

# Senate Bill 368

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires procedural review of whether proposed initiative amendment to amend county charter satisfies single-vote requirement to occur before signature gathering.

## A BILL FOR AN ACT

1  
2 Relating to timing of procedural review of ballot measures seeking to amend county charters; cre-  
3 ating new provisions; and amending ORS 203.725, 250.168 and 250.175.

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

5 **SECTION 1.** ORS 250.168 is amended to read:

6 250.168. (1) Not later than the fifth business day after receiving a prospective petition for an  
7 initiative measure, the county clerk shall determine in writing:

8 (a) Whether the initiative measure meets the requirements of section 1 (2)(d), Article IV, and  
9 section 10, Article VI of the Oregon Constitution[.]; **and**

10 (b) **For a prospective petition seeking to amend a county charter, whether the initiative**  
11 **measure meets the requirements of ORS 203.725 (2).**

12 (2) If the county clerk determines that the initiative measure meets the requirements of section  
13 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, **and, if applicable, ORS**  
14 **203.725 (2)**, the clerk shall proceed as required in ORS 250.175. The clerk shall include in the pub-  
15 lication required under ORS 250.175 (5) a statement that the initiative measure has been determined  
16 to meet the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon  
17 Constitution, **and, if applicable, ORS 203.725 (2).**

18 (3) If the county clerk determines that the initiative measure does not meet the requirements  
19 of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, **and, if appli-**  
20 **cable, ORS 203.725 (2)**, the clerk shall immediately notify the petitioner, in writing by certified mail,  
21 return receipt requested, of the determination.

22 (4) Any elector dissatisfied with a determination of the county clerk under subsection (1) of this  
23 section may petition the circuit court of the judicial district in which the county is located seeking  
24 to overturn the determination of the clerk. If the elector is dissatisfied with a determination that  
25 the initiative measure meets the requirements of section 1 (2)(d), Article IV, and section 10, Article  
26 VI of the Oregon Constitution, **and, if applicable, ORS 203.725 (2)**, the petition must be filed not  
27 later than the seventh business day after the ballot title is filed with the clerk. If the elector is  
28 dissatisfied with a determination that the initiative measure does not meet the requirements of sec-  
29 tion 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, **and, if applicable,**  
30 **ORS 203.725 (2)**, the petition must be filed not later than the seventh business day after the written

**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 determination is made by the clerk.

2 (5) The review by the circuit court shall be the first and final review, and shall be conducted  
3 expeditiously to ensure the orderly and timely circulation of the petition.

4 **SECTION 2.** ORS 250.175 is amended to read:

5 250.175. (1) When a prospective petition for a county measure to be referred is filed with the  
6 county clerk, the clerk shall authorize the circulation of the petition containing the title of the  
7 measure as enacted by the county governing body or, if there is no title, the title supplied by the  
8 petitioner filing the prospective petition. The county clerk immediately shall send one copy of the  
9 prospective petition to the district attorney.

10 (2) Not later than the sixth business day after a prospective petition for a county measure to  
11 be initiated is filed with the county clerk, the clerk shall send one copy of it to the district attorney  
12 if the measure to be initiated has been determined to be in compliance with section 1 (2)(d), Article  
13 IV, and section 10, Article VI of the Oregon Constitution, **and, if applicable, ORS 203.725 (2)**, as  
14 provided in ORS 250.168.

15 (3)(a) Not later than the fifth business day after receiving the copy of the prospective petition,  
16 and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for the county  
17 measure to be initiated or referred and certify the ballot title to the county clerk.

18 (b) If the district attorney determines that a ballot title certified under this subsection contains  
19 a clerical error, the district attorney may correct the error and certify to the county clerk a cor-  
20 rected ballot title not later than the 10th business day after the date the ballot title was certified.

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

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

24 (5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or in-  
25 itiated from the district attorney or the county governing body, shall publish in the next available  
26 edition of a newspaper of general circulation in the county a notice of receipt of the ballot title  
27 including notice that an elector may file a petition for review of the ballot title not later than the  
28 date referred to in ORS 250.195.

29 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county  
30 clerk may publish a notice on the county's website for a minimum of seven days.

31 (6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical  
32 error or omission that is evident from the text of the certified ballot title or by comparison of the  
33 text of the ballot title with a written explanation that was provided by the district attorney and  
34 issued concurrently with the certified ballot title.

35 **SECTION 3.** ORS 203.725 is amended to read:

36 203.725. (1) A proposed amendment to a county charter, whether proposed by the county gov-  
37 erning body or by the people of the county in the exercise of the initiative power, shall embrace but  
38 one subject and matters properly connected therewith.

39 (2) When two or more amendments to a county charter are submitted to the electors of the  
40 county for their approval or rejection at the same election, they shall be so submitted that each  
41 amendment shall be voted on separately.

42 *[(3) Notwithstanding any county charter or legislation enacted thereunder, this section shall apply*  
43 *to every amendment of a county charter and shall take precedence and prevail over any conflicting*  
44 *provisions in a county charter or in legislation enacted thereunder.]*

45 **(3) Unless otherwise provided by a county charter, or legislation enacted pursuant to a**

1 county charter, compliance with this section shall be governed by the procedure set forth in  
2 ORS 250.168.

3 **SECTION 4.** The amendments to ORS 203.725, 250.168 and 250.175 by sections 1 to 3 of this  
4 2019 Act apply to prospective initiative petitions to amend county charters that are filed on  
5 or after the effective date of this 2019 Act.  
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