

Enrolled
House Bill 2696

Sponsored by Representative MCKEOWN; Representative KENNEMER (Presession filed.)

CHAPTER

AN ACT

Relating to the voters' pamphlet; amending ORS 251.067, 251.185 and 251.285.

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

SECTION 1. ORS 251.067 is amended to read:

251.067. (1) A candidate or agent on behalf of the candidate for nomination or election to any county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait or statement for inclusion in the state voters' pamphlet under ORS 251.065 if a county voters' pamphlet described in ORS 251.305 to 251.435 is not prepared for the election in each county in which the electoral district of the candidate is located.

(2) **A community college district measure relating to bonding**, a county measure or a measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, shall be included in the state voters' pamphlet as provided in ORS 251.285, if a county voters' pamphlet described in ORS 251.305 to 251.435 is not prepared:

(a) For the election on the county measure; or

(b) In each county in which the **community college district or** metropolitan service district is located, for the election on the **community college district measure relating to bonding or** metropolitan service district measure.

(3) If a county voters' pamphlet described in ORS 251.305 to 251.435 is prepared for an election at which a candidate for nomination or election to any county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, is listed on the ballot, or at which **a community college district measure relating to bonding**, a county measure or a measure of a metropolitan service district organized under ORS chapter 268 is listed on the ballot, the county voters' pamphlet shall include the county or city office, the office of the metropolitan service district or the **community college district measure relating to bonding**, county measure or measure of the metropolitan service district. Such offices and measures shall not be included in any state voters' pamphlet prepared for the election and distributed in the county for which the county voters' pamphlet is prepared.

(4) If a city, [or] metropolitan service district organized under ORS chapter 268 **or community college district** is located in more than one county, and a county in which the city, [or] metropolitan service district **or community college district** is located does not prepare a county voters' pamphlet described in ORS 251.305 to 251.435 for the election, candidates for nomination or election to any city office or an elected office of the metropolitan service district, and any **community college district measure relating to bonding or** measure of the metropolitan service district, shall be included in the state voters' pamphlet to be distributed to the county that does not prepare a

county voters' pamphlet. The Secretary of State shall designate the candidates and measures that may be included in the state voters' pamphlet under this subsection.

(5) As used in this section, "community college district" has the meaning given that term in ORS 341.005.

SECTION 2. ORS 251.285 is amended to read:

251.285. (1) If *[any]* **a community college district measure relating to bonding, a county measure or *[any]* a measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, are to be included by the Secretary of State in the state voters' pamphlet as provided in ORS 251.067, the requirements of this section shall be satisfied.**

(2) *[The county or district measure,]* **A community college district measure relating to bonding, a county measure or a metropolitan service district measure, and the ballot title, explanatory statement and arguments relating to the measure, shall not be printed in the voters' pamphlet unless:**

(a) The ballot title is a concise and impartial statement of the purpose of the measure;

(b) The explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect;

(c) The county, *[or]* metropolitan service district **or community college district** adopts and complies with an ordinance that provides a review procedure for a ballot title or explanatory statement *[which]* **that** is contested because it does not comply with the requirements of paragraph (a) or (b) of this subsection;

(d) The county, *[or]* metropolitan service district **or community college district** adopts and complies with an ordinance that provides for acceptance of typewritten arguments relating to the measure not to exceed 325 words to be printed in the voters' pamphlet; and

(e) The county, *[or]* metropolitan service district **or community college district** does not require of a person filing an argument a payment of more than \$300, or a petition containing more than a number of signatures equal to 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever is less.

(3) Any judicial review of a determination made under the review procedures adopted under subsection (2)(c) of this section shall be first and finally:

(a) **For a county measure,** in the circuit court of the judicial district in which the county is located; *or,*

(b) **For a community college district measure relating to bonding or a metropolitan service district measure,** in the circuit court of the judicial district in which the administrative office of the metropolitan service district **or community college district** is located.

