

Senate Bill 27

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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 that cover sheet of state, county, district and city initiatives list city and state of residence for chief petitioners, rather than residence address of chief petitioners.

Requires notice of election for members of district board to be delivered to newspaper for printing, rather than be printed, no later than 40 days before filing deadline. Allows elections officer to post notice on county website in lieu of printing notice in newspaper.

Clarifies requirements regarding notice of ballot measure election and ballot title for district ballot measures.

Clarifies that certificate of nomination by individual electors must contain number of signatures of electors cast in relevant electoral district at last presidential election.

Removes vector control districts from definition of district for purposes of special district elections.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 249.740, 250.045, 250.165, 250.265, 255.012, 255.075, 255.085 and
3 255.135.

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

5 **SECTION 1.** ORS 250.045 is amended to read:

6 250.045. (1)(a) Before circulating a petition to initiate or refer a state measure under Article IV,
7 section 1, of the Oregon Constitution, the petitioner shall file with the Secretary of State a pro-
8 spective petition.

9 (b) The prospective petition for a state measure to be initiated:

10 (A) Shall contain the signatures of at least 1,000 electors; and

11 (B) May not contain the signatures of more than 2,000 electors.

12 (c) The signature sheets for a state measure to be initiated must be attached to a full and cor-
13 rect copy of the measure to be initiated.

14 (2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the
15 chief petitioners shall file with the secretary a statement declaring whether one or more persons
16 will be paid money or other valuable consideration for obtaining signatures of electors on the pro-
17 spective petition. After a statement has been filed under this subsection, the chief petitioners shall
18 notify the secretary not later than the 10th day after any of the chief petitioners first has knowledge
19 or should have had knowledge that:

20 (a) Any person is being paid for obtaining signatures, when the statement filed under this sub-
21 section declared that no such person would be paid.

22 (b) No person is being paid for obtaining signatures, when the statement filed under this sub-
23 section declared that one or more such persons would be paid.

24 (3) The secretary by rule shall establish procedures for verifying whether a prospective petition
25 for a state measure to be initiated contains the required number of signatures of electors.

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 (4) The secretary shall date and time stamp the prospective petition and specify the form on
2 which the initiative or referendum petition shall be printed for circulation as provided in ORS
3 250.052. The secretary shall retain the prospective petition.

4 (5) The chief petitioner may amend the state measure to be initiated that has been filed with the
5 secretary without filing another prospective petition, if:

6 (a) The Attorney General certifies to the secretary that the proposed amendment will not sub-
7 stantially change the substance of the measure; and

8 (b) The deadline for submitting written comments on the draft title has not passed.

9 (6)(a) The cover of an initiative or referendum petition shall designate the name and **city and**
10 **state of** residence [*address*] of not more than three persons as chief petitioners and shall contain
11 instructions for persons obtaining signatures of electors on the petition. The instructions shall be
12 adopted by the secretary by rule.

13 (b) The cover of a referendum petition shall contain the final measure summary described in
14 ORS 250.065 (1).

15 (c)(A) If a petition seeking a different ballot title is not filed with the Supreme Court by the
16 deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall contain the
17 latest ballot title certified by the Attorney General under ORS 250.067 (2).

18 (B) If a petition seeking a different ballot title is filed with the Supreme Court by the deadline
19 for filing a petition under ORS 250.085:

20 (i) The secretary may not issue an official template of the cover and signature sheets of the in-
21 itiative petition until the Supreme Court has certified a final ballot title; and

22 (ii) The cover of the initiative petition shall contain the final ballot title certified by the court.

23 (7) The chief petitioners shall include with the prospective petition a statement declaring
24 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
25 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
26 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
27 petitioners first has knowledge or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement included with the
29 prospective petition declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
31 spective petition declared that one or more such persons would be paid.

32 (8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the final
33 certified ballot title. Each sheet of signatures on a referendum petition shall contain the subject
34 expressed in the title of the Act to be referred.

35 (b) Each sheet of signatures on an initiative or referendum petition shall:

36 (A) Contain a notice describing the meaning of the color of the signature sheet in accordance
37 with ORS 250.052; and

38 (B) If one or more persons will be paid for obtaining signatures of electors on the petition,
39 contain a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be
40 in boldfaced type and shall be prominently displayed on the sheet.

41 (c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of
42 referendum petitions containing the same subject reference and being circulated during the same
43 period.

44 (9) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
45 taining signatures on the initiative or referendum petition.

1 (10) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 2 may be counted. The circulator shall certify on each signature sheet of the initiative or referendum
 3 petition that the circulator:

4 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 5 the signature sheet; and

6 (b) Believes each individual is an elector.

