

HOUSE AMENDMENTS TO HOUSE BILL 2256

By COMMITTEE ON RULES

June 2

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 and 4
2 and insert “247.012, 249.088, 249.091, 250.175, 250.275, 253.065, 254.074, 254.103, 254.483, 255.075,
3 255.085, 255.135, 255.145, 260.345, 609.060, 609.095 and 609.100; and repealing ORS 609.040.”.

4 Delete lines 6 through 27.

5 On page 2, delete lines 1 through 36 and insert:

6 “**SECTION 1.** ORS 247.012 is amended to read:

7 “247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

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

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

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

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

26 “(3) Registration of a qualified person occurs:

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

31 “(b) On the date a registration card is postmarked if the card is received after the 21st day
32 immediately preceding an election but is postmarked not later than the 21st day immediately pre-
33 ceding the election and is addressed to an office of any county clerk, the Office of the Secretary of
34 State, an office of the Department of Transportation or any designated voter registration agency as
35 described in ORS 247.208; or

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

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

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

16 “(6) If a registration card contains an unintentional scrivener’s error, the county clerk may at-
17 tempt to contact the person to correct the error.

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

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

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

24 “**SECTION 2.** ORS 249.088 is amended to read:

25 “249.088. [(1) *Unless otherwise provided by a home rule charter, at the nominating election held*
26 *on the date of the primary election, two candidates shall be nominated for the nonpartisan office.*
27 *However, when a candidate, other than a candidate for the office of sheriff, a candidate for the office*
28 *of county clerk, a candidate for the office of county treasurer or a candidate to fill a vacancy, receives*
29 *a majority of the votes cast for the office at the nominating election, that candidate is elected.*]

30 “[2) *When a candidate for the office of sheriff, the office of county clerk, the office of county*
31 *treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at the nomi-*
32 *nating election, that candidate alone is nominated.*]

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

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

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

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

40 “**SECTION 3.** ORS 249.091 is amended to read:

41 “249.091. (1) [*Unless otherwise provided by a home rule charter,*] If a nominating petition or
42 declaration of candidacy is filed by no more than two candidates for the office of sheriff, [*the office*
43 *of*] county treasurer or [*the office of*] county clerk or by no more than two candidates to fill a va-
44 cancy in a nonpartisan office:

45 “[1) (a) The candidate or candidates [*shall be the nominee or nominees for the office*] **are**

1 **nominated; and**

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

4 **“(2) If a nominating petition or declaration of candidacy is filed by more than two can-**
5 **didates for the office of sheriff, county treasurer or county clerk or by more than two can-**
6 **didates to fill a vacancy in a nonpartisan office:**

7 **“(a) Unless a candidate receives a majority of the votes cast for the office, the two can-**
8 **didates who receive the highest number of votes are nominated.**

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

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

12 **“SECTION 4.** ORS 253.065 is amended to read:

13 **“253.065. (1)** For electors with mailing addresses outside this state, the county clerk shall deliver
14 an absentee ballot:

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

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

18 **“(2)** For electors with mailing addresses in this state, except if requested by the elector, absen-
19 tee ballots delivered by mail shall be delivered:

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

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

25 **“(3)** The ballot may be delivered to the absent elector in the office of the clerk, by postage
26 prepaid mail or by any other appropriate means.

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

31 **“(a)** Is qualified to vote;

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

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

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

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

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

43 **“(8)** If the county clerk determines that an elector to whom a replacement ballot has been issued
44 at the request of the elector has voted more than once, the county clerk shall not count any ballot
45 cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot

1 for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

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

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

5 “**SECTION 5.** ORS 254.074 is amended to read:

6 “254.074. (1) Each county clerk shall file a county elections security plan with the Secretary of
7 State not later than:

8 “(a) January 31 of each calendar year; and

9 “(b) One business day after any revision is made to the county elections security plan.

