

House Bill 3310

Sponsored by Representative HERNANDEZ, Senators KNOPP, WAGNER, Representative RAYFIELD, Senator MANNING JR; Representatives ALONSO LEON, CLEM, GOMBERG, MEEK, NERON, NOSSE, REARDON, SANCHEZ, SMITH DB, SMITH WARNER, WILDE, WILLIAMSON, ZIKA, Senators DEMBROW, FAGAN, FREDERICK, ROBLAN

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**.

Prohibits school district, education service district and community college district elections from being conducted in manner that impairs ability of members of protected class to have equal opportunity to elect candidates of their choice as result of dilution or abridgment of rights of electors who are members of protected class.

Establishes processes to ensure compliance with prohibition.

Requires Secretary of State to ensure that forms used to nominate candidates to board of school district, education service district or community college district give candidate option of providing candidate's race and ethnicity.

A BILL FOR AN ACT

1
2 Relating to voting rights for electors in protected classes; creating new provisions; and amending
3 ORS 255.055, 255.235, 255.245, 255.325, 255.335, 332.012, 332.018, 332.030, 332.118, 332.122, 332.124,
4 332.126, 332.128, 332.132, 332.134, 332.138, 334.025, 334.032, 334.035, 334.045, 334.090, 334.095,
5 334.690, 334.710, 334.730, 334.740, 334.750, 341.025, 341.039, 341.055, 341.076, 341.085, 341.115,
6 341.125, 341.175, 341.185, 341.326, 341.327, 341.331, 341.335, 341.356, 341.357, 341.379, 341.565,
7 341.569, 341.577 and 341.579.

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

9 **SECTION 1. Sections 2 to 6 of this 2019 Act are added to and made a part of ORS chapter**
10 **255.**

11 **SECTION 2. As used in sections 2 to 6 of this 2019 Act:**

12 (1) "Board of a qualifying district" means:

13 (a) A district school board as defined in ORS 332.002;

14 (b) The board of directors of an education service district as defined in ORS 334.003; or

15 (c) A board as defined in ORS 341.005.

16 (2) "Polarized voting" means voting in which there is a difference, as defined in case law
17 regarding the enforcement of the federal Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.),
18 as amended, or its successors, in the choice of candidates or other electoral choices that are
19 preferred by electors in a protected class, and in the choice of candidates or electoral choices
20 that are preferred by electors in the rest of the electorate.

21 (3) "Protected class" means a class of electors who are distinguished by race or color or
22 are members of a language minority group, as the class of electors is referenced and defined
23 in the federal Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), as amended, or its succes-
24 sors.

25 (4) "Qualifying district" means:

26 (a) A school district as defined in ORS 332.002;

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 (b) An education service district as defined in ORS 334.003; or

2 (c) A community college district as defined in ORS 341.005.

3 (5) "Qualifying district election" means the nomination and election of members of the
4 board of a qualifying district.

5 **SECTION 3.** (1) Notwithstanding ORS chapters 332, 334 or 341 or any other provision of
6 law:

7 (a) A qualifying district election may not be conducted in a manner that impairs the
8 ability of members of a protected class to have an equal opportunity to elect candidates of
9 their choice as a result of the dilution or abridgment of the rights of electors who are
10 members of that protected class; and

11 (b) The board of a qualifying district may authorize a change to the electoral system used
12 by the qualifying district in order to comply with this section.

13 (2) The Secretary of State by rule shall develop and make publicly available on the
14 secretary's Internet website a comprehensive guide describing the requirements, procedures
15 and actions qualifying districts can take to ensure compliance with the provisions set forth
16 in sections 2 to 6 of this 2019 Act.

17 **SECTION 4.** (1) A qualifying district is in violation of section 3 of this 2019 Act if it is
18 shown that:

19 (a) Electors in the qualifying district exhibit polarized voting; and

20 (b) Members of a protected class do not have an equal opportunity to elect candidates
21 of their choice as a result of the dilution or abridgment of the rights of electors who are
22 members of that protected class.

23 (2) Subject to section 6 of this 2019 Act, a violation of section 3 of this 2019 Act may be
24 alleged by the filing of an action in the circuit court of the county in which the qualifying
25 district is located by an individual who:

26 (a) Is an elector;

27 (b) Is a member of a protected class; and

28 (c) Resides within the boundaries of the qualifying district.

29 (3) The fact that members of a protected class are not geographically compact or con-
30 centrated to constitute a majority in a proposed or existing qualifying district may not pre-
31 clude a finding of a violation of section 3 of this 2019 Act but may be a factor in determining
32 an appropriate remedy.

33 (4) In determining whether polarized voting exists, a court shall analyze qualifying dis-
34 trict elections in which at least one candidate is a member of a protected class or in which
35 other electoral choices would affect the rights and privileges of members of a protected
36 class. Elections conducted prior to the filing of an action under this section are more
37 probative to establishing the existence of polarized voting than elections conducted after the
38 filing of an action.

39 (5) Proof of intent on the part of electors, elected officials or a board of a qualifying
40 district to discriminate against a protected class is not required to find a violation of section
41 3 of this 2019 Act.

42 (6) Factors that are probative to establishing a violation of section 3 of this 2019 Act, but
43 that are not necessary to establish a violation, include:

44 (a) A history of discrimination;

45 (b) The use of voting practices or procedures that may enhance dilutive effects in

1 elections;

2 (c) The denial of access to the processes that determine which groups of candidates re-
 3 ceive financial support in an election;

4 (d) The extent to which members of a protected class bear the effects of past discrimi-
 5 nation in areas of education, employment and health in a manner that hinders the ability of
 6 members of the protected class to participate effectively in the political process; and

7 (e) The use of overt or subtle racial appeals in political campaigns.

8 (7)(a) Upon a finding that a qualifying district has violated section 3 of this 2019 Act, a
 9 court may order any remedy the court determines is necessary to cure the violation, in-
 10 cluding but not limited to requiring the board of the qualifying district to adopt a new elec-
 11 toral system that is tailored to remedy the violation.

12 (b) A court order requiring the board of a qualifying district to adopt a new electoral
 13 system:

14 (A) May not apply to the first qualifying district election held after the court order; and

15 (B) Shall, unless otherwise ordered by the court, apply to qualifying district elections held
 16 after the election described in subparagraph (A) of this paragraph.

17 (8) The court shall award any individual who prevails in an action brought under this
 18 section reasonable attorney fees, costs and expenses. A qualifying district that prevails in
 19 an action brought under this section is not entitled to costs or expenses and may be awarded
 20 reasonable attorney fees only upon a finding that the action was brought in bad faith or for
 21 purposes of harassment.

22 SECTION 5. (1) The board of a qualifying district that intends to change the electoral
 23 system of the qualifying district in order to remedy a potential violation of section 3 of this
 24 2019 Act, or in order to comply with a court order requiring the board of a qualifying district
 25 to remedy a violation of section 3 of this 2019 Act, shall, prior to voting on whether to adopt
 26 the proposed new electoral system:

27 (a) Provide public notice to residents of the qualifying district about the proposed remedy
 28 to a violation or potential violation of section 3 of this 2019 Act.

29 (b)(A) Hold at least two public hearings over a period of not more than 60 calendar days
 30 in which the public is invited to provide input regarding the composition of the qualifying
 31 district or the board of the qualifying district. Before conducting these hearings, the board
 32 of the qualifying district may conduct outreach to the public, including to non-English-
 33 speaking communities, to explain the proposed electoral system and encourage public par-
 34 ticipation.

35 (B) The public hearings conducted under this paragraph must be conducted before a draft
 36 map or draft maps of the proposed qualifying district boundaries is drawn.

37 (c) Make publicly available:

38 (A) The draft map or draft maps of the proposed qualifying district boundaries;

39 (B) The methodology used to establish the draft map or draft maps of the qualifying
 40 district boundaries; and

41 (C) The potential sequence of elections if terms of office for members of the board of the
 42 qualifying district are staggered.

43 (d) Hold at least two public hearings over a period of not more than 60 calendar days in
 44 which the public is invited to provide input regarding the content of the draft map or draft
 45 maps and, if applicable, the proposed sequence of elections.

1 (e)(A) Make publicly available the final version of the map or maps to be voted on by the
 2 board of the qualifying district and the methodologies used to establish the final version of
 3 the map or maps. The materials described in this subparagraph must be made publicly
 4 available no later than seven days before the map or maps will be considered by the board
 5 of the qualifying district.