7 (11) The person obtaining signatures on the petition shall carry at least one full and correct
 8 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
 9 request of the person.

10 **SECTION 2.** ORS 250.165 is amended to read:

11 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner
 12 shall file with the county clerk a prospective petition. The county clerk immediately shall date and
 13 time stamp the prospective petition, and specify the form on which the petition shall be printed for
 14 circulation. The clerk shall retain the prospective petition.

15 (2) The cover of an initiative or referendum petition shall designate the name and **city and**
 16 **state of** residence [*address*] of not more than three persons as chief petitioners and shall contain
 17 instructions for persons obtaining signatures of electors on the petition. The instructions shall be
 18 adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title
 19 described in ORS 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195,
 20 the cover of an initiative petition shall contain the ballot title described in ORS 250.175 (3). If the
 21 circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title
 22 certified by the court.

23 (3) The chief petitioners shall include with the prospective petition a statement declaring
 24 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 25 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 26 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 27 petitioners first has knowledge or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement included with the
 29 prospective petition declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 31 spective petition declared that one or more such persons would be paid.

32 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 33 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
 34 or resolution to be referred, if any, and the date it was adopted by the county governing body.

35 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
 36 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
 37 Circulators For This Petition Are Being Paid."

38 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 39 taining signatures on an initiative or referendum petition.

40 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 41 shall be counted. The circulator shall certify on each signature sheet that the circulator:

42 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 43 the signature sheet; and

44 (b) Believes each individual is an elector registered in the county.

45 (7) Unless otherwise provided by a county ordinance, the gathering of signatures on a petition

1 to initiate a county measure may not exceed a period of two years from the time the petition is
 2 approved for circulation.

3 (8) A county clerk may not accept for filing any petition which has not met the provisions of
 4 subsection (7) of this section.

5 (9) A petition to initiate a county measure must be filed not less than 90 days before the election
 6 at which the proposed law is to be voted on.

7 (10) The person obtaining signatures on the petition shall carry at least one full and correct
 8 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
 9 request of the person.

10 **SECTION 3.** ORS 250.265 is amended to read:

11 250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
 12 file with the city elections officer a prospective petition. The officer immediately shall date and time
 13 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-
 14 culation. The officer shall retain the prospective petition.

15 (2) The cover of an initiative or referendum petition shall designate the name and **city and**
 16 **state of** residence [*address*] of not more than three persons as chief petitioners and shall contain
 17 instructions for persons obtaining signatures of electors on the petition. The instructions shall be
 18 adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title
 19 described in ORS 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296,
 20 the cover of an initiative petition shall contain the ballot title described in ORS 250.275 (3). If the
 21 circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title
 22 certified by the court.

23 (3) The chief petitioners shall include with the prospective petition a statement declaring
 24 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 25 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 26 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 27 petitioners first has knowledge or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement included with the
 29 prospective petition declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 31 spective petition declared that one or more such persons would be paid.

32 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 33 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
 34 or resolution to be referred, if any, and the date it was adopted by the city governing body.

35 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
 36 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
 37 Circulators For This Petition Are Being Paid."

38 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 39 taining signatures on an initiative or referendum petition.

40 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 41 shall be counted. The circulator shall certify on each signature sheet that the circulator:

42 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 43 the signature sheet; and

44 (b) Believes each individual is an elector registered in the city.

45 (7) Unless otherwise provided by a city ordinance, the gathering of signatures on a petition to

1 initiate a city measure may not exceed a period of two years from the time the petition is approved
 2 for circulation.

3 (8) A city elections officer may not accept for filing any petition which has not met the pro-
 4 visions of subsection (7) of this section.

5 (9) A petition to initiate a city measure must be filed not less than 90 days before the election
 6 at which the proposed law is to be voted on.

7 (10) The person obtaining signatures on the petition shall carry at least one full and correct
 8 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
 9 request of the person.

10 **SECTION 4.** ORS 255.135 is amended to read:

11 255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner
 12 shall file with the elections officer a prospective petition. The elections officer immediately shall
 13 date and time stamp the prospective petition, and specify the form on which the petition shall be
 14 printed for circulation. The officer shall retain the prospective petition.

15 (2) The cover of an initiative or referendum petition shall designate the name and **city and**
 16 **state of** residence [*address*] of not more than three persons as chief petitioners and shall contain
 17 instructions for persons obtaining signatures of electors on the petition. The instructions shall be
 18 adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title
 19 described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155,
 20 the cover of an initiative petition shall contain the ballot title described in ORS 255.145 (3). If the
 21 circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title
 22 certified by the court.

