

D R A F T

SUMMARY

Establishes specific dates for elections on county measures, city measures and district measures that are not referred to people by county governing body, city governing body or district elections authority.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to local elections; creating new provisions; amending ORS 203.085,
3 221.230, 254.095, 254.103 and 255.185; and declaring an emergency.

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

5 **SECTION 1.** ORS 203.085 is amended to read:

6 203.085. (1) Except as provided in subsection [(2)] (3) of this section, no
7 election on a county measure **referred by the county governing body** or
8 for a county office shall be held on any date other than:

9 (a) The second Tuesday in March;

10 (b) The third Tuesday in May;

11 (c) The third Tuesday in September; or

12 (d) The first Tuesday after the first Monday in November.

13 **(2) Except as provided in subsection (3) of this section, no election**
14 **on a county measure other than a county measure referred by the**
15 **county governing body shall be held on any date other than the date**
16 **of the next primary election or general election for which the filing**
17 **deadline can be met.**

18 [(2)] (3) An emergency election may be held on a date other than those
19 provided in subsection (1) **or (2)** of this section[,] if the county governing
20 body by resolution finds that an emergency exists that will require an

1 election sooner than the next available election date to avoid extraordinary
 2 hardship to the community. A determination under this subsection as to
 3 whether an emergency exists is within the sole discretion of the county
 4 governing body.

5 ~~[(3)]~~ **(4)** A county governing body, with adequate notice, shall hold a
 6 public hearing, on a date other than a regularly scheduled meeting, for the
 7 purpose of making findings substantiating the fact that an emergency exists
 8 before scheduling an election on a date other than those specified in sub-
 9 section **(1) or (2)** of this section.

10 ~~[(4)]~~ **(5)** Notice of a county's intent to hold an emergency election shall
 11 be filed with the county elections authority no later than 47 days preceding
 12 the desired election date. At the time the notice of election is given to the
 13 county elections authority, the county shall also file with the elections au-
 14 thority a certified copy of the ballot title and a copy of the resolution and
 15 findings adopted by the county governing body to authorize the emergency
 16 election as required under subsection ~~[(3)]~~ **(4)** of this section.

17 **SECTION 2.** ORS 254.103 is amended to read:

18 254.103. (1) Except as provided in subsection (2) of this section, the gov-
 19 erning body of a county shall file with the county clerk each measure re-
 20 ferred by the county governing body, including the ballot title for each
 21 measure, not later than the 61st day before the date of the election.

22 (2) If a measure to be submitted to the electors of a county at ~~[an]~~ **a**
 23 **general** election held on the first Tuesday after the first Monday in No-
 24 vember was submitted on the election date in ORS 203.085 ~~[(1)]~~ immediately
 25 preceding the first Tuesday after the first Monday in November, the county
 26 governing body shall file the measure with the county clerk not later than
 27 the 47th day before an election held on the first Tuesday after the first
 28 Monday in November.

29 **SECTION 3.** ORS 221.230 is amended to read:

30 221.230. (1) Except as provided in subsection ~~[(2)]~~ **(3)** of this section, no
 31 election on a city measure **referred by the city governing body** or for a

1 city office shall be held on any date other than:

2 (a) The second Tuesday in March;

3 (b) The third Tuesday in May;

4 (c) The third Tuesday in September; or

5 (d) The first Tuesday after the first Monday in November.

6 **(2) Except as provided in subsection (3) of this section, no election**
7 **on a city measure other than a city measure referred by the city gov-**
8 **erning body shall be held on any date other than the date of the next**
9 **primary election or general election for which the filing deadline can**
10 **be met.**

11 [(2)] (3) An emergency election may be held on a date other than those
12 provided in subsection (1) or (2) of this section[,] if the city governing body
13 by resolution finds that an emergency exists that will require an election
14 sooner than the next available election date to avoid extraordinary hardship
15 to the community. A determination under this subsection as to whether an
16 emergency exists is within the sole discretion of the city governing body.

17 [(3)] (4) A city governing body, with adequate notice, shall hold a public
18 hearing, on a date other than a regularly scheduled council meeting, for the
19 purpose of making findings substantiating the fact that an emergency exists
20 before scheduling an election on a date other than those specified in sub-
21 section (1) or (2) of this section.

22 [(4)] (5) Notice of a city's intent to hold an emergency election shall be
23 filed with the county elections authority no later than 47 days preceding the
24 desired election date. At the time the notice of election is given to the
25 county elections authority, the city shall also file with the elections au-
26 thority a certified copy of the ballot title and a copy of the resolution and
27 findings adopted by the city governing body to authorize the emergency
28 election as required under subsection [(3)] (4) of this section.

29 **SECTION 4.** ORS 254.095 is amended to read:

30 254.095. (1) The chief elections officer of any city shall file with the
31 county clerk of the county in which the city hall of the city is located, a

1 statement of the city offices to be filled or for which candidates are to be
2 nominated at the election and information concerning all candidates for the
3 offices not later than the 61st day before the date of the election.

4 (2) Except as provided in subsection (3) of this section, the chief elections
5 officer of any city shall file with the county clerk of the county in which the
6 city hall is located, a statement of the city measures to be voted on, includ-
7 ing the ballot title for each measure, not later than the 61st day before the
8 date of the election.

9 (3) If a measure to be submitted to the electors of a city at *[an]* **a general**
10 election held on the first Tuesday after the first Monday in November was
11 submitted on the election date in ORS 221.230 *[(1)]* immediately preceding the
12 first Tuesday after the first Monday in November, the chief elections officer
13 of the city shall file the statement required for that measure in subsection
14 (2) of this section on the 47th day before an election held on the first Tues-
15 day after the first Monday in November.

16 (4) The chief elections officer of the city shall keep a copy of each state-
17 ment filed under this section.

18 (5) If a city is located in more than one county, the county clerk under
19 subsection (1) of this section shall immediately file the statement and infor-
20 mation required under subsection (1) of this section with the county clerk
21 of any other county in which the city is located.

22 **SECTION 5.** ORS 255.185 is amended to read:

23 255.185. (1) In a district that holds regular district elections, if an initi-
24 ative or referendum petition contains the required number of verified signa-
25 tures, the election on the district measure shall be held **at** *[on a district*
26 *election date specified by the district elections authority in the order calling*
27 *the election. The election date may not be sooner than]* the next available
28 **primary election, general election or regular district election** *[date in*
29 *ORS 255.345]* for which the filing deadline may be met and may not be later
30 than the first regular district election following the 40th day after the date
31 of the order.

1 (2) In a district that does not hold regular district elections, if an initi-
2 ative or referendum petition contains the required number of verified signa-
3 tures, the election on the district measure shall be held [on] **at** the next
4 available [*district election date in ORS 255.345*] **primary or general election**
5 for which the filing deadline may be met.

6 **SECTION 6. The amendments to ORS 203.085, 221.230, 254.095, 254.103**
7 **and 255.185 by sections 1 to 5 of this 2015 Act first apply to any measure**
8 **for which a petition has been certified to contain the required number**
9 **of verified signatures on or after the effective date of this 2015 Act.**

10 **SECTION 7. This 2015 Act being necessary for the immediate pres-**
11 **ervation of the public peace, health and safety, an emergency is de-**
12 **clared to exist, and this 2015 Act takes effect on its passage.**

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