6 (B) If a map made publicly available under subparagraph (A) of this paragraph is subse-
 7 quently altered, the revised map and methodologies used to establish the revised map shall
 8 be made publicly available for at least seven days before the revised map will be considered
 9 by the board of the qualifying district.

10 (2) If the board of a qualifying district votes to change the electoral system of the qual-
 11 ifying district under this section, the new electoral system:

12 (a) May not apply to the first qualifying district election held after the vote by the board
 13 of a qualifying district; and

14 (b) Shall apply to qualifying district elections held after the election described in para-
 15 graph (a) of this subsection.

16 **SECTION 6.** (1) An individual who meets the qualifications set forth in section 4 (2) of
 17 this 2019 Act and who intends to file an action alleging a qualifying district's electoral system
 18 fails to comply with section 3 of this 2019 Act shall first notify the board of the qualifying
 19 district by certified mail. The notice shall:

20 (a) Be in writing;

21 (b) Identify and provide contact information for the individual who intends to file the
 22 action;

23 (c) Identify the protected class whose members do not have an equal opportunity to elect
 24 candidates of their choice or an equal opportunity to influence the outcome of an election
 25 because of alleged vote dilution or abridgement or polarized voting; and

26 (d) Include a proposed remedy to cure the alleged violation of section 3 of this 2019 Act.

27 (2) An individual who sends notice under subsection (1) of this section may not commence
 28 an action under section 4 of this 2019 Act to enforce compliance with section 3 of this 2019
 29 Act within 90 days of the receipt of the notice by the board of the qualifying district.

30 (3) Within 90 days of receiving a notice sent under subsection (1) of this section, the
 31 board of a qualifying district may pass a resolution outlining its intention to alter its elec-
 32 toral system in order to ensure compliance with section 3 of this 2019 Act. A resolution
 33 passed under this subsection shall set forth:

34 (a) The specific steps the board of a qualifying district will take to comply with section
 35 3 of this 2019 Act; and

36 (b) The time frame for accomplishing the steps set forth in paragraph (a) of this sub-
 37 section.

38 (4) If the board of a qualifying district passes a resolution under subsection (3) of this
 39 section within 90 days of receiving a notice sent under subsection (1) of this section, the in-
 40 dividual who sent the notice under subsection (1) of this section may not commence an
 41 action to enforce compliance with section 3 of this 2019 Act within 90 days of passage of the
 42 resolution.

43 (5)(a) If, following receipt of a notice sent under subsection (1) of this section, the board
 44 of a qualifying district passes a resolution establishing a new electoral system in order to
 45 comply with section 3 of this 2019 Act, the individual who sent the notice may make a de-

1 **mand for reimbursement of the costs incurred by the individual in conducting the research**
 2 **necessary to file the action. A demand made under this subsection must:**

3 **(A) Be in writing;**

4 **(B) Be received by the board of a qualifying district within 30 days of the board passing**
 5 **the resolution; and**

6 **(C) Include financial documentation, such as a detailed invoice for demographic services,**
 7 **that support the demand.**

8 **(b) The board of a qualifying district may request additional documentation if the doc-**
 9 **umentation provided under paragraph (a) of this subsection is insufficient for the board to**
 10 **corroborate the claimed costs.**

11 **(6)(a) In response to a demand for reimbursement made under subsection (5) of this**
 12 **section, the board of a qualifying district shall, within 60 days of receiving the demand:**

13 **(A) Reimburse the reasonable costs of the individual who sent the notice; or**

14 **(B) Reimburse the individual who sent the notice in an amount mutually agreed to by the**
 15 **parties.**

16 **(b) If more than one individual files a demand for reimbursement under subsection (5)**
 17 **of this section, the board of a qualifying district shall, within 60 days of receiving each de-**
 18 **mand:**

19 **(A) Reimburse the reasonable costs of each individual who sent the notice; or**

20 **(B) Reimburse each individual who sent the notice in an amount mutually agreed to by**
 21 **the parties.**

22 **(c) The total amount of moneys that the board of a qualifying district shall reimburse**
 23 **pursuant to demands for reimbursement made under subsection (5) of this section may not**
 24 **exceed \$30,000.**

25 **SECTION 7.** ORS 332.118 is amended to read:

26 **332.118. Except as provided in sections 2 to 6 of this 2019 Act:**

27 **(1) Unless specifically provided otherwise, ORS chapter 255 governs the following:**

28 **(a) The nomination and election of school directors.**

29 **(b) The conduct of all school district elections.**

30 **(2) ORS 249.865 to 249.877 govern the recall of school board members.**

31 **(3) The Secretary of State has supervising authority over all elections conducted by school dis-**
 32 **tricts and over elections conducted by a district boundary board.**

33 **(4) A petition for a proposed change or merger under ORS 330.095, a remonstrance petition un-**
 34 **der ORS 330.101, a petition for zoning under ORS 332.128 or a petition to lengthen the course of**
 35 **study under ORS 335.495 may not be circulated for signatures until the prospective petition has been**
 36 **filed with the county clerk. The prospective petition must designate the names and residence ad-**
 37 **resses of not more than three persons as chief petitioner. The authority of the Secretary of State**
 38 **and the application of the election laws commence when the prospective petition is filed with the**
 39 **county clerk. The filing of the prospective petition is to be treated like a prospective petition for**
 40 **an initiative, referendum or recall. Except as otherwise provided in ORS 330.080 to 330.113, ORS**
 41 **chapter 255 applies to the procedures applicable to petitions described in this subsection and the**
 42 **elections held on the petitions.**

43 **SECTION 8.** ORS 332.122 is amended to read:

44 **332.122. (1) Except as provided in sections 2 to 6 of this 2019 Act, in common school districts**
 45 **and union high school districts the directors may be nominated in one of the following methods or**

1 a combination thereof:

2 (a) At large by position number by the electors of the district.

3 (b) By zone by electors of zones, if zoning is approved by the electors under ORS 332.128.

4 (2)(a) **Except as provided in paragraph (b) of this subsection**, a person shall be nominated
5 as a candidate for director by filing a petition for nomination or a declaration of candidacy under
6 ORS 255.235.

7 **(b)(A) The Secretary of State shall ensure that a petition or declaration used to nominate**
8 **a person under this section provides the nominated person with the option to provide the**
9 **person's race and ethnicity.**

10 **(B) The race and ethnicity of a person, if provided by the person under this section, is**
11 **subject to inspection as a public record under ORS 192.311 to 192.478.**

12 (3) If a candidate is nominated by petition, the petition:

13 (a) If the candidate is nominated from a zone, must be signed by the electors of the zone.

14 (b) If the candidate is nominated at large, must be signed by the electors of the district.

15 (4) **Except as provided in sections 2 to 6 of this 2019 Act**, a candidate for school director
16 must be an elector registered in the district. If the district is zoned and the candidate seeks nomi-
17 nation from a zone, the candidate also must be a resident of that zone.

18 **SECTION 9.** ORS 332.124 is amended to read:

19 332.124. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, all candidates shall be
20 elected at large in the district unless the district school board provides for election from zones un-
21 der ORS 332.126.

22 (2) In a district in which directors are elected from zones:

23 (a) The candidate for the office of director in each zone who receives the plurality of the votes
24 shall be elected.

25 (b) At the expiration of each director's term of office, a successor shall be elected from the same
26 zone.

27 (3) **Except as provided in sections 2 to 6 of this 2019 Act**, in the event that no person from
28 the same zone is nominated under ORS 332.122 as a candidate for the vacant office of director by
29 the school district election filing deadline or is elected as a write-in candidate at the subsequent
30 school district election, or in the event that an office of director becomes vacant at midterm, the
31 district school board shall fill the vacancy as follows:

32 (a) The board shall advertise the vacancy for a 20-day period in an attempt to find an eligible
33 resident from the same zone to fill the vacancy. If one or more eligible residents declare interest in
34 the vacant office, the school district board shall appoint one of the eligible residents to fill the va-
35 cant office until June 30 following the next regular school district election.

36 (b) If, after 20 days of advertising the vacancy, no eligible resident from the same zone declares
37 interest in the vacant office, the school district board shall appoint one of the eligible residents from
38 the district at large to fill the vacant office until June 30 following the next regular school district
39 election.

