

# House Bill 2431

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Rules)

## 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**.

Requires estimates, portraits, statements and arguments included in voters' pamphlet regarding statewide candidates or measures to be filed electronically with Secretary of State.

## A BILL FOR AN ACT

1  
2 Relating to the voters' pamphlet; creating new provisions; and amending ORS 250.127, 251.065,  
3 251.115, 251.215, 251.225, 251.245 and 251.255.

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

5 **SECTION 1.** ORS 250.127 is amended to read:

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

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

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

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

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

**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 with the data upon which the estimates or statement is based.

2 (6) The support or opposition of any member of the financial estimate committee to the original  
 3 or revised estimates or statement shall be indicated in the minutes of any meeting of the committee.  
 4 Meetings of the financial estimate committee shall be open to the public. Designees of the members  
 5 of the financial estimate committee may attend any meetings of the committee in the place of the  
 6 members, but the designees may not vote to approve or oppose any estimates or statement.

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

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

13 **SECTION 2.** ORS 251.065 is amended to read:

14 251.065. (1) Not later than the 68th day before the primary election, [any] a candidate or agent  
 15 on behalf of the candidate for nomination or election at the primary election to the office of Presi-  
 16 dent or Vice President of the United States, United States Senator, Representative in Congress or  
 17 [any] a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the  
 18 candidate and a [printed or typewritten] statement of the reasons the candidate should be nominated  
 19 or elected. A candidate or agent on behalf of the candidate for nomination or election to [any] a  
 20 county or city office, or to an elected office of a metropolitan service district organized under ORS  
 21 chapter 268, may file a portrait and statement under this subsection if permitted under ORS 251.067.

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

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

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

34 **(b) A portrait and statement filed for a candidate for nomination or election to a state**  
 35 **office as defined in ORS 249.002 must be filed electronically.**

36 [(4)] (5) Subject to subsections (1) to [(3)] (4) of this section, the Secretary of State by rule shall  
 37 establish the format of the statements permitted under this section.

38 [(5)] (6) A portrait or statement filed under this section shall be accompanied by a telephone  
 39 or electronic facsimile transmission machine number where the candidate may be contacted for  
 40 purposes of ORS 251.087.

41 **SECTION 3.** ORS 251.115 is amended to read:

42 251.115. (1) Not later than the 70th day before the general election, the party officers as desig-  
 43 nated in the organizational documents of any statewide political party or assembly of electors hav-  
 44 ing nominated candidates may file with the Secretary of State a [printed or typewritten] statement  
 45 of arguments for the success of its principles and election of its candidates on a statewide basis and

1 opposing the principles and candidates of other political parties or organizations on a statewide  
 2 basis.

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

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

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

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

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

17 (b) **A statement of arguments filed by a statewide political party or assembly of electors**  
 18 **must be filed electronically.**

19 [(4)] (5) The Secretary of State by rule shall prescribe the size of the statements permitted under  
 20 this section, except that any statewide political party or assembly of electors having nominated  
 21 candidates shall be allotted more space than any less than statewide political party or assembly of  
 22 electors having nominated candidates.

23 **SECTION 4.** ORS 251.215 is amended to read:

24 251.215. (1) Not later than the 99th day before a special election held on the date of a primary  
 25 election or any general election at which any state measure is to be submitted to the people, the  
 26 committee appointed under ORS 251.205 shall prepare and **electronically** file with the Secretary of  
 27 State, an impartial, simple and understandable statement explaining the measure. The statement  
 28 shall not exceed 500 words.

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

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

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

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

44 **SECTION 5.** ORS 251.225 is amended to read:

45 251.225. (1) The Legislative Counsel Committee shall prepare an impartial, simple and under-

1 standable statement of not more than 500 words explaining each state measure. The statement shall  
 2 be filed **electronically** with the Secretary of State not later than the last day for filing a statement  
 3 prepared under ORS 251.215.

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

7 **SECTION 6.** ORS 251.245 is amended to read:

8 251.245. (1) For any measure referred to the electors by the Legislative Assembly, an argument  
 9 prepared by the Legislative Assembly in support of the measure may be printed in the voters' pam-  
 10 phlet. The size and length of an argument under this section shall be determined as specified in ORS  
 11 251.255.

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

18 **SECTION 7.** ORS 251.255 is amended to read:

19 251.255. (1) Not later than the 70th day before a general election or the 68th day before a special  
 20 election held on the date of any primary election at which a state measure is to be voted upon, any  
 21 person may file with the Secretary of State [*a printed or typewritten*] **an** argument supporting or  
 22 opposing the measure.

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

29 **(3) An argument filed under this section must be filed electronically.**

30 [(3)] (4) The Secretary of State by rule shall establish the size and length of arguments permitted  
 31 under ORS 251.245 and this section, except that the length of an argument may not exceed 325  
 32 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245  
 33 or this section.

34 **SECTION 8. The amendments to ORS 250.127, 251.065, 251.115, 251.215, 251.225, 251.245 and**  
 35 **251.255 by sections 1 to 7 of this 2011 Act apply to estimates, portraits, statements or argu-**  
 36 **ments filed on or after the effective date of this 2011 Act.**