

Enrolled
House Bill 2257

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 the voters' pamphlet; creating new provisions; amending ORS 250.127, 251.065, 251.115, 251.205, 251.215, 251.225, 251.245 and 251.255; and declaring an emergency.

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

SECTION 1. ORS 250.127 is amended to read:

250.127. (1) Not later than the 99th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the financial estimate committee created under ORS 250.125 shall prepare and **electronically** file with the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it necessary, a statement explaining the financial effects of the measure as described in ORS 250.125 (6). The financial estimate committee may begin preparation of the estimates and statement on the date that a petition is accepted for verification of signatures under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.

(2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes to the estimates or statement or to receive other information. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.

(3) The financial estimate committee shall consider suggestions and any other information submitted under subsection (2) of this section, and may file revised estimates or a revised statement with the Secretary of State not later than the 90th day before the election.

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

(5) If a majority of the members of the financial estimate committee do not approve the estimates or statement, the Secretary of State alone shall prepare, file and certify the estimates or statement not later than the 88th day before the election at which the measure is to be voted upon with the data upon which the estimates or statement is based.

(6) The support or opposition of any member of the financial estimate committee to the original or revised estimates or statement shall be indicated in the minutes of any meeting of the committee.

Meetings of the financial estimate committee shall be open to the public. Designees of the members of the financial estimate committee may attend any meetings of the committee in the place of the members, but the designees may not vote to approve or oppose any estimates or statement.

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

(8) If the estimates are not delivered to the county clerk by the 61st day before the election, the county clerk may proceed with the printing of ballots. The county clerk is not required to reprint ballots to include the estimates or to provide supplemental information that includes the estimates.

SECTION 2. ORS 251.065 is amended to read:

251.065. (1) Not later than the 68th day before the primary election, [any] a candidate or agent on behalf of the candidate for nomination or election at the primary election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or [any] a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a [printed or typewritten] statement of the reasons the candidate should be nominated or elected. A candidate or agent on behalf of the candidate for nomination or election to [any] a county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS 251.067.

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

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

(4)(a) A portrait and statement filed for a candidate for nomination or election to a state office as defined in ORS 249.002 may be filed electronically with the Secretary of State.

(b) Notwithstanding subsections (1) and (2) of this section, a portrait and statement filed electronically under this subsection may be filed with the secretary:

(A) Not later than the 64th day before the primary election; or

(B) Not later than the 68th day before the general election.

(c) Notwithstanding ORS 251.145, materials filed electronically under this subsection are exempt from public inspection until the fourth business day after the final date for filing materials set forth in subsections (1) and (2) of this section.

[4] (5) Subject to [subsections (1) to (3)] the requirements of this section, the Secretary of State by rule shall establish the format of the statements permitted under this section.

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

(b) A statement filed under this section must be printed or typewritten.

SECTION 2a. If House Bill 2433 becomes law, section 2 of this 2011 Act (amending ORS 251.065) is repealed and ORS 251.065, as amended by section 2, chapter __, Oregon Laws 2011 (Enrolled House Bill 2433), is amended to read:

251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not later than the 68th day before the primary election, [any] a candidate or agent on behalf of the candidate for nomination or election at the primary election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or [any] a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a [printed or typewritten] state-

ment of the reasons the candidate should be nominated or elected. A candidate or agent on behalf of the candidate for nomination or election to *[any]* a county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS 251.067.

(b) A portrait and statement may be filed not later than the 63rd day before the primary election in the event of a vacancy described in ORS 249.037 (2).

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

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

(4)(a) A portrait and statement filed for a candidate for nomination or election to a state office as defined in ORS 249.002 may be filed electronically with the Secretary of State.

(b) Notwithstanding subsections (1) and (2) of this section, a portrait and statement filed electronically under this subsection may be filed with the secretary:

(A) Not later than the 64th day before the primary election;

(B) Not later than the 68th day before the general election; or

(C) In the event of a vacancy described in ORS 249.037 (2), not later than the 63rd day before the primary election.

(c) Notwithstanding ORS 251.145, materials filed electronically under this subsection are exempt from public inspection until the fourth business day after the final date for filing materials set forth in subsections (1) and (2) of this section.

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

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

(b) A statement filed under this section must be printed or typewritten.

SECTION 3. ORS 251.115 is amended to read:

251.115. (1) Not later than the 70th day before the general election, the party officers as designated in the organizational documents of any statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a *[printed or typewritten]* statement of arguments for the success of its principles and election of its candidates on a statewide basis and opposing the principles and candidates of other political parties or organizations on a statewide basis.

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

(3)(a) Any statewide political party or assembly of electors having nominated candidates shall pay a fee of \$1,200 to the Secretary of State when the statement is filed or may submit a petition in a form prescribed by the secretary containing the signatures of 500 electors.

(b) Any less than statewide political party or assembly of electors having nominated candidates shall pay a fee of \$600 to the Secretary of State when the statement is filed or may submit a petition in a form prescribed by the secretary containing the signatures of 300 electors.