40 (c) Offices filled in the manner described in paragraphs (a) and (b) of this subsection shall be-
41 come vacant on June 30 following the next regular school district election. Nomination of candidates
42 for vacant offices shall occur as provided under ORS 332.122.

43 **SECTION 10.** ORS 332.126 is amended to read:

44 332.126. **Except as provided in sections 2 to 6 of this 2019 Act:**

45 (1) If a majority of the district school board of a zoned common school district or a zoned union

1 high school district so decides, the board may provide that directors of the district school board
 2 who are nominated from zones also shall be elected from the zones from which they are nominated.

3 (2) At any time after a district school board decides that directors shall be elected by zone:

4 (a) The district school board may rescind the decision and provide that the directors who are
 5 nominated by zone shall be elected at large.

6 (b) Zones may be abolished pursuant to ORS 332.128.

7 **SECTION 11.** ORS 332.128 is amended to read:

8 332.128. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, in common school districts
 9 and union high school districts, directors may be nominated from zones by resolution of the district
 10 school board or if the question of zoning is approved by the electors of the district at the regular
 11 district election as provided in this section.

12 (2) The district school board:

13 (a) May submit the question on its own resolution; or

14 (b) Shall submit the question when a petition is filed as provided in this section.

15 (3) The requirements for preparing, circulating and filing a petition under this section are sub-
 16 ject to ORS 332.118 and shall be as provided for an initiative petition in ORS 255.135 to 255.205.

17 (4) If the proposal to create zones in a district includes a combination of nomination of candi-
 18 dates from and by zones and of nomination of candidates at large, the number of candidates to be
 19 nominated in each manner shall be specified in the petition or the order of the board.

20 (5) **Except as provided in sections 2 to 6 of this 2019 Act**, a district that has been zoned
 21 under this section may abolish zones in the same manner as they were established.

22 **SECTION 12.** ORS 332.132 is amended to read:

23 332.132. **Except as provided in sections 2 to 6 of this 2019 Act**, if a common school district
 24 or union high school district is zoned, the school board of the district shall divide the district into
 25 the necessary number of zones as nearly equal in population, as shown by the latest federal census,
 26 as practicable, taking into account attendance areas where possible. The board shall readjust zone
 27 boundaries if necessary to comply with this section, upon any change in the boundaries of the dis-
 28 trict.

29 **SECTION 13.** ORS 332.134 is amended to read:

30 332.134. **Except as provided in sections 2 to 6 of this 2019 Act:**

31 (1) A school board director shall be eligible for reelection in an election subsequent to zoning
 32 under ORS 332.128 only if the director resides in a zone which is not otherwise represented on the
 33 board.

34 (2) Any vacancy occurring on a school board before all zones are represented thereon shall be
 35 filled from among residents in an unrepresented zone, the zone to be determined by the board by lot.

36 **SECTION 14.** ORS 332.138 is amended to read:

37 332.138. **Except as provided in sections 2 to 6 of this 2019 Act**, at each regular district
 38 election described in ORS 255.335, school directors shall be elected for a term of four years to suc-
 39 ceed the directors whose terms of office expire on June 30 of that year. All such elections of school
 40 directors shall be held as provided by ORS chapter 255.

41 **SECTION 15.** ORS 334.025 is amended to read:

42 334.025. **Except as provided in sections 2 to 6 of this 2019 Act:**

43 (1) The board of directors of an education service district shall consist of seven, nine or 11
 44 members.

45 (2) In education service districts, not fewer than five of the directors shall be elected, one from

1 each of the zones established under ORS 334.032. At the discretion of the board of directors, one
 2 or two board members may be elected from the district at large.

3 (3) On the petition of two component school districts, the board shall establish local advisory
 4 committees to represent the interests of areas within the petitioning districts. The local advisory
 5 committees shall advise the board on matters of concern within the advisory committee's area. Local
 6 advisory committees shall represent two or more component school districts.

7 (4) The board of directors may by resolution increase or decrease the number of members of the
 8 board. The board's resolution shall be entered with sufficient time for the board to give the required
 9 information to the elections officer under ORS 255.069, and the board's resolution shall have no ef-
 10 fect on the terms of any current board members.

11 **SECTION 16.** ORS 334.032 is amended to read:

12 **334.032. Except as provided in sections 2 to 6 of this 2019 Act:**

13 (1) The board of directors of an education service district shall divide the education service
 14 district into not more than 11 zones as nearly equal in census population as may be practicable,
 15 measured along common school district boundary lines except that zones may be established using
 16 voting precinct boundaries in order to achieve greater equality of population. If possible, the board
 17 shall establish the zones so that each county within the education service district, the majority of
 18 the land area of which lies within the boundaries of the education service district, has at least one
 19 member on the board.

20 (2) Each county within the education service district, the majority of the land area of which lies
 21 within the boundaries of the education service district, shall have at least one member on the board
 22 or shall have at least one member on the budget committee of the education service district.

23 (3) The board may readjust the boundaries of the zones once each year and shall readjust the
 24 boundaries of the zones immediately upon any change of the boundaries of the education service
 25 district.

26 **SECTION 17.** ORS 334.035 is amended to read:

27 **334.035. Except as provided in sections 2 to 6 of this 2019 Act:**

28 (1) In education service districts having a population of less than 550,000 according to the latest
 29 federal census, a candidate for the district board shall be nominated in accordance with ORS 255.235
 30 except as provided in this section. When a candidate is nominated from a zone by a nominating pe-
 31 tition, the nominating petition must be signed by electors registered in the zone in which the can-
 32 didate is a resident and who are qualified to vote in their respective component school districts.
 33 When a candidate is nominated at large by a nominating petition, the nominating petition must be
 34 signed by electors of the district. A candidate for education service district board member must be
 35 qualified to vote in the election in which the individual is a candidate.

36 (2) In education service districts having a population of 550,000 or more according to the latest
 37 federal census, the name of any qualified person nominated as provided by ORS 255.235 shall be
 38 placed on the ballot as a candidate for the office of director of the education service district.

39 **(3)(a) The Secretary of State shall ensure that any form used to nominate a candidate**
 40 **under this section provides the nominated person with the option to provide the person's**
 41 **race and ethnicity.**

42 **(b) The race and ethnicity of a person, if provided by the person under this section, is**
 43 **subject to inspection as a public record under ORS 192.311 to 192.478.**

44 **SECTION 18.** ORS 334.045 is amended to read:

45 **334.045. Except as provided in sections 2 to 6 of this 2019 Act:**

1 (1) In education service districts, members of the board shall be elected at the time of the reg-
 2 ular district election described in ORS 255.335 for the term commencing July 1 as provided in ORS
 3 334.090. For this purpose, a district election shall be held in such districts in those zones from which
 4 a member or members of the board are to be elected, and in the district as a whole if a member or
 5 members at large are to be elected. The registrar of elections of the county in which such district
 6 is located shall be the elections officer for such elections.

7 (2) The education service district shall pay the actual cost of printing ballots and tally sheets
 8 for each election under this section, and the cost of checking signatures on certificates of nomi-
 9 nation, together with such proportionate part of the general expenses of such election as provided
 10 in ORS 255.305.

11 (3) All elections of members of the board shall be held as provided in ORS chapter 255.

12 **SECTION 19.** ORS 334.090 is amended to read:

13 334.090. **Except as provided in sections 2 to 6 of this 2019 Act:**

14 (1) The term of office of director of an education service district shall be four years.

15 (2) The term of office of each director of an education service district shall begin on July 1 next
 16 following the date of election. A director shall serve until June 30 next following the election of a
 17 successor.

18 (3) A director of an education service district must qualify by taking an oath of office before
 19 assuming the duties of office.

20 (4) A newly appointed director of an education service district shall take office at the meeting
 21 of the education service district board next following the appointment.

22 (5) A person is not eligible to serve as a director of an education service district unless the
 23 person is an elector of the district and has resided therein for a period of one year immediately
 24 preceding the election or appointment.

25 (6) No employee of an education service district is eligible to serve as a director of the educa-
 26 tion service district by which the employee is employed.

27 (7) A regular district election shall be held in a district to fill any vacancy and to elect a suc-
 28 cessor for any director whose term expires June 30 next following the election. A successor shall
 29 be elected as follows:

30 (a) If the director was elected from a zone established under ORS 334.032, a successor from the
 31 same zone shall be elected by the electors of the zone.

32 (b) If the director was elected at large a successor shall be elected at large by the electors of
 33 the district.

