

# House Bill 2696

Sponsored by Representative MCKEOWN (Presession filed.)

## 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**.

Permits candidates for office in special district and ballot measures for special district to be included in state voters' pamphlet if certain conditions met. Establishes procedures for inclusion in pamphlet.

## A BILL FOR AN ACT

1  
2 Relating to the voters' pamphlet; amending ORS 251.065, 251.067, 251.165, 251.185 and 251.285.

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

4 **SECTION 1.** ORS 251.067 is amended to read:

5 251.067. (1) A candidate or agent on behalf of the candidate for nomination or election to any  
6 county, [*or*] city **or special district** office, or to an elected office of a metropolitan service district  
7 organized under ORS chapter 268, may file a portrait or statement for inclusion in the state voters'  
8 pamphlet under ORS 251.065 if a county voters' pamphlet described in ORS 251.305 to 251.435 is not  
9 prepared for the election in each county in which the electoral district of the candidate is located.

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

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

15 (b) In each county in which the **special district or** metropolitan service district is located, for  
16 the election on the **special district measure or** metropolitan service district measure.

17 (3) If a county voters' pamphlet described in ORS 251.305 to 251.435 is prepared for an election  
18 at which a candidate for nomination or election to any county, [*or*] city **or special district** office,  
19 or to an elected office of a metropolitan service district organized under ORS chapter 268, is listed  
20 on the ballot, or at which a county measure, **special district measure** or a measure of a metro-  
21 politan service district organized under ORS chapter 268 is listed on the ballot, the county voters'  
22 pamphlet shall include the county, [*or*] city **or special district** office, the office of the metropolitan  
23 service district or the county measure, [*or*] **special district measure or** measure of the metropol-  
24 itan service district. Such offices and measures shall not be included in any state voters' pamphlet  
25 prepared for the election and distributed in the county for which the county voters' pamphlet is  
26 prepared.

27 (4) If a city, [*or*] **special district or** metropolitan service district organized under ORS chapter  
28 268 is located in more than one county, and a county in which the city, [*or*] **special district or**  
29 metropolitan service district is located does not prepare a county voters' pamphlet described in ORS  
30 251.305 to 251.435 for the election, candidates for nomination or election to any city office, **special**  
31 **district office** or an elected office of the metropolitan service district, and any measure of the

**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 **special district or** metropolitan service district, shall be included in the state voters' pamphlet to  
 2 be distributed to the county that does not prepare a county voters' pamphlet. The Secretary of State  
 3 shall designate the candidates and measures that may be included in the state voters' pamphlet un-  
 4 der this subsection.

5 **(5) As used in this section, "special district" has the meaning given the term "district"**  
 6 **in ORS 255.012.**

7 **SECTION 2.** ORS 251.285 is amended to read:

8 251.285. (1) If [*any*] **a county measure, a special district measure** or [*any*] **a measure of a**  
 9 metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory  
 10 statement and arguments relating to the measure, are to be included by the Secretary of State in  
 11 the state voters' pamphlet as provided in ORS 251.067, the requirements of this section shall be  
 12 satisfied.

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

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

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

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

23 (d) The county, **special district** or metropolitan service district adopts and complies with an  
 24 ordinance that provides for acceptance of typewritten arguments relating to the measure not to ex-  
 25 ceed 325 words to be printed in the voters' pamphlet; and

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

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

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

34 (b) **For a special district measure or metropolitan service** district measure, in the circuit  
 35 court of the judicial district in which the administrative office of the **special district or** metropol-  
 36 itan service district is located.

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

41 (a) The county governing body with regard to [*any*] **a county measure, the district elections**  
 42 **authority with regard to a special district measure** or the council of the metropolitan service  
 43 district with regard to [*any*] **a metropolitan service** district measure.[;]

44 (b) The chief petitioners of the initiative or referendum with regard to a [*county or district*]  
 45 measure initiated or referred by the people. The chief petitioners shall indicate their decision in a

1 statement signed by all of the chief petitioners and *[filed with the county clerk or,]* **file the signed**  
 2 **statement:**

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

4 **(B) For a special district measure, with the district elections authority; or**

5 **(C) For a metropolitan service district measure, with the executive officer of the metropolitan**  
 6 **service district.;** *[ or]*

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

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

11 **(B) For a special district measure, with the district elections authority; or**

12 **(C) For a metropolitan service district measure, with the executive officer of the metropolitan**  
 13 **service district.**

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

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

23 (b) The measure, title, statement and arguments properly filed with the county, **special district**  
 24 or metropolitan service district, are delivered to the secretary.

