

House Bill 2062

Introduced and printed pursuant to House Rule 12.00. 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**.

Establishes that, unless relevant authority calls for special election, county measure, city measure or district measure will be held on specified dates.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to local elections; creating new provisions; amending ORS 203.085, 221.230, 254.095, 254.103,
3 255.062 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 election [*on a county*
7 *measure or*] for a county office shall be held on any date other than:

8 (a) The second Tuesday in March;

9 (b) The third Tuesday in May;

10 (c) The third Tuesday in September; or

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

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

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

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

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

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

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.

1 254.103. (1) Except as provided in subsection (2) of this section, the governing body of a county
 2 shall file with the county clerk each measure referred by the county governing body, including the
 3 ballot title for each measure, not later than the 61st day before the date of the election.

4 (2) If a measure to be submitted to the electors of a county at [an] a **general** election held on
 5 the first Tuesday after the first Monday in November was submitted on the election date in ORS
 6 203.085 [(1)] immediately preceding the first Tuesday after the first Monday in November, the county
 7 governing body shall file the measure with the county clerk not later than the 47th day before an
 8 election held on the first Tuesday after the first Monday in November.

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

10 221.230. (1) Except as provided in subsection [(2)] (3) of this section, no election [on a city
 11 *measure or*] for a city office shall be held on any date other than:

- 12 (a) The second Tuesday in March;
- 13 (b) The third Tuesday in May;
- 14 (c) The third Tuesday in September; or
- 15 (d) The first Tuesday after the first Monday in November.

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

19 [(2)] (3) An emergency election may be held on a date other than those provided in subsection
 20 (1) **or** (2) of this section, if the city governing body by resolution finds that an emergency exists that
 21 will require an election sooner than the next available election date to avoid extraordinary hardship
 22 to the community. A determination under this subsection as to whether an emergency exists is
 23 within the sole discretion of the city governing body.

24 [(3)] (4) A city governing body, with adequate notice, shall hold a public hearing, on a date other
 25 than a regularly scheduled council meeting, for the purpose of making findings substantiating the
 26 fact that an emergency exists before scheduling an election on a date other than those specified in
 27 subsection (1) **or** (2) of this section.

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

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

35 254.095. (1) The chief elections officer of any city shall file with the county clerk of the county
 36 in which the city hall of the city is located, a statement of the city offices to be filled or for which
 37 candidates are to be nominated at the election and information concerning all candidates for the
 38 offices not later than the 61st day before the date of the election.

39 (2) Except as provided in subsection (3) of this section, the chief elections officer of any city
 40 shall file with the county clerk of the county in which the city hall is located, a statement of the
 41 city measures to be voted on, including the ballot title for each measure, not later than the 61st day
 42 before the date of the election.

43 (3) If a measure to be submitted to the electors of a city at [an] a **general** election held on the
 44 first Tuesday after the first Monday in November was submitted on the election date in ORS 221.230
 45 [(1)] immediately preceding the first Tuesday after the first Monday in November, the chief elections

1 officer of the city shall file the statement required for that measure in subsection (2) of this section
 2 on the 47th day before an election held on the first Tuesday after the first Monday in November.

3 (4) The chief elections officer of the city shall keep a copy of each statement filed under this
 4 section.

5 (5) If a city is located in more than one county, the county clerk under subsection (1) of this
 6 section shall immediately file the statement and information required under subsection (1) of this
 7 section with the county clerk of any other county in which the city is located.

8 **SECTION 5.** ORS 255.062 is amended to read:

9 255.062. Unless specifically provided otherwise **by the district elections authority**, when the
 10 district elections authority of a district that holds regular district elections refers a measure to the
 11 electors of the district, the election on the measure shall be held **at** *[on a district election date*
 12 *specified by the district elections authority in the order calling the election. The election date may not*
 13 *be sooner than]* the first available **primary election, general election or regular district election**
 14 *[election date in ORS 255.345 (1)]* for which the filing deadline can be met after the date of the order
 15 calling the election and may not be later than the next regular district election following the 61st
 16 day after the date of the order.

17 **SECTION 6.** ORS 255.185 is amended to read:

18 255.185. (1) In a district that holds regular district elections, if an initiative or referendum pe-
 19 tition contains the required number of verified signatures, the election on the district measure shall
 20 be held **at** *[on a district election date specified by the district elections authority in the order calling*
 21 *the election. The election date may not be sooner than]* the next available **primary election, general**
 22 **election or regular district election** *[date in ORS 255.345]* for which the filing deadline may be
 23 met and may not be later than the first regular district election following the 40th day after the date
 24 of the order.

25 (2) In a district that does not hold regular district elections, if an initiative or referendum pe-
 26 tition contains the required number of verified signatures, the election on the district measure shall
 27 be held *[on]* **at** the next available *[district election date in ORS 255.345]* **primary or general election**
 28 for which the filing deadline may be met.

29 **SECTION 7.** The amendments to ORS 203.085, 221.230, 254.095, 254.103, 255.062 and 255.185
 30 by sections 1 to 6 of this 2015 Act first apply:

31 (1) **With respect to initiatives or referenda that are instigated by the collection of sig-**
 32 **natures, to any measure that starts the signature gathering process on or after the effective**
 33 **date of this 2015 Act; and**

34 (2) **For all other initiatives and referenda, to any measure that is submitted to the people**
 35 **on or after the effective date of this 2015 Act.**

36 **SECTION 8.** This 2015 Act being necessary for the immediate preservation of the public
 37 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
 38 on its passage.