

Requested by Representative SMITH WARNER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2873**

1 On page 1 of the printed bill, in line 2, after “ORS” insert “250.175,  
2 250.275, 255.085, 255.145 and”.

3 On page 4, delete lines 7 through 14 and insert:

4 **“SECTION 3. If a municipal corporation places a local option tax**  
5 **measure or a general obligation bond measure on the ballot to be**  
6 **voted on by the electors of the corporation, the county clerk, city**  
7 **elections officer or elections officer responsible for publishing notice**  
8 **of the measure under ORS 250.175 (5), 250.275 (5), 255.085 (4) or 255.145**  
9 **(5) shall, at the time the notice is published, provide a copy of the**  
10 **notice to the elections official in the county or counties that the mu-**  
11 **nicipal corporation contacts to place the measure on the ballot. The**  
12 **county elections official shall file the copy of the notice with the Sec-**  
13 **retary of State for publication on the electronic filing system adopted**  
14 **under ORS 260.057.**

15 **“SECTION 4.** ORS 250.175 is amended to read:

16 “250.175. (1) When a prospective petition for a county measure to be re-  
17 ferred is filed with the county clerk, the clerk shall authorize the circulation  
18 of the petition containing the title of the measure as enacted by the county  
19 governing body or, if there is no title, the title supplied by the petitioner  
20 filing the prospective petition. The county clerk immediately shall send two  
21 copies 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 two copies of it to the district attorney if the measure to be ini-  
4 tiated has been determined to be in compliance with section 1 (2)(d), Article  
5 IV, and section 10, Article VI of the Oregon Constitution, as provided in ORS  
6 250.168.

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

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

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

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

20 “(5)(a) The county clerk, upon receiving a ballot title for a county meas-  
21 ure to be referred or initiated from the district attorney or the county gov-  
22 erning body, shall:

23 “(A) Publish in the next available edition of a newspaper of general cir-  
24 culation in the county a notice of receipt of the ballot title including notice  
25 that an elector may file a petition for review of the ballot title not later than  
26 the date referred to in ORS 250.195; **and**

27 “(B) **Provide a copy of the notice described in subparagraph (A) of**  
28 **this paragraph to the county elections official in the manner set forth**  
29 **in section 3 of this 2017 Act.**

30 “(b) In addition to publishing a notice as described in paragraph (a) of

1 this subsection, the county clerk may publish a notice on the county's  
2 website for a minimum of seven days.

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

8 **“SECTION 5.** ORS 250.275 is amended to read:

9 “250.275. (1) When a prospective petition for a city measure to be referred  
10 is filed with the city elections officer, the officer shall authorize the circu-  
11 lation of the petition containing the title of the measure as enacted by the  
12 city governing body or, if there is no title, the title supplied by the petitioner  
13 filing the prospective petition. The city elections officer immediately shall  
14 send two copies of the prospective petition to the city attorney.

15 “(2) Not later than the sixth business day after a prospective petition for  
16 a city measure to be initiated is filed with the city elections officer, the of-  
17 ficer shall send two copies of it to the city attorney if the measure to be  
18 initiated has been determined to be in compliance with section 1 (2)(d) and  
19 (5), Article IV of the Oregon Constitution, as provided in ORS 250.270.

20 “(3)(a) Not later than the fifth business day after receiving the copies of  
21 the prospective petition, the city attorney shall provide a ballot title for the  
22 city measure to be initiated or referred and return one copy of the prospec-  
23 tive petition and certify the ballot title to the city elections officer.

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

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

29 “(4) Unless the circuit court certifies a different ballot title, the latest  
30 ballot title certified by the city attorney under subsection (3) of this section

1 is the title to be printed on the ballot.

2 “(5)(a) The city elections officer, upon receiving a ballot title for a city  
3 measure to be referred or initiated from the city attorney or city governing  
4 body, shall:

5 “(A) Publish in the next available edition of a newspaper of general dis-  
6 tribution in the city a notice of receipt of the ballot title including notice  
7 that an elector may file a petition for review of the ballot title not later than  
8 the date referred to in ORS 250.296; and

9 “(B) **Provide a copy of the notice described in subparagraph (A) of**  
10 **this paragraph to the county elections official in the manner set forth**  
11 **in section 3 of this 2017 Act.**

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

15 “(6) As used in this section, ‘clerical error’ means a typographical, arith-  
16 metical or grammatical error or omission that is evident from the text of the  
17 certified ballot title or by comparison of the text of the ballot title with a  
18 written explanation that was provided by the city attorney and issued con-  
19 currently with the certified ballot title.