34 (8) Notwithstanding subsection (7) of this section, in any district having a population of 550,000
 35 or more according to the latest federal census that becomes zoned according to ORS 334.032, the
 36 board shall determine prior to the nomination of school directors which positions shall be from zones
 37 and which positions shall be at large.

38 (9) Any vacancy on the board from any zone shall be filled by the remaining directors from
 39 among the qualified persons in that zone. Any such vacancy from the district at large shall be filled
 40 by the remaining directors from among the qualified persons in the district. However, if vacancies
 41 occur in a majority of the positions on the board, the State Board of Education shall fill the va-
 42 cancies from among the qualified persons of the zones, if any, or from among other persons who are
 43 qualified to serve. The period of service of an appointee under this subsection expires June 30 next
 44 following the next regular district election at which a successor is elected. The successor shall be
 45 elected to serve the remainder, if any, of the term for which the appointment was made. If the term

1 for which the appointment was made expires June 30 after the election of the successor, the suc-
 2 cessor shall be elected to a full term. In either case, the successor shall take office July 1 next
 3 following the election.

4 **SECTION 20.** ORS 334.095 is amended to read:

5 334.095. **Except as provided in sections 2 to 6 of this 2019 Act:**

6 (1) The education service district board shall declare the office of a director vacant when the
 7 incumbent:

8 (a) Dies or resigns;

9 (b) Is removed from office or a court declares the election for the office void;

10 (c) Ceases to be a resident of a school district that is located within the territory of the edu-
 11 cation service district;

12 (d) Subject to subsection (3) of this section, ceases to be a resident of the zone from which
 13 nominated;

14 (e) Ceases to discharge the duties of office for two consecutive months unless prevented from
 15 discharging the duties by sickness or other unavoidable cause; or

16 (f) Is recalled.

17 (2) The education service district board may not declare the office of a director vacant if the
 18 director is a resident of a school district that withdraws from the education service district as pro-
 19 vided by ORS 334.015 unless:

20 (a) The director's term expires; or

21 (b) The education service district board declares the office vacant for a reason described in
 22 subsection (1) of this section.

23 (3) A director nominated from a zone who changes permanent residence from one zone to an-
 24 other zone in which another director resides shall continue to serve as director until the next reg-
 25 ular election when a successor shall be elected to serve for the remainder of the unexpired term.

26 (4) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding, may
 27 be removed from office by a court of competent jurisdiction.

28 (5) Members may be recalled in the manner provided in ORS 249.865 to 249.877. If the member
 29 was elected by a zone, the recall petition shall be signed by electors from that zone and electors
 30 from the zone are the only electors eligible to vote in the recall election. If the member was elected
 31 at large, the recall petition shall be signed by electors from the district and electors from the dis-
 32 trict are eligible to vote in the recall election.

33 **SECTION 21.** ORS 341.326 is amended to read:

34 341.326. **Except as provided in sections 2 to 6 of this 2019 Act:**

35 (1) At each regular district election, board members shall be elected for a term of four years to
 36 succeed the board members whose terms of office expire on June 30 of that year.

37 (2) A person shall be qualified to be a candidate for election to the board if the person is an
 38 elector who resides in the district. If the district is zoned and the position sought is one elected or
 39 nominated by zone, the person also must reside in the zone from which the person is nominated.

40 (3) Members of a board shall be nominated and elected at large or by zones according to a
 41 method described in ORS 341.327 and determined under ORS 341.025 or 341.331.

42 (4) A board member must qualify for office by taking an oath of office.

43 **SECTION 22.** ORS 341.327 is amended to read:

44 341.327. **Except as provided in sections 2 to 6 of this 2019 Act:**

45 (1) The board members may be elected in one of the following methods or a combination thereof:

1 (a) Elected by electors of zones as nearly equal in population as possible according to the latest
 2 federal census.

3 (b) Elected at large by position number by the electors of the district.

4 (2) Candidates for election from zones shall be nominated by electors of the zones. Candidates
 5 for election at large may be nominated by electors of zones or by electors of the district, as deter-
 6 mined under subsection (3) of this section.

7 (3) Where the method selected under subsection (2) of this section includes a combination of
 8 nomination of candidates from and by zones and of nomination of candidates at large, the number
 9 of candidates to be nominated in each manner shall be specified in the petition submitted under ORS
 10 341.025 or under ORS 341.331.

11 **SECTION 23.** ORS 341.331 is amended to read:

12 **341.331. Except as provided in sections 2 to 6 of this 2019 Act:**

13 (1) This section establishes the procedure for determining whether the method adopted in a
 14 district for nominating and electing board members should be changed to another method described
 15 in ORS 341.327. The question shall be decided by election. The district board shall order an election
 16 on the question when a petition is filed as provided in this section.

17 (2) Except as otherwise provided in this section, the requirements for preparing, circulating and
 18 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to
 19 255.205.

20 (3) If the question proposes creation of zones or a change in the number of existing zones, the
 21 following requirements shall apply:

22 (a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be
 23 attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

24 (b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect
 25 in the ballot title shall not exceed 150 words. The statement:

26 (A) Shall specify the method of nomination and election of board members from among the
 27 methods described in ORS 341.327. The statement also shall specify whether, in filling each position
 28 on the board, an elector of the district may sign a petition of nomination or vote for a candidate
 29 from any zone or only for a candidate from the zone in which the elector resides.

30 (B) Shall include a general description of the proposed boundaries of the zones, using streets
 31 and other generally recognized features.

32 (c) The order calling the election shall contain a map and a metes and bounds or legal de-
 33 scription of the proposed zone boundaries. The map and description shall be prepared by the county
 34 surveyor or county assessor and shall reflect any adjustment made in the boundaries under sub-
 35 section (6) of this section.

36 (4) The map to be contained in the petition under subsection (3) of this section shall be prepared
 37 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost
 38 of preparing the map, as determined by the county surveyor or county assessor. The county clerk
 39 shall not accept the prospective petition for filing until the chief petitioners have paid the amount
 40 due.

41 (5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

42 (6) Before submitting to election a question to which subsection (3) of this section applies, the
 43 district board shall adjust the proposed boundaries of the zones to make them as nearly equal in
 44 population as feasible according to the latest federal census. The district board shall amend the
 45 ballot title as necessary to reflect its adjustment of the boundaries.

1 (7) If the electors of the district approve the establishment of zones or a change in the number
 2 of existing zones, board members shall continue to serve until their terms of office expire. As va-
 3 cancies occur, positions to be filled by nomination or election by zone shall be filled by persons who
 4 reside within zones which are not represented on the board. If more than one zone is not repres-
 5 ented on the board when a vacancy occurs, the zone entitled to elect a board member shall be de-
 6 cided by lot.

7 **SECTION 24.** ORS 341.335 is amended to read:

8 **341.335. Except as provided in sections 2 to 6 of this 2019 Act:**

9 (1) The board shall declare the office of a board member vacant if it finds any of the following:

10 (a) The incumbent has died or resigned.

11 (b) The incumbent has been removed or recalled from office or the election of the incumbent
 12 thereto has been declared void by the judgment of a court.

13 (c) The incumbent has ceased to be a resident of the district from which the incumbent was
 14 nominated or elected.

15 (d) The incumbent has ceased to discharge the duties of office for two consecutive months unless
 16 prevented therefrom by sickness or other unavoidable cause or unless excused by the chairperson
 17 of the board.

18 (2) A board member who is nominated or elected by zone and who changes permanent residence
 19 from one zone of a district to another zone or who by a change in zone boundaries no longer resides
 20 in the zone of nomination or election is entitled to continue to serve as board member until June
 21 30 following the next regular district election at which a successor shall be elected by the electors
 22 to serve for the remainder of the unexpired term, if any. The successor shall take office July 1 next
 23 following the election.

24 (3) When a vacancy is declared under subsection (1) of this section, the remaining board mem-
 25 bers shall meet and appoint a person to fill the vacancy from any of the electors of the district if
 26 the position is one filled by both nomination and election at-large, and otherwise from any of the
 27 electors of the zone from which the vacancy occurs.

28 (4) If the offices of a majority of the board members are vacant at the same time, the governing
 29 body of the principal county shall appoint persons to fill the vacancies from any of the electors of
 30 the district if the positions are filled by both nomination and election at-large, and otherwise from
 31 any of the electors of the zone from which the vacancy occurs.

