

D R A F T

SUMMARY

Digest: The Act allows local elections chiefs not to act on IM petitions that are filed during a specified time. (Flesch Readability Score: 67.3).

Permits local elections officials not to take certain actions on a petition or prospective petition for an initiative or referendum if the petition is filed between the 75th day prior to and the 35th day following an election in either May or November.

A BILL FOR AN ACT

1
2 Relating to filing petitions for initiatives and referenda; amending ORS
3 250.168, 250.175, 250.215, 250.270, 250.275, 250.315, 255.140, 255.145 and
4 255.175.

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

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

7 250.168. (1)(a) **Except as provided in paragraph (b) of this subsection,**
8 not later than the fifth business day after receiving a prospective petition
9 for an initiative measure, the county clerk shall determine in writing
10 whether the initiative measure meets the requirements of section 1 (2)(d),
11 Article IV, and section 10, Article VI of the Oregon Constitution.

12 **(b) For any prospective petition that is received by the county clerk**
13 **between the 75th day prior to and the 35th day following an election**
14 **in either May or November, the county clerk shall make the determi-**
15 **nation described under paragraph (a) of this subsection not later than**
16 **the 40th day following the election.**

17 (2) If the county clerk determines that the initiative measure meets the
18 requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the

1 Oregon Constitution, the clerk shall proceed as required in ORS 250.175. The
2 clerk shall include in the publication required under ORS 250.175 (5) a
3 statement that the initiative measure has been determined to meet the re-
4 quirements of section 1 (2)(d), Article IV, and section 10, Article VI of the
5 Oregon Constitution.

6 (3) If the county clerk determines that the initiative measure does not
7 meet the requirements of section 1 (2)(d), Article IV, and section 10, Article
8 VI of the Oregon Constitution, the clerk shall immediately notify the
9 petitioner, in writing by certified mail, return receipt requested, of the de-
10 termination.

11 (4) Any elector dissatisfied with a determination of the county clerk un-
12 der subsection (1) of this section may petition the circuit court of the judi-
13 cial district in which the county is located seeking to overturn the
14 determination of the clerk. If the elector is dissatisfied with a determination
15 that the initiative measure meets the requirements of section 1 (2)(d), Article
16 IV, and section 10, Article VI of the Oregon Constitution, the petition must
17 be filed not later than the seventh business day after the ballot title is filed
18 with the clerk. If the elector is dissatisfied with a determination that the
19 initiative measure does not meet the requirements of section 1 (2)(d), Article
20 IV, and section 10, Article VI of the Oregon Constitution, the petition must
21 be filed not later than the seventh business day after the written determi-
22 nation is made by the clerk.

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

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

27 250.175. (1)(a) When a prospective petition for a county measure to be
28 referred is filed with the county clerk, the clerk shall authorize the circu-
29 lation of the petition containing the title of the measure as enacted by the
30 county governing body or, if there is no title, the title supplied by the
31 petitioner filing the prospective petition. **Except as provided in paragraph**

1 **(b) of this subsection**, the county clerk immediately shall send one copy
2 of the prospective petition to the district attorney.

3 **(b) For any prospective petition that is filed with the county clerk**
4 **between the 75th day prior to and the 35th day following an election**
5 **in either May or November, the county clerk immediately shall send**
6 **one copy of the prospective petition to the district attorney following**
7 **the period described in this paragraph.**

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

15 **(b) For any prospective petition that is filed with the county clerk**
16 **between the 75th day prior to and the 35th day following an election**
17 **in either May or November, the county clerk shall send one copy of**
18 **the prospective petition to the district attorney not later than the**
19 **sixth business day following the period described in this paragraph if**
20 **the county clerk determines that the measure to be initiated is in**
21 **compliance with the requirements set forth in paragraph (a) of this**
22 **subsection.**

23 (3)(a) Not later than the fifth business day after receiving the copy of the
24 prospective petition, and notwithstanding ORS 203.145 (3), the district attor-
25 ney shall prepare a ballot title for the county measure to be initiated or re-
26 ferred and certify the ballot title to the county clerk.

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

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

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

4 (5)(a) The county clerk, upon receiving a ballot title for a county measure
5 to be referred or initiated from the district attorney or the county governing
6 body, shall publish in the next available edition of a newspaper of general
7 circulation in the county a notice of receipt of the ballot title including no-
8 tice that an elector may file a petition for review of the ballot title not later
9 than the date referred to in ORS 250.195.

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

13 (6) As used in this section, "clerical error" means a typographical, arith-
14 metical or grammatical error or omission that is evident from the text of the
15 certified ballot title or by comparison of the text of the ballot title with a
16 written explanation that was provided by the district attorney and issued
17 concurrently with the certified ballot title.

18 **SECTION 3.** ORS 250.215 is amended to read:

19 250.215. (1) An initiative or referendum petition relating to a county
20 measure shall be filed with the county clerk for signature verification. The
21 filed petition shall contain only original signatures.

22 (2) An initiative or referendum petition relating to a county measure
23 [*shall*] **may** not be accepted for filing if [*it*] **the petition:**

24 (a) Contains less than 100 percent of the required number of signatures;
25 **or**

26 (b) **Is filed between the 75th day prior to and the 35th day following**
27 **an election in either May or November.**

28 (3) For any petition requiring a number of signatures exceeding 4,500, the
29 Secretary of State by rule shall designate a statistical sampling technique
30 to verify whether a petition contains the required number of signatures of
31 electors. A petition may not be rejected for the reason that it contains less

1 than the required number of signatures unless two separate sampling pro-
2 cesses both establish that the petition lacks the required number of signa-
3 tures. The second sampling must contain a larger number of signatures than
4 the first sampling.