23 (3) The chief petitioners shall include with the prospective petition a statement declaring
 24 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 25 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 26 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 27 petitioners first has knowledge or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement included with the
 29 prospective petition declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 31 spective petition declared that one or more such persons would be paid.

32 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 33 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
 34 to be referred and the date it was adopted by the district board.

35 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
 36 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
 37 Circulators For This Petition Are Being Paid."

38 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 39 taining signatures on an initiative or referendum petition.

40 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 41 shall be counted. The circulator shall certify on each signature sheet that the circulator:

42 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 43 the signature sheet; and

44 (b) Believes each individual is an elector registered in the district.

45 (7) Unless otherwise provided by a district ordinance, the gathering of signatures on a petition

1 to initiate a district measure may not exceed a period of two years from the time the petition is
2 approved for circulation.

3 (8) The elections officer may not accept for filing any petition that has not met the provisions
4 of subsection (7) of this section.

5 (9) A petition to initiate a district measure must be filed not less than 90 days before the
6 election at which the proposed law is to be voted on.

7 (10) The person obtaining signatures on the petition shall carry at least one full and correct
8 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
9 request of the person.

10 **SECTION 5.** ORS 255.075 is amended to read:

11 255.075. (1)[(a)] When a district election is to be held for the purpose of electing members of the
12 district board, the elections officer shall publish a notice stating the date of the election, the board
13 positions to be voted upon and the latest date on which candidates for election as board members
14 may file petitions for nomination or declarations of candidacy. **The elections officer shall deliver
15 the notice to be printed to** *[notice shall be printed once in]* a newspaper of general circulation in
16 the district not later than the 40th day before the last day for filing a petition for nomination or
17 declaration of candidacy. **The notice shall be printed once in the next available edition of the
18 newspaper after the deadline for filing the notice.**

19 *[(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the elections
20 officer may publish a notice on the county's website for a minimum of seven days.]*

21 (2)(a) In lieu of or in addition to publication of notice described in subsection (1) of this section,
22 the elections officer may give notice by:

23 **(A) Publishing the notice on the county's website for a minimum of seven days; or**

24 **(B) [Mail] Mailing the notice** to each elector of the district.

25 **(b)** *[The notice shall have postage prepaid and shall be considered given when mailed.]* The notice
26 **given under this subsection** shall be made not later than the 40th day before the last day for filing
27 a petition for nomination or declaration of candidacy.

28 **(c) Notice given by mail under paragraph (a)(B) of this subsection shall have postage
29 prepaid and shall be considered given when mailed.** Proof of mailing shall be by affidavit of the
30 district elections officer who mailed the notice. The affidavit shall state the time and place the no-
31 tice was mailed.

32 (3) The Secretary of State by rule shall establish the procedures that the elections officer shall
33 follow in maintaining adequate records for preparation of the notice described in subsection (1) of
34 this section.

35 **SECTION 6.** ORS 255.085 is amended to read:

36 255.085. (1)(a) Not later than the 61st day before a district election on a measure, the district
37 elections authority shall deliver to the elections officer a notice stating the date of the election and
38 a ballot title. The district elections authority shall prepare the ballot title for a measure referred
39 by the authority with the assistance of the district attorney for the county of the elections officer
40 or an attorney employed by the district elections authority. The district elections authority shall
41 include the ballot title for the measure at the time the measure is submitted to the elections officer.

42 (b) For each local option tax measure or general obligation bond measure placed on the ballot
43 by a municipal corporation, the elections officer shall file a copy of the notice delivered under par-
44 agraph (a) of this subsection with the Secretary of State in the manner set forth in ORS 294.474.

45 (2) If a district submits a measure to the electors of the district at an election held on the first

1 Tuesday after the first Monday in November and the district submitted a measure on the election
 2 date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after
 3 the first Monday in November, the district elections authority shall file the measure, including the
 4 ballot title for the measure, for the election held on the first Tuesday after the first Monday in
 5 November with the elections officer not later than the 47th day before an election held on the first
 6 Tuesday after the first Monday in November.

7 (3) A notice of **measure election and receipt of ballot title** called to approve the issuance of
 8 bonds shall include:

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

10 (b) The amount and the term of the bonds;

11 (c) The kind of bonds proposed to be issued; [*and*]

12 (d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS
 13 450.905; **and**

14 (e) **The ballot title for the measure.**

15 (4)(a) In the case of a measure submitted by initiative or referendum petition, the elections of-
 16 ficer shall publish the notice of **measure election and receipt of ballot title** in the next available
 17 edition of a newspaper of general circulation in the district after the deadline for filing the notice.

