

Enrolled House Bill 2256

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for Secretary of State Kate Brown)

CHAPTER

AN ACT

Relating to elections; creating new provisions; amending ORS 247.012, 249.088, 249.091, 250.175, 250.275, 253.065, 254.103, 255.075, 255.085, 255.135, 255.145, 260.345, 609.060, 609.095 and 609.100; and repealing ORS 609.040.

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

SECTION 1. ORS 247.012 is amended to read:

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

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

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

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

(d) Completing a registration card using the electronic voter registration system described in ORS 247.019.

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

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

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

(3) Registration of a qualified person occurs:

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

(b) On the date a registration card is postmarked if the card is received after the 21st day immediately preceding an election but is postmarked not later than the 21st day immediately preceding the election and is addressed to an office of any county clerk, the Office of the Secretary of State,

an office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208; or

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

(4) Except as provided in ORS 247.125, if a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address, date of birth and signature, the county clerk shall register the person. If this information is missing from the registration card or the date of birth is incomplete, the county clerk shall attempt to contact the person to obtain the missing or incomplete information. The county clerk may supply the registrant's date of birth from any previous registration of the registrant.

(5) If a registration card meets the requirements of subsection (4) of this section but is missing an indication of political party affiliation, the registrant shall be considered not affiliated with any political party. This subsection does not apply if an elector is updating a registration [*within the same county*].

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

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

(8) A registration card received and accepted under this section shall be considered an active registration.

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

SECTION 2. ORS 249.088 is amended to read:

249.088. [(1) *Unless otherwise provided by a home rule charter, at the nominating election held on the date of the primary election, two candidates shall be nominated for the nonpartisan office. However, when a candidate, other than a candidate for the office of sheriff, a candidate for the office of county clerk, a candidate for the office of county treasurer or a candidate to fill a vacancy, receives a majority of the votes cast for the office at the nominating election, that candidate is elected.*]

[(2) *When a candidate for the office of sheriff, the office of county clerk, the office of county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at the nominating election, that candidate alone is nominated.*]

(1) Except as provided in ORS 249.091, at the nominating election held on the date of the primary election:

(a) Unless a candidate for nonpartisan office receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) If a candidate for nonpartisan office receives a majority of votes cast for the office, that candidate is elected.

(2) The application of this section is subject to the provisions of a home rule charter.

SECTION 3. ORS 249.091 is amended to read:

249.091. (1) [*Unless otherwise provided by a home rule charter,*] If a nominating petition or declaration of candidacy is filed by no more than two candidates for the office of sheriff, [*the office of*] county treasurer or [*the office of*] county clerk or by no more than two candidates to fill a vacancy in a nonpartisan office:

[(1)] **(a)** The candidate or candidates [*shall be the nominee or nominees for the office*] **are nominated;** and

[(2)] **(b)** The name or names of the candidate or candidates may not be printed on the ballot at the nominating election.

(2) If a nominating petition or declaration of candidacy is filed by more than two candidates for the office of sheriff, county treasurer or county clerk or by more than two candidates to fill a vacancy in a nonpartisan office:

(a) Unless a candidate receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) If a candidate receives a majority of the votes cast for the office, that candidate alone is nominated.

(3) The application of this section is subject to the provisions of a home rule charter.

SECTION 4. ORS 253.065 is amended to read:

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

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

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

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

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

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

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

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

(a) Is qualified to vote;

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

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

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

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

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

(8) If the county clerk determines that an elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

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

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

NOTE: Section 5 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 6. ORS 250.175 is amended to read:

250.175. (1) When a prospective petition for a county measure to be referred is filed with the county clerk, the clerk shall authorize the circulation of the petition containing the title of the measure as enacted by the county governing body or, if there is no title, the title supplied by the

petitioner filing the prospective petition. The county clerk immediately shall send two copies of the prospective petition to the district attorney.

(2) Not later than the sixth business day after a prospective petition for a county measure to be initiated is filed with the county clerk, the clerk shall send two copies of it to the district attorney if the measure to be initiated has been determined to be in compliance with section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, as provided in ORS 250.168.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for the county measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the county clerk. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or initiated from the district attorney or the county governing body, shall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 250.195.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county clerk may publish a notice on the county's website for a minimum of seven days.