32 (5) The period of service of a board member appointed under subsection (3) or (4) of this section
 33 commences upon appointment and expires June 30 next following the next regular district election
 34 at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the
 35 term for which the appointment was made. If the term for which the appointment was made expires
 36 June 30 after the election of the successor, the successor shall be elected to a full term. In either
 37 case, the successor shall take office on July 1.

38 **SECTION 25.** ORS 341.356 is amended to read:

39 **341.356. Except as provided in sections 2 to 6 of this 2019 Act:**

40 (1)(a) ORS chapter 255 governs the following:

41 [(a)] (A) The nomination and election of board members.

42 [(b)] (B) The conduct of district elections.

43 (b)(A) **Notwithstanding paragraph (a) of this subsection, the Secretary of State shall en-**
 44 **sure that any form used to nominate a person to be a board member provides the nominated**
 45 **person with the option to provide the person's race and ethnicity.**

1 **(B) The race and ethnicity of a person, if provided by the person under this section, is**
 2 **subject to inspection as a public record under ORS 192.311 to 192.478.**

3 (2) The electors of a community college district may exercise the powers of the initiative and
 4 referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

5 (3) ORS 249.865 to 249.877 govern the recall of board members.

6 **SECTION 26.** ORS 341.357 is amended to read:

7 341.357. (1) Except as provided by ORS chapter 255 and ORS 294.448 (Local Budget Law) and
 8 341.670 **and sections 2 to 6 of this 2019 Act**, notice of community college district organization and
 9 merger, community college district budgets and community college district purchasing shall be given
 10 only as provided in this section.

11 (2) Whenever notice is required, the board shall cause the notice to be published in one or more
 12 of the newspapers published in the district and having a general circulation in the district. If no
 13 newspaper is published in the district, the notice shall be published in some newspaper designated
 14 by the board and having circulation throughout the district. The notice shall be published in at least
 15 two issues of each designated newspaper.

16 (3) The board may also cause broadcasting of any notice required to be published in the manner
 17 provided in ORS 193.310 to 193.360.

18 (4) The board shall cause the time and place of publishing each of the notices required by sub-
 19 section (1) of this section and the content of such notices to be recorded in the minutes of the board.

20 **SECTION 27.** ORS 341.379 is amended to read:

21 341.379. **Except as provided in sections 2 to 6 of this 2019 Act**, during the period following
 22 an election or other action resulting in a boundary change in a district and prior to the date the
 23 change becomes effective, the district or districts from which an area will be separated as a result
 24 of the boundary change may hold elections for all legal purposes but the electors registered in the
 25 area to be separated as a result of the boundary change shall not be qualified to vote in any such
 26 election. The election on any measure in such district or districts shall not affect or encumber the
 27 area to be separated.

28 **SECTION 28.** ORS 332.012 is amended to read:

29 332.012. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, a district school board
 30 may increase the number of board members from five members to seven members on its own motion,
 31 or the district school board:

32 (a) May submit the question to the electors of the school district; or

33 (b) Shall submit the question to the electors of the school district when a petition is filed as
 34 provided in this section.

35 (2) Subject to ORS 332.118, a petition filed under this section shall be prepared, circulated and
 36 filed as provided for an initiative petition in ORS 255.135 to 255.205.

37 **SECTION 29.** ORS 332.018 is amended to read:

38 332.018. **Except as provided in sections 2 to 6 of this 2019 Act:**

39 (1) The term of office of director is four years.

40 (2) No person shall be eligible to serve as director unless the person is an elector of the district
 41 and has resided therein for the period of one year immediately preceding the election or appoint-
 42 ment.

43 (3) No director shall receive any compensation for services as director other than reimburse-
 44 ment for reasonable and necessary expenses actually incurred on school business.

45 **SECTION 30.** ORS 332.030 is amended to read:

332.030. **Except as provided in sections 2 to 6 of this 2019 Act:**

(1) The district school board shall declare the office of a director vacant upon the happening of any of the following:

(a) The death or resignation of the incumbent.

(b) When an incumbent is removed from office or the election of the incumbent thereto has been declared void by the judgment of any court.

(c) Subject to the provisions of subsections (2) and (3) of this section, when an incumbent ceases to be a resident of the district or zone from which nominated.

(d) When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause.

(e) When an incumbent ceases to discharge the duties of office for four consecutive months for any reason.

(f) When an incumbent is recalled.

(2) A director of a union high school board who changes the director's permanent residence from one component common school district to another component common school district in which another director resides shall continue to serve as director to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was elected. If the term to which the director was elected expires June 30 next following the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

(3) A director of a common school district nominated from a zone who changes the director's permanent residence from one zone to another zone in which another director resides shall continue to serve as director to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was elected. If the term to which the director was elected expires June 30 next following the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

(4) When a vacancy is declared under subsection (1)(a), (b) or (d) to (f) of this section, the remaining member or members of the board shall meet and appoint a person to fill the vacancy. The person must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, reside in the zone in which the vacancy occurs. A director appointed under this subsection shall serve to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was appointed. If the term to which the director was appointed expires June 30 next following the election of the successor, the successor shall be elected to a full term. In any case, the successor shall take office July 1 next following the election.

(5) If the offices of a majority of the directors of any district are vacant at the same time, the education service district board, or if there is none, the governing body of the county shall appoint persons to fill the vacancies. The persons must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, reside in the zones in which the vacancies occur. If the vacancies occur in a joint district that is not included in an education service district, the governing body of the county containing the greater portion of the pupils in average daily membership shall appoint the directors. Each director appointed under this subsection shall serve to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was appointed. If the term to which the

1 director was appointed expires June 30 next following the election of the successor, the successor
2 shall be elected to a full term. In any case, the successor shall take office July 1 next following the
3 election.

4 **SECTION 31.** ORS 334.690 is amended to read:

5 334.690. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, the State Board of Edu-
6 cation shall constitute the boundary board for education service districts. In examining any proposal
7 to reorganize education service districts, the state board shall consider whether the proposed dis-
8 trict would have the following characteristics:

9 (a) A student population of at least 10,000 students or would have such a student population in
10 the foreseeable future;

11 (b) The ability to support the staff necessary to provide a wide array of services;

12 (c) Boundaries that reflect the area's sense of community, and take into account topography,
13 climate and highway patterns so that there is reasonable access to all areas within the region;

14 (d) A distance of no more than two and one-half hours' driving time between the regional office
15 or suboffice and the most remote school; and

16 (e) At least one publicly supported, post-secondary institution within the region.

17 (2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form
18 with the county assessor and the Department of Revenue as provided in ORS 308.225.

19 **SECTION 32.** ORS 334.710 is amended to read:

20 334.710. **Except as provided in sections 2 to 6 of this 2019 Act:**

21 (1) If two or more education service districts desire to join together for the purpose of forming
22 one education service district, a petition from each such district shall be presented to the State
23 Board of Education when:

24 (a) Resolutions are presented to each of the education service district boards by the boards of
25 the component school districts that represent two-thirds of the component school districts that are
26 a part of each of the education service districts and that have at least a majority of the pupils in-
27 cluded in the average daily membership of the education service district, as determined by the re-
28 ports of such school districts for the preceding school year, enrolled in the schools of the districts;
29 or

30 (b) The education service district boards mutually consent to the merger and a majority vote
31 of each board has approved a petition.

32 (2) The State Board of Education shall review the petitions and within 15 days after the board
33 meeting at which the petitions are reviewed, shall notify the education service district boards of
34 each district designated by the petitions, fix the date of and be responsible for supervising the giving
35 of notices as provided in ORS 330.400 and conducting the public hearings in each proposing district
36 to discuss the proposal contained in the petitions.

37 **SECTION 33.** ORS 334.730 is amended to read:

38 334.730. **Except as provided in sections 2 to 6 of this 2019 Act:**

39 (1) Immediately after the order to join two or more education service districts together, the
40 boards of directors of all education service districts within the boundaries of the new district shall
41 meet together upon the call of the chairperson of the board of the most populous district.
42 Notwithstanding ORS 334.025 or ORS chapter 255, the joint board of directors shall divide the new
43 district into as many zones as the board considers necessary, but not fewer than seven nor more
44 than 11. The zones shall be as nearly equal in population as may be practicable. If possible, the joint
45 board shall establish the zones so that each county within the new education service district, the

1 majority of the land area of which lies within the boundaries of the education service district, has
 2 at least one member on the board.