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

25 (c) In addition to publishing the notice of **measure election and receipt of ballot title** as de-
 26 scribed in paragraphs (a) and (b) of this subsection, the elections officer may publish the notice of
 27 **measure election and receipt of ballot title** on the county's website for a minimum of seven days.

28 **SECTION 7.** ORS 249.740 is amended to read:

29 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
 30 signatures of electors in the electoral district equal to not less than one percent of the total votes
 31 cast in the electoral district for which the nomination is intended to be made, for all candidates for
 32 presidential electors at the [*last general election*] **most recent presidential election.**

33 (2) Each elector signing a certificate of nomination made by individual electors shall include the
 34 residence or mailing address of the elector. Except for a certificate of nomination of candidates for
 35 electors of President and Vice President of the United States, a certificate of nomination made by
 36 individual electors shall contain the name of only one candidate.

37 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
 38 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS
 39 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
 40 ment declaring whether one or more persons will be paid money or other valuable consideration for
 41 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
 42 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
 43 knowledge or should have had knowledge that:

44 (a) Any person is being paid for obtaining signatures, when the statement included with the
 45 prospective certificate declared that no such person would be paid.

1 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 2 spective certificate declared that one or more such persons would be paid.

3 (4) The circulator shall certify on each signature sheet that the circulator:

4 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 5 the signature sheet; and

6 (b) Believes each individual is an elector registered in the electoral district.

7 (5) The signatures contained in each certificate of nomination made by individual electors shall
 8 be certified for genuineness by the county clerk or the Secretary of State under ORS 249.008.

9 (6) As used in this section, “prospective certificate” means the information, except signatures
 10 and other identification of certificate signers, required to be contained in a completed certificate
 11 of nomination.

12 **SECTION 8.** ORS 255.012 is amended to read:

13 255.012. As used in this chapter, “district” means:

14 (1) A domestic water supply district organized under ORS chapter 264.

15 (2) A cemetery maintenance district organized under ORS chapter 265.

16 (3) A park and recreation district organized under ORS chapter 266.

17 (4) A mass transit district organized under ORS 267.010 to 267.394.

18 (5) A transportation district organized under ORS 267.510 to 267.650.

19 (6) A metropolitan service district organized under ORS chapter 268.

20 (7) A translator district organized under ORS 354.605 to 354.715.

21 (8) A library district organized under ORS 357.216 to 357.286.

22 (9) A county road district organized under ORS 371.055 to 371.110.

23 (10) A special road district organized under ORS 371.305 to 371.360.

24 (11) A road assessment district organized under ORS 371.405 to 371.535.

25 (12) A highway lighting district organized under ORS chapter 372.

26 (13) A health district organized under ORS 440.305 to 440.410.

27 (14) A sanitary district organized under ORS 450.005 to 450.245.

28 (15) A sanitary authority, water authority or joint water and sanitary authority organized under
 29 ORS 450.600 to 450.989.

30 (16) A county service district organized under ORS chapter 451.

31 *[(17) A vector control district organized under ORS 452.020 to 452.170.]*

32 *[(18)] (17)* A rural fire protection district organized under ORS chapter 478.

33 *[(19)] (18)* An airport district organized under ORS chapter 838.

34 *[(20)] (19)* A geothermal heating district organized under ORS chapter 523.

35 *[(21)] (20)* A water improvement district organized under ORS chapter 552.

36 *[(22)] (21)* A water control district organized under ORS chapter 553.

37 *[(23)] (22)* A weather modification district organized under ORS 558.200 to 558.440.

38 *[(24)] (23)* A livestock district organized under ORS 607.005 to 607.051.

39 *[(25)] (24)* A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

40 *[(26)] (25)* The Port of Portland established by ORS 778.010.

41 *[(27)] (26)* A school district.

42 *[(28)] (27)* Territory, other than territory within a city, proposed to be created, formed or in-
 43 corporated into a district or to be annexed or otherwise added to a district.

44 *[(29)] (28)* A soil and water conservation district organized under ORS 568.210 to 568.808 and
 45 568.900 to 568.933.

- 1 [(30)] **(29)** A heritage district organized under ORS 358.442 to 358.474.
 - 2 [(31)] **(30)** A radio and data district organized under ORS 403.500 to 403.542.
 - 3 [(32)] **(31)** A sand control district organized under ORS 555.500 to 555.535.
 - 4 [(33)] **(32)** A community college district formed under ORS chapter 341.
 - 5 [(34)] **(33)** A 9-1-1 communications district organized under ORS 403.300 to 403.380.
 - 6 [(35)] **(34)** An urban flood safety and water quality district created under ORS 550.150 to 550.400.
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