

Senate Bill 194

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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 elector or chief petitioner to file action in circuit court to challenge determination by Secretary of State or elections official to reject elector's signature on initiative or referendum petition during signature verification process. Establishes burden of proof in action.

Establishes that no ballot title may be provided for measure to be initiated if text of measure is 100 words or fewer. Provides that full text of measure to be initiated that is 100 words or fewer be used in lieu of ballot title.

A BILL FOR AN ACT

1
2 Relating to ballot measures.

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

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 250.**

5 **SECTION 2. (1) A determination by the Secretary of State or other elections officer to**
6 **reject an elector's signature during the signature verification process set forth in ORS**
7 **250.105, 250.215, 250.315 or 255.175, may be challenged by the filing of an action in circuit**
8 **court by either the elector whose signature is rejected or by the chief petitioner of the ini-**
9 **tiative or referendum petition for which original signatures are required.**

10 **(2) In a circuit court action brought under subsection (1) of this section:**

11 **(a) The Secretary of State or elections officer bears the burden of establishing that there**
12 **was a valid basis for rejecting the signature; and**

13 **(b) An elector whose signature was rejected may conclusively prove that the signature**
14 **is valid by signing an affidavit and attesting under penalty of perjury that the rejected sig-**
15 **nature was made by the elector.**

16 **(3) If the Secretary of State or elections officer rejected a signature that was part of a**
17 **random sample in a statistical sampling process conducted under ORS 250.105, 250.215,**
18 **250.315 or 255.175, the results of the original statistical sampling must be recalculated in-**
19 **cluding the rejected signature if the rejected signature was declared valid by the court pur-**
20 **suant to an action brought under subsection (1) of this section.**

21 **(4) The review by the circuit court, and by any subsequent appellate courts, of an action**
22 **brought under subsection (1) of this section shall be conducted expeditiously to ensure the**
23 **orderly and timely circulation of the measure or conduct of the election at which the meas-**
24 **ure is to be submitted to the electors.**

25 **SECTION 3. Section 4 of this 2017 Act is added to and made a part of ORS 250.005 to**
26 **250.038.**

27 **SECTION 4. (1) Notwithstanding ORS 250.035, 250.037, 250.038, 250.062, 250.065, 250.175,**
28 **250.185, 250.275 or 250.285 or any other provision of this chapter, if the text of a measure to**

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 **be initiated is 100 words or fewer:**

2 (a) **No ballot title may be provided for the measure;**

3 (b) **In lieu of a ballot title, the full text of the measure must appear on the ballot, in the**
4 **voters' pamphlet, on the signature sheets for the prospective petition to initiate and on the**
5 **initiative signature sheets; and**

6 (c) **The ballot must be designed so that an elector would vote "yes" to indicate a desire**
7 **to adopt the measure or "no" to indicate a desire not to adopt the measure.**

8 (2) **In determining whether the text of a measure is 100 words or fewer under subsection**
9 **(1) of this section, the Secretary of State or elections official shall count only the words in**
10 **the text of the measure and may not count words from an enacting clause or from a clause**
11 **indicating that the measure proposes to amend an existing section of the Oregon Constitu-**
12 **tion or an existing statute.**

13 **SECTION 5. Sections 2 and 4 of this 2017 Act apply to any prospective petition to initiate**
14 **a measure that is filed on or after the effective date of this 2017 Act.**

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