(c) The signatures on a petition submitted under this subsection shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the Secretary of State.

(4)(a) A statement of arguments filed under this section must be printed or typewritten.

(b) A statement of arguments filed by a statewide political party or assembly of electors may be filed electronically.

[4] (5) The Secretary of State by rule shall prescribe the size of the statements permitted under this section, except that any statewide political party or assembly of electors having nominated candidates shall be allotted more space than any less than statewide political party or assembly of electors having nominated candidates.

SECTION 4. ORS 251.205 is amended to read:

251.205. (1) As used in this section, “proponents” means:

(a) With respect to any state measure initiated or referred by petition, the chief petitioners; or

(b) With respect to a measure referred by the Legislative Assembly, the President of the Senate, who shall appoint a Senator, and the Speaker of the House of Representatives, who shall appoint a Representative.

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

(3) Not later than the 120th day before the election, the proponents of the measure shall appoint two members to the committee and notify the Secretary of State in writing of the selections. If the proponents do not appoint two members, the Secretary of State shall appoint two members of the committee from among supporters, if any, of the measure not later than the 118th day before the election.

(4) Not later than the 118th day before the election, the Secretary of State shall appoint two members of the committee from among the opponents, if any, of the measure.

(5) The four appointed members of the committee shall select the fifth member and notify the Secretary of State in writing of the selection. If the four members have not selected the fifth member by the 111th day before the election, the fifth member shall be appointed by the Secretary of State not later than the 109th day before the election.

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

(7) With respect to a measure referred by the Legislative Assembly, a Senator or Representative appointed under subsection [(2)] (1) of this section may disclose whether the Senator or Representative supports or opposes the state measure. The Secretary of State shall print the disclosure in the voters’ pamphlet following the explanatory statement.

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

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

SECTION 5. ORS 251.215 is amended to read:

251.215. (1) Not later than the 99th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the committee appointed under ORS 251.205 shall prepare and **electronically** file with the Secretary of State, an impartial, simple and understandable statement explaining the measure. The statement shall not exceed 500 words.

(2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes or other information relating to any explanatory statement. At the hearing any person may submit suggested changes or

other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.

(3) The committee for each measure shall consider suggestions and any other information submitted under subsection (2) of this section, and may file a revised statement with the Secretary of State not later than the 90th day before the election.

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

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

SECTION 6. ORS 251.225 is amended to read:

251.225. (1) The Legislative Counsel Committee shall prepare an impartial, simple and understandable statement of not more than 500 words explaining each state measure. The statement shall be filed **electronically** with the Secretary of State not later than the last day for filing a statement prepared under ORS 251.215.

(2) If an explanatory statement is not filed by a committee under ORS 251.215, the statement of the Legislative Counsel Committee shall be the explanatory statement of the measure, and shall be subject to the provisions of ORS 251.215.

SECTION 7. ORS 251.245 is amended to read:

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

(2) A joint committee consisting of one Senator, to be appointed by the President of the Senate, and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be appointed to prepare the argument. The committee shall **electronically** file the argument with the Secretary of State not later than the 70th day before a general election or the 68th day before a special election held on the date of any primary election. There shall be no fee for including an argument submitted under this section in the voters' pamphlet.

SECTION 8. ORS 251.255 is amended to read:

251.255. (1) Not later than the 70th day before a general election or the 68th day before a special election held on the date of any primary election at which a state measure is to be voted upon, any person may file with the Secretary of State [*a printed or typewritten*] **an** argument supporting or opposing the measure.

(2) A person filing an argument under this section shall pay a fee of \$1,200 to the Secretary of State when the argument is filed or may submit a petition in a form prescribed by the Secretary of State containing the signatures of 500 electors. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument. The signatures on each petition shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the Secretary of State.

(3) An argument filed under this section may be filed electronically.

[3] (4) The Secretary of State by rule shall establish the size and length of arguments permitted under ORS 251.245 and this section, except that the length of an argument may not exceed 325 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245 or this section.

SECTION 9. (1) The Secretary of State by rule shall adopt an electronic filing system to allow estimates, portraits, statements or arguments to be filed electronically using the Internet.

(2) The Secretary of State may adopt rules to administer this section.

SECTION 10. Section 9 of this 2011 Act and the amendments to ORS 250.127, 251.065, 251.115, 251.205, 251.215, 251.225, 251.245 and 251.255 by sections 1 to 8 of this 2011 Act become operative on January 1, 2012.

SECTION 11. Section 9 of this 2011 Act and the amendments to ORS 250.127, 251.065, 251.115, 251.205, 251.215, 251.225, 251.245 and 251.255 by sections 1 to 8 of this 2011 Act apply to estimates, portraits, statements or arguments filed on or after January 1, 2012.

SECTION 12. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House June 6, 2011

Received by Governor:

Repassed by House June 27, 2011

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

Approved:

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Ramona Kenady Line, Chief Clerk of House

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

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate June 23, 2011

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

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State