3 (2) Within 90 days after the zones required in subsection (1) of this section are established, the
 4 joint board of directors shall call a special election in the new district for the purpose of electing
 5 directors, one of whom shall be elected from each zone established under subsection (1) of this sec-
 6 tion by the electors of the zone.

7 **SECTION 34.** ORS 334.740 is amended to read:

8 334.740. **Except as provided in sections 2 to 6 of this 2019 Act,** the nomination of a candidate
 9 to serve as a director of the new education service district from a zone, when made by a petition,
 10 shall be signed by electors registered in the zone in which the candidate is a resident. The nomi-
 11 nation of a candidate to serve as a director of the new education service district at large, when
 12 made by a petition, shall be signed by electors of the district. A candidate must be qualified to vote
 13 in the election in which the individual is a candidate and must be qualified to hold office as a di-
 14 rector of an education service district.

15 **SECTION 35.** ORS 334.750 is amended to read:

16 334.750. **Except as provided in sections 2 to 6 of this 2019 Act:**

17 (1) The board of directors of the new education service district shall take office on July 1 of the
 18 year following its election.

19 (2) The minority of directors of the new education service district shall serve terms expiring
 20 June 30 next following the first regular district election and the majority of directors shall serve
 21 terms expiring June 30 next following the second regular district election.

22 (3) The directors first elected shall determine by lot the length of term each shall hold office.

23 (4) Notwithstanding any other provisions of law, the term of office of boards of directors of
 24 preexisting education service districts shall terminate on the date in which the new education ser-
 25 vice district comes into existence and its new board of directors qualifies to hold office.

26 **SECTION 36.** ORS 341.025 is amended to read:

27 341.025. **Except as provided in sections 2 to 6 of this 2019 Act:**

28 (1) Whenever the electors registered in contiguous territory desire the formation of a community
 29 college district, they may sign a petition requesting the formation of such a district and present it
 30 to the Higher Education Coordinating Commission.

31 (2) The petition must be substantially in the form established by the commission, which shall
 32 furnish the petition form. The petition:

33 (a) Must contain the minimum number of signatures fixed by the commission of 500, or 10 per-
 34 cent of the electors registered in each county or part of a county within the designated territory,
 35 whichever is the lesser;

36 (b) Must designate the boundaries of the territory to be included in the proposed district, which
 37 may include all or part of the territory lying within the boundaries of a school district and may be
 38 located in more than one county;

39 (c) Must request that the territory be organized into a district;

40 (d) May specify or reserve the right to specify the location for the proposed community college
 41 or may request the commission to determine the location;

42 (e) Must specify the method of nomination and election of the board of education of the proposed
 43 district from among the methods described in ORS 341.327; and

44 (f) Must contain any other information required by rules of the commission.

45 **SECTION 37.** ORS 341.039 is amended to read:

1 341.039. **Except as provided in sections 2 to 6 of this 2019 Act:**

2 (1) A petition submitted pursuant to ORS 341.025 may specify that the proposed district be or-
 3 ganized as a community college service district. The formation of a community college service dis-
 4 trict shall comply with the provisions of ORS 341.025 to 341.125. A petition affecting a territory that,
 5 in the judgment of the Director of the Office of Community Colleges and Workforce Development,
 6 will not generate an annual enrollment in excess of 1,000 full-time equivalent students after three
 7 years of operation shall be considered to be a petition for the formation of a community college
 8 service district.

9 (2) If formed, a community college service district shall in all respects be governed by the laws
 10 applicable to community college districts with the following exceptions:

11 (a) Notwithstanding ORS 341.675, community college service districts formed on or after July
 12 1, 1997, may not incur bonded indebtedness for any purpose. This limitation shall not be construed
 13 to prohibit lease-purchase arrangements or other lawful forms of capital financing. A community
 14 college service district may hold and own buildings and grounds acquired through gifts or financing
 15 methods authorized by this section.

16 (b) The board of education for a community college service district shall annually review the
 17 programs and services of the service district. This review shall have as its purpose a determination
 18 of which services can most effectively and economically be delivered directly and which services can
 19 best be delivered through contracting arrangements. The direct hiring of faculty and staff is ex-
 20 pressly permitted.

21 (3) After having been in operation for at least three years, a community college service district
 22 may submit to the electors of the district the question of whether the district shall operate as a
 23 community college district.

24 (4) Prior to submitting the question to the electors, the community college service district must
 25 have been in operation for three years, and must have secured the approval of the Higher Education
 26 Coordinating Commission to hold the election. Before granting approval, the commission must find:

27 (a) The service district has acquired stability as demonstrated by a continuity of management,
 28 regularly adopted policies and procedures and adequate financial resources; and

29 (b) The service district has adopted a sound comprehensive plan that sets out the district's in-
 30 structional and capital plans for five years.

31 **SECTION 38.** ORS 341.055 is amended to read:

32 341.055. **Except as provided in sections 2 to 6 of this 2019 Act:**

33 (1) At the time designated in the notice given under ORS 341.045, the Higher Education Coor-
 34 dinating Commission or its authorized representative shall conduct a public hearing on the study
 35 and may adjourn the hearing from time to time. The commission may alter the boundaries set forth
 36 in the petition submitted under ORS 341.025 to include all territory the residents of which will be
 37 materially benefited by formation of the community college district as determined by the study
 38 conducted under ORS 341.045. The commission shall not modify the boundaries of the district as set
 39 forth in the petition so as to exclude from the district any territory the residents of which will be
 40 materially benefited by formation of the district, nor may there be included in the proposed district
 41 any territory the residents of which will not be materially benefited.

42 (2) If the commission concludes that any territory has been improperly included or omitted from
 43 the proposed community college district and that electors within the included or omitted territory
 44 have not appeared at the hearing, the commission shall continue further hearing on the study and
 45 shall order notice given to the nonappearing electors requiring them to appear and show cause why

1 their territory should not be excluded or included in the proposed district. The notice shall be given
 2 either in the same manner as notice of the original hearing was given or by personal service on each
 3 nonappearing elector. If notice is given by personal service, such service shall be made at least 10
 4 days prior to the date fixed for the hearing.

5 **SECTION 39.** ORS 341.076 is amended to read:

6 **341.076. Except as provided in sections 2 to 6 of this 2019 Act:**

7 (1) If, upon final hearing under ORS 341.055, the Higher Education Coordinating Commission
 8 approves formation of a community college district, with boundaries either as originally presented
 9 or as altered pursuant to the hearing, the commission shall make its recommendation to the Legis-
 10 lative Assembly in an order describing the exterior boundaries and the zone boundaries for the
 11 election of members of the board of education of the community college district, if any. An appeal
 12 from the recommendation may be taken within 60 days in the manner provided in ORS 183.480. If
 13 no appeal from this recommendation is filed within 60 days after the date of the recommendation,
 14 the recommendation becomes final.

15 (2) If an appeal is filed, the recommendation becomes final on the date the recommendation is
 16 affirmed by the court. However, if the recommendation is not affirmed, the commission may not
 17 submit its recommendation to the Legislative Assembly but may reconsider the conclusions of the
 18 study conducted under ORS 341.045 and if the commission revises those conclusions, the commission
 19 may set a date for a new hearing.

20 (3) Upon receipt of the final recommendation, the Legislative Assembly shall approve or disap-
 21 prove the recommendation. If the recommendation is approved, an election under ORS 341.085 shall
 22 be held. If the recommendation is disapproved, the commission may revise its recommendation and
 23 resubmit a final recommendation to the Legislative Assembly but not sooner than 60 days after the
 24 action of disapproval was taken.

25 **SECTION 40.** ORS 341.085 is amended to read:

26 **341.085. Except as provided in sections 2 to 6 of this 2019 Act:**

27 (1) An election for the purpose of presenting the question of formation of a district and estab-
 28 lishing a permanent rate limit for operating taxes and the boundaries of the zones, if the zones were
 29 recommended by the Higher Education Coordinating Commission, shall be held to submit the ques-
 30 tion to the electors registered in the proposed district designated in the recommendation of the
 31 commission. The election shall be held not sooner than the 90th day after the effective date of the
 32 appropriation required by ORS 341.102. The election date shall be uniform throughout the proposed
 33 district, and shall be set by the commission on a date specified in ORS 255.345. However, if the
 34 question of establishing a permanent rate limit for operating taxes is to be submitted, the election
 35 must be held on the same date as the next primary election or the next general election, as deter-
 36 mined by the commission.

