

House Bill 3433

Sponsored by Representative CLEM; Representative BUCKLEY (at the request of Greg Wasson)

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**.

Repeals statutes requiring review by local elections officials of proposed initiative measures for compliance with constitutional single subject rule.

A BILL FOR AN ACT

1
2 Relating to pre-election review of proposed initiative measures; creating new provisions; amending
3 ORS 250.175, 250.275 and 255.145; and repealing ORS 250.168, 250.270 and 255.140.

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

5 **SECTION 1.** ORS 250.175 is amended to read:

6 250.175. (1) When a prospective petition for a county measure to be referred is filed with the
7 county clerk, the clerk shall authorize the circulation of the petition containing the title of the
8 measure as enacted by the county governing body or, if there is no title, the title supplied by the
9 petitioner filing the prospective petition. The county clerk immediately shall send two copies of the
10 prospective petition to the district attorney.

11 (2) Not later than the sixth business day after a prospective petition for a county measure to
12 be initiated is filed with the county clerk, the clerk shall send two copies of it to the district at-
13 torney [*if the measure to be initiated has been determined to be in compliance with section 1 (2)(d),*
14 *Article IV, and section 10, Article VI of the Oregon Constitution, as provided in ORS 250.168*].

15 (3)(a) Not later than the fifth business day after receiving the copies of the prospective petition,
16 and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for the county
17 measure to be initiated or referred and return one copy of the prospective petition and certify the
18 ballot title to the county clerk.

19 (b) If the district attorney determines that a ballot title certified under this subsection contains
20 a clerical error, the district attorney may correct the error and certify to the county clerk a cor-
21 rected ballot title not later than the 10th business day after the date the ballot title was certified.

22 (c) A copy of the ballot title shall be furnished to the chief petitioner.

23 (4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the
24 district attorney under subsection (3) of this section is the title to be printed on the ballot.

25 (5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or in-
26 itiated from the district attorney or the county governing body, shall publish in the next available
27 edition of a newspaper of general circulation in the county a notice of receipt of the ballot title
28 including notice that an elector may file a petition for review of the ballot title not later than the
29 date referred to in ORS 250.195.

30 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county
31 clerk may publish a notice on the county's website for a minimum of seven days.

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 (6) As used in this section, “clerical error” means a typographical, arithmetical or grammatical
 2 error or omission that is evident from the text of the certified ballot title or by comparison of the
 3 text of the ballot title with a written explanation that was provided by the district attorney and
 4 issued concurrently with the certified ballot title.

5 **SECTION 2.** ORS 250.275 is amended to read:

6 250.275. (1) When a prospective petition for a city measure to be referred is filed with the city
 7 elections officer, the officer shall authorize the circulation of the petition containing the title of the
 8 measure as enacted by the city governing body or, if there is no title, the title supplied by the
 9 petitioner filing the prospective petition. The city elections officer immediately shall send two copies
 10 of the prospective petition to the city attorney.

11 (2) Not later than the sixth business day after a prospective petition for a city measure to be
 12 initiated is filed with the city elections officer, the officer shall send two copies of it to the city
 13 attorney *[if the measure to be initiated has been determined to be in compliance with section 1 (2)(d)*
 14 *and (5), Article IV of the Oregon Constitution, as provided in ORS 250.270].*

15 (3)(a) Not later than the fifth business day after receiving the copies of the prospective petition,
 16 the city attorney shall provide a ballot title for the city measure to be initiated or referred and re-
 17 turn one copy of the prospective petition and certify the ballot title to the city elections officer.

18 (b) If the city attorney determines that a ballot title certified under this subsection contains a
 19 clerical error, the city attorney may correct the error and certify to the city elections officer a
 20 corrected ballot title not later than the 10th business day after the date the ballot title was certified.

21 (c) A copy of the ballot title shall be furnished to the chief petitioner.

22 (4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the
 23 city attorney under subsection (3) of this section is the title to be printed on the ballot.

24 (5)(a) The city elections officer, upon receiving a ballot title for a city measure to be referred
 25 or initiated from the city attorney or city governing body, shall publish in the next available edition
 26 of a newspaper of general distribution in the city a notice of receipt of the ballot title including
 27 notice that an elector may file a petition for review of the ballot title not later than the date re-
 28 ferred to in ORS 250.296.

29 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the city
 30 elections officer may publish a notice on the city’s website for a minimum of seven days.

31 (6) As used in this section, “clerical error” means a typographical, arithmetical or grammatical
 32 error or omission that is evident from the text of the certified ballot title or by comparison of the
 33 text of the ballot title with a written explanation that was provided by the city attorney and issued
 34 concurrently with the certified ballot title.

35 **SECTION 3.** ORS 255.145 is amended to read:

36 255.145. (1) When a prospective petition for a district measure to be referred is filed with the
 37 elections officer, the officer shall authorize the circulation of the petition containing the title of the
 38 measure as enacted by the district elections authority or, if there is no title, the title supplied by
 39 the petitioner filing the prospective petition. The elections officer immediately shall send two copies
 40 of the prospective petition to the district attorney of the county in which the administrative office
 41 of the district is located.

42 (2) Not later than the sixth business day after a prospective petition for a district measure to
 43 be initiated is filed with the elections officer, the officer shall send two copies of it to the district
 44 attorney of the county in which the administrative office of the district is located *[if the measure to*
 45 *be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the*

1 *Oregon Constitution, as provided in ORS 255.140*].

2 (3) Not later than the fifth business day after receiving the copies of the prospective petition,
3 the district attorney shall provide a ballot title for the district measure to be initiated or referred
4 and return one copy of the prospective petition and the ballot title to the elections officer. Unless
5 the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

6 (4) A copy of the ballot title shall be furnished to the chief petitioner.

7 (5)(a) The elections officer, upon receiving a ballot title for a district measure to be referred or
8 initiated from the district attorney, shall publish in the next available edition of a newspaper of
9 general circulation in the district a notice of receipt of the ballot title including notice that an
10 elector may file a petition for review of the ballot title not later than the date referred to in ORS
11 255.155.

12 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the
13 elections officer may publish a notice on the county's website for a minimum of seven days.

14 **SECTION 4. ORS 250.168, 250.270 and 255.140 are repealed.**

15 **SECTION 5. The amendments to ORS 250.175, 250.275 and 255.145 by sections 1 to 3 of this**
16 **2015 Act and the repeal of ORS 250.168, 250.270 and 255.140 by section 4 of this 2015 Act apply**
17 **to any prospective initiative petition filed with a county clerk or a city elections officer on**
18 **or after the effective date of this 2015 Act.**

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