(4) If the county, *[or]* metropolitan service district **or community college district** has adopted and complied with ordinances prescribed in subsection (2) of this section, the decision to include the *[county or district]* measure, ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

(a) The county governing body with regard to *[any]* a county measure, *[or]* the council of the metropolitan service district with regard to *[any]* a **metropolitan service district measure or the district elections authority with regard to a community college district measure relating to bonding.***;*

(b) The chief petitioners of the initiative or referendum with regard to a *[county or district]* measure initiated or referred by the people. The chief petitioners shall indicate their decision in a statement signed by all of the chief petitioners and *[filed with the county clerk or,]* **file the signed statement:**

(A) **For a county measure, with the county clerk;**

(B) **For a metropolitan service district measure,** with the executive officer of the metropolitan service district; *or*

(C) **For a community college district measure relating to bonding, with the district elections authority.**

(c) A political committee, as defined in ORS 260.005, that opposes the [county or district] measure. The committee shall indicate its decision in a statement signed by every committee director, as defined in ORS 260.005, and [filed with the county clerk or,] **file the signed statement:**

(A) For a county measure, with the county clerk;

(B) For a metropolitan service district measure, with the executive officer of the metropolitan service district; or

(C) For a community college district measure relating to bonding, with the district elections authority.

(5) The county, [or] metropolitan service district **or community college district** shall file the measure, ballot title, explanatory statement and arguments with the Secretary of State not later than the 70th day before the general election or the 68th day before a special election held on the date of any primary election. The county, [or] **metropolitan service district or community college district** shall pay to the Secretary of State the cost of including the [county or district] material **described in this subsection** in the pamphlet as determined by the secretary. The Secretary of State shall not [have this material printed] **print the material** in the pamphlet unless:

(a) The time for filing a petition for judicial review of a determination made under subsection (2)(c) of this section has passed; and

(b) The measure, title, statement and arguments properly filed with the county, [or] metropolitan service district **or community college district**, are delivered to the secretary.

(6) As used in this section, “community college district” has the meaning given that term in ORS 341.005.

SECTION 3. ORS 251.185 is amended to read:

251.185. (1) The Secretary of State shall have printed in the voters’ pamphlet for a general election or any special election a copy of the title and text of each state measure to be submitted to the people at the election for which the pamphlet was prepared. The pamphlet must include the procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet with:

(a) The number and ballot title of the measure;

(b) The financial estimates and any statement prepared for the measure under ORS 250.125;

(c) The explanatory statement prepared for the measure;

(d) Arguments relating to the measure and filed with the Secretary of State;

(e) Any racial and ethnic impact statement prepared for the measure under section 3, chapter 600, Oregon Laws 2013; and

(f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

(2) **A community college district measure relating to bonding**, a county measure or a measure of a metropolitan service district organized under ORS chapter 268, and **the** ballot title, explanatory statement and arguments relating to the measure, filed by the county, [or] metropolitan service district **or community college district** under ORS 251.285 shall be included in the voters’ pamphlet described in subsection (1) of this section if required under ORS 251.067.

(3) As used in this section, “community college district” has the meaning given that term in ORS 341.005.

SECTION 4. ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, and section 5, chapter 72, Oregon Laws 2014, is amended to read:

251.185. (1) The Secretary of State shall have printed in the voters’ pamphlet for a general election or any special election a copy of the title and text of each state measure to be submitted to the people at the election for which the pamphlet was prepared. The pamphlet must include the procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet with:

(a) The number and ballot title of the measure;

(b) The financial estimates and any statement prepared for the measure under ORS 250.125;

(c) The explanatory statement prepared for the measure;

(d) Arguments relating to the measure and filed with the Secretary of State; and

(e) Any statement submitted for the measure by a citizen panel under ORS 250.141.

(2) **A community college district measure relating to bonding**, a county measure or a measure of a metropolitan service district organized under ORS chapter 268, and **the** ballot title, explanatory statement and arguments relating to the measure, filed by the county, [or] metropolitan service district **or community college district** under ORS 251.285 shall be included in the voters' pamphlet described in subsection (1) of this section if required under ORS 251.067.

(3) **As used in this section, "community college district" has the meaning given that term in ORS 341.005.**

Passed by House May 3, 2017

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 6, 2017

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State