SECTION 7. ORS 250.275 is amended to read:

250.275. (1) When a prospective petition for a city measure to be referred is filed with the city elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the city governing body or, if there is no title, the title supplied by the petitioner filing the prospective petition. The city elections officer immediately shall send two copies of the prospective petition to the city attorney.

(2) Not later than the sixth business day after a prospective petition for a city measure to be initiated is filed with the city elections officer, the officer shall send two copies of it to the city attorney if the measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 250.270.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the city elections officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5)(a) The city elections officer, upon receiving a ballot title for a city measure to be referred or initiated from the city attorney or city governing body, shall publish in the next available edition of a newspaper of general distribution in the city a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 250.296.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the city elections officer may publish a notice on the city's website for a minimum of seven days.

NOTE: Section 8 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 9. ORS 254.103 is amended to read:

254.103. (1) **Except as provided in subsection (2) of this section,** the governing body of a county shall file with the county clerk each measure referred by the county governing body, **including the ballot title for each measure,** not later than the 61st day before the date of the election.

(2) If a measure to be submitted to the electors of a county at an election held on the first Tuesday after the first Monday in November was submitted on the election date in ORS 203.085 (1) immediately preceding the first Tuesday after the first Monday in November, the county governing body shall file the measure with the county clerk not later than the 47th day before an election held on the first Tuesday after the first Monday in November.

SECTION 10. ORS 255.075 is amended to read:

255.075. (1)(a) When a district election is to be held for the purpose of electing members of the district board, the elections officer shall publish a notice stating the date of the election, the board positions to be voted upon and the latest date on which candidates for election as board members may file petitions for nomination or declarations of candidacy. The notice shall be printed once in a newspaper of general circulation in the district not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the elections officer may publish a notice on the county's website for a minimum of seven days.

(2) In lieu of or in addition to publication of notice [*under*] **described in** subsection (1) of this section, the elections officer may give notice by mail to each elector of the district. The notice shall have postage prepaid and shall be considered given when mailed. The notice shall be made not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy. Proof of mailing shall be by affidavit of the district elections officer who mailed the notice. The affidavit shall state the time and place the notice was mailed.

(3) The Secretary of State by rule shall establish the procedures that the elections officer shall follow in maintaining adequate records for preparation of the notice [*required under*] **described in** subsection (1) of this section.

SECTION 11. ORS 255.085 is amended to read:

255.085. (1) Not later than the 61st day before a district election on a measure, the district elections authority shall deliver to the elections officer a notice stating the date of the election and a ballot title. The district elections authority shall prepare the ballot title for a measure referred by the authority with the assistance of the district attorney for the county of the elections officer or an attorney employed by the district elections authority.

(2) If a district submits a measure to the electors of the district at an election held on the first Tuesday after the first Monday in November and the district submitted a measure on the election date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after the first Monday in November, the district elections authority shall file the measure for the election held on the first Tuesday after the first Monday in November with the elections officer not later than the 47th day before an election held on the first Tuesday after the first Monday in November.

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

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

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

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

(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS 450.905.

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

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

(c) In addition to publishing the notice as described in paragraphs (a) and (b) of this subsection, the elections officer may publish the notice on the county's website for a minimum of seven days.

SECTION 12. ORS 255.145 is amended to read:

255.145. (1) When a prospective petition for a district measure to be referred is filed with the elections officer, the officer shall authorize the circulation of the petition containing the title of the

measure as enacted by the district elections authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The elections officer immediately shall send two copies of the prospective petition to the district attorney of the county in which the administrative office of the district is located.

(2) Not later than the sixth business day after a prospective petition for a district measure to be initiated is filed with the elections officer, the officer shall send two copies of it to the district attorney of the county in which the administrative office of the district is located if the measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 255.140.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the district attorney shall provide a ballot title for the district measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the elections officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5)(a) The elections officer, upon receiving a ballot title for a district measure to be referred or initiated from the district attorney, shall publish in the next available edition of a newspaper of general circulation in the district a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the elections officer may publish a notice on the county's website for a minimum of seven days.

SECTION 13. ORS 255.135 is amended to read:

255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the elections officer a prospective petition. The elections officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(3) The chief petitioners 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 initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners 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) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance to be referred and the date it was adopted by the district board.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the district.

(7) *[If] Unless otherwise provided by a district ordinance, the gathering of signatures [exceeds the] on a petition to initiate a district measure may not exceed a period of [one year] two years from the time the petition is approved for circulation. [, any of the chief petitioners, on or before the anniversary of approval of the petition for circulation:]*

[(a) Shall file annually with the elections officer a statement that the initiative petition is still active; and]

[(b) May submit to the elections officer for verification any signatures gathered on the petition in the preceding year.]

