

D R A F T

SUMMARY

Requires procedural review of whether proposed initiative amendment to amend county charter satisfies single-vote requirement to occur before signature gathering.

A BILL FOR AN ACT

Relating to timing of procedural review of ballot measures seeking to amend county charters; creating new provisions; and amending ORS 203.725, 250.168 and 250.175.

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

SECTION 1. ORS 250.168 is amended to read:

250.168. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the county clerk shall determine in writing:

(a) Whether the initiative measure meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution[.];
and

(b) For a prospective petition seeking to amend a county charter, whether the initiative measure meets the requirements of ORS 203.725 (2).

(2) If the county clerk determines that the initiative measure meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, **and, if applicable, ORS 203.725 (2)**, the clerk shall proceed as required in ORS 250.175. The clerk shall include in the publication required under ORS 250.175 (5) a statement that the initiative measure

1 has been determined to meet the requirements of section 1 (2)(d), Article IV,
2 and section 10, Article VI of the Oregon Constitution, **and, if applicable,**
3 **ORS 203.725 (2).**

4 (3) If the county clerk determines that the initiative measure does not
5 meet the requirements of section 1 (2)(d), Article IV, and section 10, Article
6 VI of the Oregon Constitution, **and, if applicable, ORS 203.725 (2),** the
7 clerk shall immediately notify the petitioner, in writing by certified mail,
8 return receipt requested, of the determination.

9 (4) Any elector dissatisfied with a determination of the county clerk un-
10 der subsection (1) of this section may petition the circuit court of the judi-
11 cial district in which the county is located seeking to overturn the
12 determination of the clerk. If the elector is dissatisfied with a determination
13 that the initiative measure meets the requirements of section 1 (2)(d), Article
14 IV, and section 10, Article VI of the Oregon Constitution, **and, if applica-**
15 **ble, ORS 203.725 (2),** the petition must be filed not later than the seventh
16 business day after the ballot title is filed with the clerk. If the elector is
17 dissatisfied with a determination that the initiative measure does not meet
18 the requirements of section 1 (2)(d), Article IV, and section 10, Article VI
19 of the Oregon Constitution, **and, if applicable, ORS 203.725 (2),** the petition
20 must be filed not later than the seventh business day after the written de-
21 termination is made by the clerk.

22 (5) The review by the circuit court shall be the first and final review, and
23 shall be conducted expeditiously to ensure the orderly and timely circulation
24 of the petition.

25 **SECTION 2.** ORS 250.175 is amended to read:

26 250.175. (1) When a prospective petition for a county measure to be re-
27 ferred is filed with the county clerk, the clerk shall authorize the circulation
28 of the petition containing the title of the measure as enacted by the county
29 governing body or, if there is no title, the title supplied by the petitioner
30 filing the prospective petition. The county clerk immediately shall send one
31 copy of the prospective petition to the district attorney.

1 (2) Not later than the sixth business day after a prospective petition for
2 a county measure to be initiated is filed with the county clerk, the clerk
3 shall send one copy of it to the district attorney if the measure to be initi-
4 ated has been determined to be in compliance with section 1 (2)(d), Article
5 IV, and section 10, Article VI of the Oregon Constitution, **and, if applica-**
6 **ble, ORS 203 725 (2)**, as provided in ORS 250.168.

7 (3)(a) Not later than the fifth business day after receiving the copy of the
8 prospective petition, and notwithstanding ORS 203.145 (3), the district attor-
9 ney shall prepare a ballot title for the county measure to be initiated or re-
10 ferred and certify the ballot title to the county clerk.

11 (b) If the district attorney determines that a ballot title certified under
12 this subsection contains a clerical error, the district attorney may correct
13 the error and certify to the county clerk a corrected ballot title not later
14 than the 10th business day after the date the ballot title was certified.

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

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

19 (5)(a) The county clerk, upon receiving a ballot title for a county measure
20 to be referred or initiated from the district attorney or the county governing
21 body, shall publish in the next available edition of a newspaper of general
22 circulation in the county a notice of receipt of the ballot title including no-
23 tice that an elector may file a petition for review of the ballot title not later
24 than the date referred to in ORS 250.195.

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

28 (6) As used in this section, "clerical error" means a typographical, arith-
29 metical or grammatical error or omission that is evident from the text of the
30 certified ballot title or by comparison of the text of the ballot title with a
31 written explanation that was provided by the district attorney and issued

1 concurrently with the certified ballot title.

2 **SECTION 3.** ORS 203.725 is amended to read:

3 203.725. (1) A proposed amendment to a county charter, whether proposed
4 by the county governing body or by the people of the county in the exercise
5 of the initiative power, shall embrace but one subject and matters properly
6 connected therewith.

7 (2) When two or more amendments to a county charter are submitted to
8 the electors of the county for their approval or rejection at the same
9 election, they shall be so submitted that each amendment shall be voted on
10 separately.

11 *[(3) Notwithstanding any county charter or legislation enacted thereunder,
12 this section shall apply to every amendment of a county charter and shall take
13 precedence and prevail over any conflicting provisions in a county charter or
14 in legislation enacted thereunder.]*

15 **(3) Unless otherwise provided by a county charter, or legislation
16 enacted pursuant to a county charter, compliance with this section
17 shall be governed by the procedure set forth in ORS 250.168.**

18 **SECTION 4.** The amendments to ORS 203.725, 250.168 and 250.175 by
19 sections 1 to 3 of this 2019 Act apply to prospective initiative petitions
20 to amend county charters that are filed on or after the effective date
21 of this 2019 Act.

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