37 (2) ORS chapter 255 and ORS 250.035 and 250.036 govern the notice and conduct of an election
 38 under this section. The commission shall be the district elections authority for an election conducted
 39 under this section. Notwithstanding ORS 255.305, the commission shall pay the expenses incurred
 40 for the election.

41 (3) An elector registered in a precinct or in the portion of a precinct which is located within
 42 the boundaries of the proposed district may vote on any matter arising at the election under sub-
 43 section (1) of this section.

44 **SECTION 41.** ORS 341.115 is amended to read:

45 **341.115. Except as provided in sections 2 to 6 of this 2019 Act:**

1 (1) If the vote is in favor of the formation of the community college district and establishes a
 2 permanent rate limit for operating taxes for the district, the Higher Education Coordinating Com-
 3 mission:

4 (a) Shall proclaim the commission's determination from the election results that a community
 5 college district has been formed; and

6 (b) Shall furnish any affected county assessor with a copy of the proclamation.

7 (2) If the location of the community college or zone boundaries are specified on the ballot, and
 8 the vote favors formation, the commission shall include such location and boundaries in its procla-
 9 mation.

10 (3) If the vote is in favor of the formation of a community college district but opposed to a
 11 permanent rate limit at the rate submitted, the district shall not be formed.

12 **SECTION 42.** ORS 341.125 is amended to read:

13 341.125. **Except as provided in sections 2 to 6 of this 2019 Act:**

14 (1) The first board of education of a district shall be elected at the same election as the election
 15 at which votes are cast for the formation of the district. Nominations for the board of education
 16 positions to be filled by nomination and election at-large shall be made by petition requesting that
 17 such person's name be placed on the ballot and signed with the signatures of at least 50 electors
 18 registered in the proposed district. If the district has been zoned and the position is to be filled by
 19 nomination or election by zone, the petition shall be signed by at least 25 electors registered in the
 20 zone. The petition shall be presented to the Higher Education Coordinating Commission at least 70
 21 days prior to the election. Upon receipt of petitions that comply with applicable law, the commission
 22 shall cause the names of the nominees to be placed upon the ballot.

23 (2) Seven members shall be elected to the first board, to serve terms of four and two years re-
 24 spectively in accordance with the number of votes each receives with the three members receiving
 25 the largest number of votes serving the four-year terms. The terms of office of the members of the
 26 first board shall be computed from the date of June 30 subsequent to the date of their election, but
 27 the members shall take office immediately following the election. If for any reason a district is not
 28 formed, the election of board members for that proposed district is void.

29 (3) If the district has been zoned, the commission shall designate the positions to be nominated
 30 or elected by zone and shall specify the length of the term to be served by each member of the first
 31 board elected by zone.

32 (4) If the election is at large, the length of the term of office of members of the first board
 33 elected shall be determined in accordance with the number of votes each receives in the election.
 34 Those receiving the highest number of votes may serve the four-year terms, subject to any term
 35 designations made by the commission under subsection (3) of this section.

36 **SECTION 43.** ORS 341.175 is amended to read:

37 341.175. **Except as provided in sections 2 to 6 of this 2019 Act,** the board shall adjust the
 38 boundaries of zones established within a district as necessary to make them as nearly equal in
 39 population as is feasible according to the latest federal census. The board also shall adjust bound-
 40 aries of zones as necessary to reflect boundary changes of the district.

41 **SECTION 44.** ORS 341.185 is amended to read:

42 341.185. **Except as provided in sections 2 to 6 of this 2019 Act,** any elector of a district
 43 aggrieved by the adjustment of or failure to adjust boundaries of a zone pursuant to ORS 341.175
 44 on the basis that population is not as nearly equal as is feasible is entitled to appear before the
 45 board at a public hearing to present the case. If the board refuses to make the requested adjustment

1 in the boundaries, the aggrieved elector may appeal from the decision of the board to the circuit
2 court. The appeal shall be by writ of review.

3 **SECTION 45.** ORS 341.565 is amended to read:

4 341.565. **Except as provided in sections 2 to 6 of this 2019 Act:**

5 (1) The Higher Education Coordinating Commission shall constitute the boundary board for
6 making any changes in the boundaries of community college districts. The commission on its own
7 motion or on petition from a petitioning territory may propose changes in the boundaries of a com-
8 munity college district. The commission must find that the proposed change will have no substan-
9 tially adverse effect upon the ability of the affected districts to provide and continue their programs
10 and is not made solely for tax advantages to property owners in the district or area affected by the
11 proposed change. The commission may submit the question of a boundary change to a vote of the
12 electors of the territories affected by the boundary change. The election must be held on the same
13 day in both of the affected territories.

14 (2) A petition shall be in a form prescribed by the commission and must contain the information
15 that the commission requires. The petition shall contain a minimum number of signatures as fixed
16 by the commission.

17 (3) Before any order changing boundaries of an existing district is entered, the commission shall
18 set dates for a public hearing in the area to be included in the district or excluded from the district
19 by the proposed boundary change and in the case of annexation of new territory in the principal
20 town of the existing district and shall give notice in the manner required in ORS 341.357. At the
21 time set in the notice, the commission or its authorized representative shall conduct a public hearing
22 on the motion or petition and may adjourn the hearing from time to time.

23 (4) If, upon final hearing, the commission approves the motion or petition or affirms the vote of
24 the electors of the affected territories, the commission shall make an order describing the revised
25 boundaries of the district. The order becomes final when the order is approved by the Legislative
26 Assembly. If the order is not approved, the commission may revise the order and resubmit the order
27 to the Legislative Assembly but not sooner than 60 days after the action of disapproval was taken.

28 (5) Any division of assets and liabilities required by a change in the boundaries of a district
29 shall be made pursuant to ORS 341.573.

30 (6) When the boundaries of a district are changed, if the final order of the commission or an
31 election held under ORS 341.569:

32 (a) Occurs between July 1 and March 31, inclusive, the change takes effect on the June 30 fol-
33 lowing the final order or election favoring the change.

34 (b) Occurs between April 1 and June 30, inclusive, the change takes effect on the June 30 of the
35 following year.

36 (7) For purposes of ad valorem taxation, a boundary change must be filed in final approved form
37 with the county assessor and the Department of Revenue as provided in ORS 308.225.

38 **SECTION 46.** ORS 341.569 is amended to read:

39 341.569. **Except as provided in sections 2 to 6 of this 2019 Act:**

40 (1) The Higher Education Coordinating Commission shall submit the question of a proposed
41 boundary change to a vote if:

42 (a) The commission enters the order to revise the boundaries of a community college district;

43 (b) A remonstrance is filed with the commission within 20 days after the date on which the
44 hearing under ORS 341.565 is adjourned finally;

45 (c) The remonstrance is signed by at least five percent of the electors or at least 500 of the

1 electors, whichever is less, in:

2 (A) An area to be included in the district or excluded from the district by the proposed boundary
3 change; or

4 (B) The existing community college district; and

5 (d) The area to be included in the district is not surrounded by the territory of a single com-
6 munity college district.

7 (2) When necessary under subsection (1) of this section, the question shall be submitted to the
8 electors of the area or district filing a remonstrance or in both if remonstrances meeting the re-
9 quirements of subsection (1) of this section are filed from both.

10 (3) If the proposed boundary change is defeated, the same or a substantially similar change may
11 not be considered until at least 12 months have elapsed from the date of the election at which the
12 change was defeated. If the vote is favorable in the area or district from which a remonstrance was
13 filed, the commission shall declare the change effective on the date determined under ORS 341.565.

14 **SECTION 47.** ORS 341.577 is amended to read:

15 **341.577. Except as provided in sections 2 to 6 of this 2019 Act:**

16 (1) Notwithstanding any other provision of this chapter, when the new territory annexed to an
17 existing community college district is greater in population than the original territory, based upon
18 the latest federal census, the provisions of this section shall govern the community college district
19 for a period of not less than 10 years after the effective date of the boundary change.

20 (2) Program access and facilities for students shall be maintained in the original territory for a
21 period of not less than 20 years while programs and facilities for students are developed in the new
22 territory.