10 “(2) A county elections security plan shall include, but is not limited to:

11 “(a) A written security agreement entered into with any vendor handling ballots;

12 “(b) Security procedures for transporting ballots;

13 “(c) Security procedures at official places of deposit for ballots;

14 “(d) Security procedures for processing ballots;

15 “(e) Security procedures governing election observers;

16 “(f) Security procedures for ballots located in county elections work areas, buildings and storage
17 areas;

18 “(g) Security procedures for vote tally systems, including computer access to vote tally systems;

19 “(h) Security procedures for scanning ballots into a vote tally system before the date of the
20 election, if applicable; and

21 “(i) Post-election ballot security, **including the security of and accounting for unused**
22 **ballots.**

23 “(3) A security plan developed and filed under this section is confidential and not subject to
24 disclosure under ORS 192.410 to 192.505.

25 “(4) A county clerk may not scan ballots as described in ORS 254.478 unless the Secretary of
26 State reviews and approves a security plan under this section.

27 “**SECTION 6.** ORS 250.175 is amended to read:

28 “250.175. (1) When a prospective petition for a county measure to be referred is filed with the
29 county clerk, the clerk shall authorize the circulation of the petition containing the title of the
30 measure as enacted by the county governing body or, if there is no title, the title supplied by the
31 petitioner filing the prospective petition. The county clerk immediately shall send two copies of the
32 prospective petition to the district attorney.

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

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

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

43 “(5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or
44 initiated from the district attorney or the county governing body, shall publish in the next available
45 edition of a newspaper of general circulation in the county a notice of receipt of the ballot title

1 including notice that an elector may file a petition for review of the ballot title not later than the
2 date referred to in ORS 250.195.

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

5 **“SECTION 7.** ORS 250.275 is amended to read:

6 “250.275. (1) When a prospective petition for a city measure to be referred is filed with the city
7 elections officer, the officer shall authorize the circulation of the petition containing the title of the
8 measure as enacted by the city governing body or, if there is no title, the title supplied by the
9 petitioner filing the prospective petition. The city elections officer immediately shall send two copies
10 of the prospective petition to the city attorney.

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

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

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

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

25 **“(b) In addition to publishing a notice as described in paragraph (a) of this subsection,**
26 **the city elections officer may publish a notice on the city’s website for a minimum of seven**
27 **days.”.**

28 In line 37, delete “4” and insert “8”.

29 In line 43, delete “5” and insert “9”.

30 On page 3, delete lines 8 through 45.

31 On page 4, delete lines 1 through 37 and insert:

32 **“SECTION 10.** ORS 255.075 is amended to read:

33 “255.075. (1)(a) When a district election is to be held for the purpose of electing members of the
34 district board, the elections officer shall publish a notice stating the date of the election, the board
35 positions to be voted upon and the latest date on which candidates for election as board members
36 may file petitions for nomination or declarations of candidacy. The notice shall be printed once in
37 a newspaper of general circulation in the district not later than the 40th day before the last day for
38 filing a petition for nomination or declaration of candidacy.

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

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

1 Proof of mailing shall be by affidavit of the district elections officer who mailed the notice. The
2 affidavit shall state the time and place the notice was mailed.

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

6 “**SECTION 11.** ORS 255.085 is amended to read:

7 “255.085. (1) Not later than the 61st day before a district election on a measure, the district
8 elections authority shall deliver to the elections officer a notice stating the date of the election and
9 a ballot title. The district elections authority shall prepare the ballot title for a measure referred
10 by the authority with the assistance of the district attorney for the county of the elections officer
11 or an attorney employed by the district elections authority.

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

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

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

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

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

22 “(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS
23 450.905.

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

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

34 “(c) **In addition to publishing the notice as described in paragraphs (a) and (b) of this**
35 **subsection, the elections officer may publish the notice on the county’s website for a mini-**
36 **imum of seven days.**

37 “**SECTION 12.** ORS 255.145 is amended to read:

38 “255.145. (1) When a prospective petition for a district measure to be referred is filed with the
39 elections officer, the officer shall authorize the circulation of the petition containing the title of the
40 measure as enacted by the district elections authority or, if there is no title, the title supplied by
41 the petitioner filing the prospective petition. The elections officer immediately shall send two copies
42 of the prospective petition to the district attorney of the county in which the administrative office
43 of the district is located.