[(8) Not later than 30 days before the date that the chief petitioners must file a statement and submit signatures under subsection (7) of this section, the elections officer shall notify the chief petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt requested.]

[(9)] (8) The elections officer [shall] may not accept for filing any petition [which] that has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a district measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

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

SECTION 14. ORS 260.345 is amended to read:

260.345. (1) Any elector may file with any filing officer a written complaint alleging that a violation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260 has occurred and stating the reason for believing that the violation occurred and any evidence relating to it. **A complaint and any evidence relating to it may be filed electronically.** A complaint alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State, or any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney General shall not accept an anonymous complaint.

(2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed with any person other than the Secretary of State. If the complaint concerns the Secretary of State, any candidate for the office of the Secretary of State, or any political committee or person supporting the candidacy of the Secretary of State or of another person for the office of Secretary of State, the complaint and any additional information relating to the complaint shall be sent to the Attorney General.

(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State or Attorney General immediately shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Secretary of State or Attorney General considers necessary. Except as provided in this subsection, within 48 hours of receiving a complaint under subsection (1) or (2) of this section, the Secretary of State or Attorney General shall notify the person who is the subject of the complaint that a complaint has been received. If the Secretary of State or Attorney General receives a complaint or complaints involving 25 or more individuals, political committees or petition committees in any 24-hour period, the Secretary of State or Attorney General need not notify the persons who are the subjects of those complaints within 48 hours of receiving the complaints but shall notify those persons not later than 10 business days after receiving the complaint or complaints.

(4) If the Secretary of State believes after an investigation under subsection (3) of this section that a violation of an election law or rule has occurred, the secretary:

(a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall report the findings to the Attorney General and request prosecution. If the violation involves the Attorney General, a candidate for that office or a political committee or person supporting or opposing the Attorney General or a candidate for that office, the Secretary of State shall appoint another prosecutor for that purpose; or

(b) In the case of a violation not subject to a penalty under ORS 260.993, may impose a civil penalty under ORS 260.995.

(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving an alleged violation subject to a penalty under ORS 260.993, the Attorney General or other prosecutor immediately shall examine the complaint or report to determine whether a violation of an election law has occurred. If the Attorney General or prosecutor determines that a violation has occurred, the Attorney General or prosecutor immediately shall begin prosecution in the name of the state. The Attorney General or other prosecutor shall have the same powers in any county of this state as the district attorney for the county.

(6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged violation of an election law or rule not subject to a penalty under ORS 260.993, the Attorney General shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Attorney General considers necessary. If the Attorney General believes after an investigation that a violation of an election law or rule has occurred, the Attorney General may impose a civil penalty under ORS 260.995.

(7) In the case of an alleged violation subject to a civil penalty under ORS 260.995, a complaint shall be filed by an elector under this section no later than 90 days following the election at which a violation of an election law or rule is alleged to have occurred, or 90 days following the date the violation of an election law or rule is alleged to have occurred, whichever is later.

(8) A filing officer having reason to believe that a violation of an election law or rule has occurred shall proceed promptly as though the officer had received a complaint. Except as provided in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following the election at which a violation of an election law or rule is alleged to have occurred, or two years following the date the violation of an election law or rule is alleged to have occurred, whichever is later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading representation or the filing officer could not have reasonably discovered the alleged violation, the filing officer shall proceed no later than five years following the election at which a violation of an election law or rule is alleged to have occurred, or five years following the date the violation of an election law or rule is alleged to have occurred, whichever is later.

SECTION 15. ORS 609.060 is amended to read:

609.060. (1) If [*a majority of all votes cast in the election provided for by ORS 609.040 is against permitting dogs to run at large, or if*] the governing body of [*the*] **a county** by ordinance, **or a measure approved by the electors in an election conducted in accordance with ORS chapter 250**, prohibits dogs from running at large, the county shall give notice, by publication in [*some*] **a newspaper** having a general circulation in the county[, *and in the election precinct if the prohibition of dogs running at large affects any one precinct only, for three consecutive weeks*].

(2) After 60 days from the date of the notice, every person keeping a dog shall prevent the dog from running at large in any county[, *city or precinct*] **or city** where prohibited. A person who is the keeper of a dog is guilty of a violation if the dog runs at large [*in a county, city or precinct*] where prohibited.

