this subsection shall commence as provided in ORS 777.160.

10 (4) If the annexation is approved, the order proclaiming the annexation shall also describe the
 11 boundaries of the subdistricts established as provided by subsection (2) of this section.

12 **SECTION 103. (1) If a candidate has filed a nominating petition or declaration of candi-**
 13 **dacy under ORS 249.037 prior to the effective date of this 2009 Act for the primary election**
 14 **held on the third Tuesday in May 2010, the filing shall be considered a filing for the primary**
 15 **election held on the date of the primary election specified in ORS 254.056, as amended by**
 16 **section 1 of this 2009 Act.**

17 **(2) If a person holds the office of precinct committeeperson on the effective date of this**
 18 **2009 Act, the person's term of office, as specified in ORS 248.015, is extended until the 24th**
 19 **day after the date of the primary election specified in ORS 254.056, as amended by section 1**
 20 **of this 2009 Act.**

21 _____