

Enrolled
Senate Bill 147

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CHAPTER

AN ACT

Relating to the voters' pamphlet; amending ORS 251.065, 251.095, 251.115, 251.125, 251.135, 251.255 and 251.265.

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

SECTION 1. ORS 251.065 is amended to read:

251.065. (1)(a) Except as provided in paragraph (b) of this subsection, **not sooner than the 120th day and** not later than the 68th day before the primary election, 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 a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a 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 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 sooner than the 120th day and** not later than the 70th day before the general election, 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 a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a statement of the reasons the candidate should be elected. A candidate or agent on behalf of the candidate for election to 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 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) All portraits and statements described in this section must be filed using an electronic filing system designated by the Secretary of State under ORS 251.014.

(5) Subject to the requirements of this section, the Secretary of State by rule shall establish the format of the statements permitted under this section.

(6)[(a)] A portrait or statement filed under this section *[shall]* **must** 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 2. ORS 251.095 is amended to read:

251.095. (1) For space in the voters' pamphlet:

(a) Each candidate for nomination or election to the office of President or Vice President of the United States shall, at the time materials are filed under ORS 251.065, pay a fee of \$3,500 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors of the state.

(b) Each candidate for nomination or election to the office of United States Senator or any state office to be voted for in the state at large shall, at the time materials are filed under ORS 251.065, pay a fee of \$3,000 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors of the state.

(c) Each candidate for nomination or election to the office of Representative in Congress shall, at the time materials are filed under ORS 251.065, pay a fee of \$2,500 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 300 active electors of the candidate's electoral district.

(d) Each candidate for nomination or election to the office of state Senator or state Representative shall, at the time materials are filed under ORS 251.065, pay a fee of \$750 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 200 active electors of the candidate's electoral district.

(e) Each candidate for nomination or election to any other office shall, at the time materials are filed under ORS 251.065, pay a fee of \$600 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 200 active electors of the candidate's electoral district.

(2)(a) The signatures on a petition submitted under subsection (1) of this section shall be *[certified]* **verified** by the county clerk *[in the manner provided in ORS 249.008 or by]* **or** the Secretary of State. *[The petition shall be filed with the Secretary of State.]*

(b) The Secretary of State by rule shall establish procedures for verifying whether a petition submitted under subsection (1) of this section contains the required number of signatures of active electors.

(3) The space allotted to each candidate shall be used for materials filed under ORS 251.065, including the portrait and statement of reasons the candidate should be nominated or elected and the information required under ORS 251.085. *[If a portrait is not filed, the statement may cover the entire allotted space.]* The length of the statement *[shall]* **may** not exceed 325 words. All candidates shall be allowed the same amount of space. The Secretary of State by rule shall prescribe the size of the space allotted to each candidate, except that the space may not be smaller than 30 square inches.

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 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 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 active 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 active electors.

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

(d) The Secretary of State by rule shall establish procedures for verifying whether a petition submitted under this subsection contains the required number of signatures of active electors.

[*(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) A statement of arguments filed under this section must be filed using an electronic filing system designated by the Secretary of State under ORS 251.014.

(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.

(6) For purposes of this section, an “active elector” is a person whose registration is considered active as described in ORS 247.013.

SECTION 4. ORS 251.125 is amended to read:

251.125. (1) **In a section of the voters’ pamphlet that provides general information, the Secretary of State shall include a disclaimer in boldfaced type in substantially the following form:**

Information provided in statements or arguments submitted by a candidate, a political party, an assembly of electors or a person supporting or opposing a measure have not been verified for accuracy by the State of Oregon.

(2) At the bottom of each allotted space of the voters’ pamphlet containing a portrait or statement filed by a candidate, political party or assembly of electors, the Secretary of State shall include[.:]

[*(1) a statement identifying the person who furnished the portrait or statement. [; and]*

[*(2) A disclaimer in boldfaced type in substantially the following form:]*

[_____]

The above information has not been verified for accuracy by the State of Oregon.

[_____]

SECTION 5. ORS 251.135 is amended to read:

251.135. [Not later than the last day for filing material for inclusion in a voters' pamphlet, the person who paid the filing fee may receive a refund from the Secretary of State. When a refund is made, the material for which the fee was paid shall not be included in the pamphlet.]

(1) **Material filed for inclusion in the voters' pamphlet may be withdrawn on or before the deadline for filing material under ORS 251.065.**

(2) **A person who paid a fee for filing material for inclusion in a voters' pamphlet may receive a refund from the Secretary of State if the request for a refund is received by the secretary on or before the deadline for filing material under ORS 251.065. When a refund is made, the material for which the fee was paid may not be included in the voters' pamphlet.**

SECTION 6. 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 an argument supporting or opposing the measure.

(2)(a) 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 **active** electors. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument.

(b) The signatures on each petition shall be [*certified*] **verified** by the county clerk [*in the manner provided in ORS 249.008. The petition shall be filed with*] **or** the Secretary of State.

(c) **The Secretary of State by rule shall establish procedures for verifying whether a petition submitted under this subsection contains the required number of signatures of active electors.**

(3) An argument filed under this section [*may be filed electronically*] **must be filed using an electronic filing system designated by the Secretary of State under ORS 251.014.**

(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 7. ORS 251.265 is amended to read:

251.265. The Secretary of State shall include in the voters' pamphlet on the page of the printed argument on a measure the name of the person who submitted the argument, the name of the organization the person represents, if any, **and** whether the argument supports or opposes the measure. [*and a disclaimer in substantially the following form:*]

[_____]

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

[_____]

Passed by Senate May 8, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 20, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State