(3) County license fees and **moneys that a county collects from** the penalty for violation of subsection (2) of this section or ORS 609.100[, *when collected,*] shall be paid into the county treasury, and kept in a special fund.

SECTION 16. ORS 609.095 is amended to read:

609.095. (1) A dog is a public nuisance if it:

(a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;

- (b) Damages or destroys property of persons other than the keeper of the dog;
- (c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;
- (d) Trespasses on private property of persons other than the keeper of the dog;
- (e) Disturbs any person by frequent or prolonged noises;
- (f) Is a female in heat and running at large; or
- (g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS 609.098.

(2) The keeper of a dog in a county[, *precinct*] or city that is subject to ORS 609.030 and 609.035 to 609.110 maintains a public nuisance if the dog commits an act described under subsection (1) of this section. Maintaining a dog that is a public nuisance is a violation.

(3) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under ORS 609.990 or if a keeper fails to provide acceptable proof of compliance to the court on or before the 10th day after issuance of the order imposing the restrictions. If the court finds the proof submitted by the keeper unacceptable, the court shall send notice of that finding to the keeper no later than five days after the proof is received.

(4) Any person who has cause to believe a keeper is maintaining a dog that is a public nuisance may complain, either orally or in writing, to the county[, *precinct*] or city. The receipt of any complaint is sufficient cause for the county[, *precinct*] or city to investigate the matter and determine whether the keeper of the dog is in violation of subsection (2) or (3) of this section.

SECTION 17. ORS 609.100 is amended to read:

609.100. (1) In a county[, *precinct*] or city having a dog control program under ORS 609.030, 609.035 to 609.110 and 609.405, every person keeping a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must be procured by paying a license fee to the county in which the person resides not later than March 1 of each year or within 30 days after the person becomes keeper of the dog. However, the county governing body may provide for dates other than March 1 for annual payment of fees. The fee for the license shall be determined by the county governing body in such amount as it finds necessary to carry out ORS 609.035 to 609.110. A license fee shall not be less than \$25 for each dog, except that the fee shall not be less than \$3 for each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the county. If the person fails to procure a license within the time provided by this section, the county governing body may prescribe a penalty in an additional sum to be set by the governing body.

(2) The county shall, at the time of issuing a license, supply the licensee, without charge, with a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee.

(3) The license fees in subsection (1) of this section do not apply to dogs that are kept primarily in kennels and are not permitted to run at large. The county governing body may establish a separate license for dogs that are kept primarily in kennels when the dogs cease to be considered inventory under ORS 307.400, the fee for which shall not exceed \$5 per dog.

(4) A license fee is not required to be paid for any dog kept by a person who is blind and who uses the dog as a guide. A license shall be issued for such dog upon the filing by the person who is blind of an affidavit with the county showing that the dog qualifies for exemption.

(5) The county shall keep a record of dog licenses.

(6) Notwithstanding any other provision of this section or ORS 609.015, when the keeper of a dog obtains a license for the dog, that license is valid and is in lieu of a license for the dog required by any other city or county within this state, for the remainder of the license period:

(a) If the keeper of the dog changes residence to a city or county other than the city or county in which the license was issued; or

(b) If the keeper of the dog transfers the keeping of the dog to a person who resides in a city or county other than the city or county in which the license was issued.

SECTION 18. ORS 609.040 is repealed.

SECTION 19. The amendments to ORS 609.060, 609.095 and 609.100 by sections 15 to 17 of this 2011 Act and the repeal of ORS 609.040 by section 18 of this 2011 Act do not invalidate any dog control program formed by one or more precincts prior to the effective date of this 2011 Act. Precincts that formed dog control programs prior to the effective date of this 2011 Act may continue to administer and enforce those programs on and after the effective date of this 2011 Act in the same manner as a city dog control program.

SECTION 20. (1) Except as provided in subsection (2) of this section, the amendments to ORS 255.135 by section 13 of this 2011 Act apply to petitions to initiate district measures for which a prospective petition is filed before, on or after January 1, 2012.

(2) The amendments to ORS 255.135 by section 13 of this 2011 Act do not apply to petitions to initiate district measures for which an election will be held on the measure on or before January 1, 2012.

Passed by House June 13, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 22, 2011

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

.....
Kate Brown, Secretary of State