25 **(6) As used in this section, “special district” has the meaning given the term “district”**  
 26 **in ORS 255.012.**

27 **SECTION 3.** ORS 251.065 is amended to read:

28 251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not sooner than the 120th  
 29 day and not later than the 68th day before the primary election, a candidate or agent on behalf of  
 30 the candidate for nomination or election at the primary election to the office of President or Vice  
 31 President of the United States, United States Senator, Representative in Congress or a state office  
 32 as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a  
 33 statement of the reasons the candidate should be nominated or elected. A candidate or agent on  
 34 behalf of the candidate for nomination or election to a county, *[or]* city **or special district** office,  
 35 or to an elected office of a metropolitan service district organized under ORS chapter 268, may file  
 36 a portrait and statement under this subsection if permitted under ORS 251.067.

37 (b) A portrait and statement may be filed not later than the 63rd day before the primary election  
 38 in the event of a vacancy described in ORS 249.037 (2).

39 (2) Not sooner than the 120th day and not later than the 70th day before the general election,  
 40 a candidate or agent on behalf of the candidate for election at the general election to the office of  
 41 President or Vice President of the United States, United States Senator, Representative in Congress  
 42 or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the  
 43 candidate and a statement of the reasons the candidate should be elected. A candidate or agent on  
 44 behalf of the candidate for election to a county, *[or]* city **or special district** office, or to an elected  
 45 office of a metropolitan service district organized under ORS chapter 268, may file a portrait and

1 statement under this subsection if permitted under ORS 251.067.

2 (3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary  
 3 of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and  
 4 a statement of the reasons the candidate should be nominated or elected.

5 (4) All portraits and statements described in this section must be filed using an electronic filing  
 6 system designated by the Secretary of State under ORS 251.014.

7 (5) Subject to the requirements of this section, the Secretary of State by rule shall establish the  
 8 format of the statements permitted under this section.

9 (6) A portrait or statement filed under this section must be accompanied by a telephone or  
 10 electronic facsimile transmission machine number where the candidate may be contacted for pur-  
 11 poses of ORS 251.087.

12 **(7) As used in this section, “special district” has the meaning given the term “district”**  
 13 **in ORS 255.012.**

14 **SECTION 4.** ORS 251.165 is amended to read:

15 251.165. (1) The Secretary of State shall prepare:

16 (a) A list of the names of candidates for nomination or election at the primary election to the  
 17 offices of President or Vice President of the United States, United States Senator, Representative  
 18 in Congress, any state office other than justice of the peace and any county, [or] city **or special**  
 19 **district** office or elected office of a metropolitan service district required to be included under ORS  
 20 251.067, or a list of names of candidates for election at the general election to the offices of Presi-  
 21 dent or Vice President of the United States, United States Senator, Representative in Congress, any  
 22 state office other than justice of the peace and any county, [or] city **or special district** office or  
 23 elected office of a metropolitan service district required to be included under ORS 251.067, along  
 24 with a designation of the offices for which the candidates are competing;

25 (b) All portraits and statements filed under ORS 251.065 and 251.115; and

26 (c) The information specified in ORS 251.185 relating to measures to be voted upon at the  
 27 election for which the pamphlet is prepared.

28 (2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list  
 29 of the names of candidates for nomination or election to the offices of United States Senator or  
 30 Representative in Congress along with all portraits and statements filed for the special election  
 31 under ORS 251.065.

32 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-  
 33 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

34 **(4) As used in this section, “special district” has the meaning given the term “district”**  
 35 **in ORS 255.012.**

36 **SECTION 5.** ORS 251.185 is amended to read:

37 251.185. (1) The Secretary of State shall have printed in the voters’ pamphlet for a general  
 38 election or any special election a copy of the title and text of each state measure to be submitted  
 39 to the people at the election for which the pamphlet was prepared. The pamphlet must include the  
 40 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet  
 41 with:

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

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

44 (c) The explanatory statement prepared for the measure;

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

1 (e) Any racial and ethnic impact statement prepared for the measure under section 3, chapter  
2 600, Oregon Laws 2013; and

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

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

9 **(3) As used in this section, "special district" has the meaning given the term "district"**  
10 **in ORS 255.012.**

11 **SECTION 6.** ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, and section  
12 5, chapter 72, Oregon Laws 2014, is amended to read:

13 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general  
14 election or any special election a copy of the title and text of each state measure to be submitted  
15 to the people at the election for which the pamphlet was prepared. The pamphlet must include the  
16 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet  
17 with:

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

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

20 (c) The explanatory statement prepared for the measure;

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

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

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

28 **(3) As used in this section, "special district" has the meaning given the term "district"**  
29 **in ORS 255.012.**

30