20 “**SECTION 6.** ORS 255.085 is amended to read:

21 “255.085. (1) Not later than the 61st day before a district election on a  
22 measure, the district elections authority shall deliver to the elections officer  
23 a notice stating the date of the election and a ballot title. The district  
24 elections authority shall prepare the ballot title for a measure referred by  
25 the authority with the assistance of the district attorney for the county of  
26 the elections officer or an attorney employed by the district elections au-  
27 thority.

28 “(2) If a district submits a measure to the electors of the district at an  
29 election held on the first Tuesday after the first Monday in November and  
30 the district submitted a measure on the election date in ORS 255.345 (1) im-

1 mediately preceding the date of an election held on the first Tuesday after  
2 the first Monday in November, the district elections authority shall file the  
3 measure for the election held on the first Tuesday after the first Monday in  
4 November with the elections officer not later than the 47th day before an  
5 election held on the first Tuesday after the first Monday in November.

6 “(3) A notice of election called to approve the issuance of bonds shall  
7 include:

8 “(a) The purpose for which the bonds are to be used;

9 “(b) The amount and the term of the bonds;

10 “(c) The kind of bonds proposed to be issued; and

11 “(d) If the bond election is authorized by ORS 450.900, the additional no-  
12 tice requirements in ORS 450.905.

13 “(4)(a) In the case of a measure submitted by initiative or referendum  
14 petition, the elections officer shall:

15 “(A) Publish the notice in the next available edition of a newspaper of  
16 general circulation in the district after the deadline for filing the notice;  
17 **and**

18 “(B) **Provide a copy of the notice described in subparagraph (A) of**  
19 **this paragraph to the county elections official in the manner set forth**  
20 **in section 3 of this 2017 Act.**

21 “(b) In the case of a measure referred by the district elections authority,  
22 the elections officer shall publish the notice of election in the next available  
23 edition of a newspaper of general circulation in the district after the notice  
24 of election is filed. The notice shall also state that an elector may file a  
25 petition for review of the ballot title not later than the date referred to in  
26 ORS 255.155. If the circuit court certifies a different ballot title, the elections  
27 officer shall publish an amended notice of election in the next available  
28 edition of the newspaper referred to in this subsection after the new title is  
29 certified to the elections officer.

30 “(c) In addition to publishing the notice as described in paragraphs (a)

1 and (b) of this subsection, the elections officer may publish the notice on the  
2 county's website for a minimum of seven days.

3 **SECTION 7.** ORS 255.145 is amended to read:

4 "255.145. (1) When a prospective petition for a district measure to be re-  
5 ferred is filed with the elections officer, the officer shall authorize the cir-  
6 culation of the petition containing the title of the measure as enacted by the  
7 district elections authority or, if there is no title, the title supplied by the  
8 petitioner filing the prospective petition. The elections officer immediately  
9 shall send two copies of the prospective petition to the district attorney of  
10 the county in which the administrative office of the district is located.

11 "(2) Not later than the sixth business day after a prospective petition for  
12 a district measure to be initiated is filed with the elections officer, the offi-  
13 cer shall send two copies of it to the district attorney of the county in which  
14 the administrative office of the district is located if the measure to be initi-  
15 ated has been determined to be in compliance with section 1 (2)(d) and (5),  
16 Article IV of the Oregon Constitution, as provided in ORS 255.140.

17 "(3) Not later than the fifth business day after receiving the copies of the  
18 prospective petition, the district attorney shall provide a ballot title for the  
19 district measure to be initiated or referred and return one copy of the pro-  
20 spective petition and the ballot title to the elections officer. Unless the cir-  
21 cuit court certifies a different title, this ballot title shall be the title printed  
22 on the ballot.

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

24 "(5)(a) The elections officer, upon receiving a ballot title for a district  
25 measure to be referred or initiated from the district attorney, shall:

26 **"(A)** Publish in the next available edition of a newspaper of general cir-  
27 culation in the district a notice of receipt of the ballot title including notice  
28 that an elector may file a petition for review of the ballot title not later than  
29 the date referred to in ORS 255.155; **and**

30 **"(B) Provide a copy of the notice described in subparagraph (A) of**

1 **this paragraph to the county elections official in the manner set forth**  
2 **in section 3 of this 2017 Act.**

3 “(b) In addition to publishing a notice as described in paragraph (a) of  
4 this subsection, the elections officer may publish a notice on the county’s  
5 website for a minimum of seven days.

6 **“SECTION 8. Section 3 of this 2017 Act and the amendments to ORS**  
7 **250.175, 250.275, 255.085, 255.145 and 294.311 by sections 1 and 4 to 7 of**  
8 **this 2017 Act apply to measures that will be voted on by the electors**  
9 **of a municipal corporation on or after the effective date of this 2017**  
10 **Act.”.**

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