44 “(2) Not later than the sixth business day after a prospective petition for a district measure to
45 be initiated is filed with the elections officer, the officer shall send two copies of it to the district

1 attorney of the county in which the administrative office of the district is located if the measure to
2 be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the
3 Oregon Constitution, as provided in ORS 255.140.

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

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

9 “(5)(a) The elections officer, upon receiving a ballot title for a district measure to be referred
10 or initiated from the district attorney, shall publish in the next available edition of a newspaper of
11 general circulation in the district a notice of receipt of the ballot title including notice that an
12 elector may file a petition for review of the ballot title not later than the date referred to in ORS
13 255.155.

14 “(b) **In addition to publishing a notice as described in paragraph (a) of this subsection,**
15 **the elections officer may publish a notice on the county’s website for a minimum of seven**
16 **days.”.**

17 In line 38, delete “9” and insert “13”.

18 On page 6, delete lines 2 through 38.

19 In line 39, delete “13” and insert “14”.

20 On page 8, delete lines 11 through 20 and insert:

21 “**SECTION 15.** ORS 609.060 is amended to read:

22 “609.060. (1) If [*a majority of all votes cast in the election provided for by ORS 609.040 is against*
23 *permitting dogs to run at large, or if*] the governing body of [*the*] **a county by ordinance, or a**
24 **measure approved by the electors in an election conducted in accordance with ORS chapter**
25 **250**, prohibits dogs from running at large, the county shall give notice, by publication in [*some*] **a**
26 newspaper having a general circulation in the county[, *and in the election precinct if the prohibition*
27 *of dogs running at large affects any one precinct only, for three consecutive weeks*].

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

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

35 “**SECTION 16.** ORS 609.095 is amended to read:

36 “609.095. (1) A dog is a public nuisance if it:

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

39 “(b) Damages or destroys property of persons other than the keeper of the dog;

40 “(c) Scatters garbage on premises other than premises from which the keeper of the dog may
41 lawfully exclude others;

42 “(d) Trespasses on private property of persons other than the keeper of the dog;

43 “(e) Disturbs any person by frequent or prolonged noises;

44 “(f) Is a female in heat and running at large; or

45 “(g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS 609.098.

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

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

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

13 “**SECTION 17.** ORS 609.100 is amended to read:

14 “609.100. (1) In a county[, *precinct*] or city having a dog control program under ORS 609.030,
15 609.035 to 609.110 and 609.405, every person keeping a dog that has a set of permanent canine teeth
16 or is six months old, whichever comes first, shall procure a license for the dog. The license must
17 be procured by paying a license fee to the county in which the person resides not later than March
18 1 of each year or within 30 days after the person becomes keeper of the dog. However, the county
19 governing body may provide for dates other than March 1 for annual payment of fees. The fee for
20 the license shall be determined by the county governing body in such amount as it finds necessary
21 to carry out ORS 609.035 to 609.110. A license fee shall not be less than \$25 for each dog, except
22 that the fee shall not be less than \$3 for each spayed female or neutered male dog for which a
23 veterinarian’s certificate of operation for the spaying or neutering of the dog is presented to the
24 county. If the person fails to procure a license within the time provided by this section, the county
25 governing body may prescribe a penalty in an additional sum to be set by the governing body.

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

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

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

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

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

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

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

44 “**SECTION 18.** ORS 609.040 is repealed.

45 “**SECTION 19.** The amendments to ORS 609.060, 609.095 and 609.100 by sections 15 to 17

1 of this 2011 Act and the repeal of ORS 609.040 by section 18 of this 2011 Act do not invalidate
2 any dog control program formed by one or more precincts prior to the effective date of this
3 2011 Act. Precincts that formed dog control programs prior to the effective date of this 2011
4 Act may continue to administer and enforce those programs on and after the effective date
5 of this 2011 Act in the same manner as a city dog control program.

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

9 “(2) The amendments to ORS 255.135 by section 13 of this 2011 Act do not apply to pe-
10 titions to initiate district measures for which an election will be held on the measure on or
11 before January 1, 2012.”
12