23 (3)(a) After the approval by the electors of both the original territory and the new territory of
24 the boundary change, the mode of election of board members shall be changed as provided in this
25 subsection. The term of office of a board member shall be four years. Electors of each of the seven
26 zones shall elect a board member.

27 (b) No later than the 90th day after the boundary change election under ORS 341.579 (1), five
28 zones for the new territory shall be established by the Higher Education Coordinating Commission.

29 (c) No later than June 30, two zones for the original territory shall be established by the com-
30 mission before the election of the first director to either zone as provided in this subsection.

31 (d) Zones shall be established with the boundaries exclusively within the original territory or
32 exclusively within the new territory, and with the zones as nearly equal in population as is feasible
33 according to the latest federal census.

34 (e) An elector may sign a petition of nomination and may vote only for a candidate from the
35 zone in which the elector resides.

36 (f) The four-year terms of office pertaining to the five numbered zones of the original territory
37 shall continue until the regularly scheduled June 30 termination date of each expires. A board
38 member shall be nominated and elected in the same numbered zone in the new territory at the
39 regular district election immediately preceding the June 30 date, and the director from that zone
40 shall take office on the July 1 following the date of election.

41 (g) Board members nominated and elected to office by zone in the original territory, and any
42 person elected or appointed to fill any vacancy in such office, shall continue to hold office until the
43 expiration of the board member's term.

44 (h)(A) The two at-large board positions in the original territory shall become the two zoned po-
45 sitions of the original territory after that June 30 on which the last zone of the original territory

1 no longer is in effect.

2 (B) At that time, the directors in office in the two at-large board positions in the original ter-
 3 ritory shall each be assigned that zone in which each resides, if both reside in separate zones.

4 (C) If the two directors reside in the same zone, then that director elected by the greater num-
 5 ber of votes between the two directors at large shall hold the board position for the territory of the
 6 zone in which the director resided at the date of election, and the other director shall hold the board
 7 position of the other zone.

8 (D) The board members shall continue in office until their respective terms of at-large election
 9 expire, provided any vacancy occurring in a board member's office before the expiration of such
 10 term shall be filled until expiration by appointment by the board of a resident of the board member's
 11 zone.

12 (4) The board shall appoint an advisory committee of seven members, including three from the
 13 original territory and three from the new territory. The board shall appoint a seventh, at-large
 14 member from a list of persons nominated by the advisory committee. The at-large member shall be
 15 the chairperson. The advisory committee members shall be appointed, and may be reappointed, for
 16 terms of three years, and the terms shall be staggered so that approximately one-third of the terms
 17 of the members end each year. The board shall give deliberative consideration to all recommen-
 18 dations of the advisory committee concerning policy related to district organization, educational
 19 services and facilities in regard to both the original territory and the new territory.

20 (5) Subject to ORS 294.414, members of the advisory committee shall be appointed to the com-
 21 munity college district budget committee. The community college district budget committee shall
 22 review and recommend budgets established and delineated by territory based on revenues and re-
 23 sources available.

24 (6) The chief administrative officer of the district shall maintain the administrative office of the
 25 district in the original territory.

26 (7) Collective bargaining shall be maintained uniformly across the original territory and new
 27 territory.

28 (8) After receiving any recommendation of the advisory committee, the board may continue one
 29 or more of the provisions of subsections (1) and (3) to (7) of this section in effect for an indefinite
 30 period after the expiration of the 10-year period referred to in subsection (1) of this section.

31 (9) The original territory shall remain liable for the existing debt of the community college dis-
 32 trict payable from ad valorem property taxes levied specifically for the payment of such indebt-
 33 edness.

34 **SECTION 48.** ORS 341.579 is amended to read:

35 **341.579. Except as provided in sections 2 to 6 of this 2019 Act:**

36 (1) The Higher Education Coordinating Commission shall submit the question of any boundary
 37 change pertaining to a community college district subject to ORS 341.577 to a vote of the electors
 38 held the same day in both the original territory and the new territory.

39 (2) If the proposed boundary change is defeated in either territory, the same or a substantially
 40 similar change shall not be considered until at least 12 months have elapsed from the date of the
 41 election at which the proposed change was defeated. If the vote is favorable in both the original
 42 territory and the new territory, and subject to determination by the commission that there is a
 43 legislative appropriation to the Community College Support Fund established in ORS 341.620 to
 44 support the new district resulting from the boundary change at a level commensurate with support
 45 for other community college districts, then the commission shall declare the change effective on the

1 date determined under ORS 341.565. Implementation of the commission's order shall take place only
2 if the funds needed to accommodate the impact of annexation on other local education districts are
3 appropriated specifically for that purpose by the Legislative Assembly or allocated by the Emer-
4 gency Board.

5 **SECTION 49.** ORS 255.055 is amended to read:

6 255.055. **Except as provided in sections 2 to 6 of this 2019 Act,** the elections officer may
7 delegate to the district elections authority at the request of the district elections authority any re-
8 sponsibility to conduct the district election, in whole or in part, if the elections officer determines
9 that:

10 (1) The election will be conducted in accordance with this chapter; and

11 (2) No inconvenience for electors of the district will result.

12 **SECTION 50.** ORS 255.235 is amended to read:

13 255.235. **Except as provided in sections 2 to 6 of this 2019 Act:**

14 (1) A candidate for election as a member of a district board shall be nominated by filing with
15 the elections officer either:

16 (a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, re-
17 siding in the election district for the office, whichever number is less; or

18 (b) A declaration of candidacy accompanied by a filing fee of \$10.

19 (2) A petition for nomination or a declaration of candidacy shall be filed with the elections of-
20 ficer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this sub-
21 section and:

22 (a) Not later than the 61st day before the date of the district election if the election is a regular
23 district election or the first election at which members of the district board are elected.

24 (b) Not later than the 70th day before the date of the district election if the election is held on
25 the date of a primary election or general election.

26 (3) A nominating petition or declaration of candidacy shall contain the information specified in
27 ORS 249.031.

28 (4) In a district in which a position or zone number is assigned to each office on the district
29 board, each petition for nomination or declaration of candidacy for election to the district board
30 shall state the position or zone number of the office to which the candidate seeks election.

31 (5) The provisions of ORS 249.009 (1)(b) and 249.061 do not apply to nominating petitions filed
32 under this section.

33 (6) A nominee for election to the district board may withdraw the nomination not later than 5
34 p.m. of the last day specified for filing a petition or declaration under this section by filing with the
35 elections officer a written withdrawal of candidacy. The withdrawal shall be signed by the nominee
36 and state the reasons for withdrawal.

37 **SECTION 51.** ORS 255.245 is amended to read:

38 255.245. **Except as provided in sections 2 to 6 of this 2019 Act,** if a vacancy occurs in the
39 office of district board member after the deadline for notice in ORS 255.069 (2) and on or before the
40 62nd day before the regular district election, the Secretary of State by rule shall provide a nomi-
41 nating schedule when practicable so that candidates' names may be printed on the regular election
42 ballot. With regard to this vacancy, requirements of publication of notice and sample ballots may
43 be waived. The rule shall require notice of the vacancy and nominating procedure to the district
44 electors by the most reasonable and expeditious means practicable under the circumstances, in-
45 cluding but not limited to single publication in a newspaper of general circulation in the district.

1 **SECTION 52.** ORS 255.325 is amended to read:

2 255.325. **Except as provided in sections 2 to 6 of this 2019 Act,** the Secretary of State by rule
3 shall require the districts that are not in compliance with ORS 255.335 to so comply. For this pur-
4 pose, the rule may require adjusting or staggering terms of board members.

5 **SECTION 53.** ORS 255.335 is amended to read:

6 255.335. **Except as provided in sections 2 to 6 of this 2019 Act:**

7 (1) The regular district election shall be held by each district for the purpose of electing mem-
8 bers of the district board to succeed a member whose term expires the following June 30 and to
9 elect members to fill any vacancy which then may exist. The election shall be held in each such
10 district in each odd-numbered year on the third Tuesday in May.

11 (2) A district shall not conduct more than one election of board members in any year.

12 (3) The first regular district election in a district shall be held on the regular district election
13 date next following the year in which the first members of the district board were elected or ap-
14 pointed.

15 (4) The term of a board member elected at the regular district election shall commence on the
16 first day of July next following the election and shall expire June 30 next following the regular
17 district election at which a successor is elected.

18 (5) Each district board shall hold a regular organizational meeting following the regular district
19 election and not later than the last day of July of that year.

20