5 (4) The Secretary of State may employ professional assistance to deter-
6 mine the sampling technique referred to in subsection (3) of this section.

7 **SECTION 4.** ORS 250.270 is amended to read:

8 **250.270. (1)(a) Except as provided in paragraph (b) of this subsection,**
9 not later than the fifth business day after receiving a prospective petition
10 for an initiative measure, the city elections officer shall determine in writing
11 whether the initiative measure meets the requirements of section 1 (2)(d) and
12 (5), Article IV of the Oregon Constitution.

13 **(b) For any prospective petition that is received by the city elections**
14 **officer between the 75th day prior to and the 35th day following an**
15 **election in either May or November, the city elections officer shall**
16 **make the determination described under paragraph (a) of this sub-**
17 **section not later than the 40th day following the election.**

18 (2) If the city elections officer determines that the initiative measure
19 meets the requirements of section 1 (2)(d) and (5), Article IV of the Oregon
20 Constitution, the city elections officer shall proceed as required in ORS
21 250.275. The city elections officer shall include in the publication required
22 under ORS 250.275 (5) a statement that the initiative measure has been de-
23 termined to meet the requirements of section 1 (2)(d) and (5), Article IV of
24 the Oregon Constitution.

25 (3) If the city elections officer determines that the initiative measure does
26 not meet the requirements of section 1 (2)(d) and (5), Article IV of the
27 Oregon Constitution, the city elections officer shall immediately notify the
28 petitioner, in writing by certified mail, return receipt requested, of the de-
29 termination.

30 (4) Any elector dissatisfied with a determination of the city elections of-
31 ficer under subsection (1) of this section may petition the circuit court of the

1 judicial district in which the city is located seeking to overturn the deter-
2 mination of the city elections officer. If the elector is dissatisfied with a
3 determination that the initiative measure meets the requirements of section
4 1 (2)(d) and (5), Article IV of the Oregon Constitution, the petition must be
5 filed not later than the seventh business day after the ballot title is filed
6 with the city elections officer. If the elector is dissatisfied with a determi-
7 nation that the initiative measure does not meet the requirements of section
8 1 (2)(d) and (5), Article IV of the Oregon Constitution, the petition must be
9 filed not later than the seventh business day after the written determination
10 is made by the city elections officer.

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

14 **SECTION 5.** ORS 250.275 is amended to read:

15 250.275. (1)(a) When a prospective petition for a city measure to be re-
16 ferred is filed with the city elections officer, the officer shall authorize the
17 circulation of the petition containing the title of the measure as enacted by
18 the city governing body or, if there is no title, the title supplied by the
19 petitioner filing the prospective petition. **Except as provided in paragraph**
20 **(b) of this subsection,** the city elections officer immediately shall send one
21 copy of the prospective petition to the city attorney.

22 **(b) For any prospective petition that is filed with the city elections**
23 **officer between the 75th day prior to and the 35th day following an**
24 **election in either May or November, the city elections officer imme-**
25 **diately shall send one copy of the prospective petition to the city at-**
26 **torney following the period described in this paragraph.**

27 (2)(a) **Except as provided in paragraph (b) of this subsection,** not
28 later than the sixth business day after a prospective petition for a city
29 measure to be initiated is filed with the city elections officer, the officer
30 shall send one copy of *[it]* **the prospective petition** to the city attorney if
31 the measure to be initiated has been determined to be in compliance with

1 section 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided
2 in ORS 250.270.

3 **(b) For any prospective petition that is filed with the city elections**
4 **officer between the 75th day prior to and the 35th day following an**
5 **election in either May or November, the city elections officer shall**
6 **send one copy of the prospective petition to the city attorney not later**
7 **than the sixth business day following the period described in this par-**
8 **agraph if the officer determines that the measure to be initiated is in**
9 **compliance with the requirements set forth in paragraph (a) of this**
10 **subsection.**

11 (3)(a) Not later than the fifth business day after receiving the copy of the
12 prospective petition, the city attorney shall provide a ballot title for the city
13 measure to be initiated or referred and certify the ballot title to the city
14 elections officer.

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

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

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

23 (5)(a) The city elections officer, upon receiving a ballot title for a city
24 measure to be referred or initiated from the city attorney or city governing
25 body, shall publish in the next available edition of a newspaper of general
26 distribution in the city a notice of receipt of the ballot title including notice
27 that an elector may file a petition for review of the ballot title not later than
28 the date referred to in ORS 250.296.

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

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

6 **SECTION 6.** ORS 250.315 is amended to read:

7 250.315. (1) An initiative or referendum petition relating to a city measure
8 shall be filed with the city elections officer for signature verification. The
9 filed petition shall contain only original signatures.

10 (2) An initiative or referendum petition relating to a city measure shall
11 not be accepted for filing if *[it]* **the petition:**

12 (a) Contains less than 100 percent of the required number of signatures;
13 **or**

14 (b) **Is filed between the 75th day prior to and the 35th day following**
15 **an election in either May or November.**

16 (3) For any petition requiring a number of signatures exceeding 4,500, the
17 Secretary of State by rule shall designate a statistical sampling technique
18 to verify whether a petition contains the required number of signatures of
19 electors. A petition may not be rejected for the reason that it contains less
20 than the required number of signatures unless two separate sampling pro-
21 cesses both establish that the petition lacks the required number of signa-
22 tures. The second sampling must contain a larger number of signatures than
23 the first sampling.

24 (4) The Secretary of State may employ professional assistance to deter-
25 mine the sampling technique referred to in subsection (3) of this section.

26 **SECTION 7.** ORS 255.140 is amended to read:

27 255.140. (1)(a) **Except as provided in paragraph (b) of this subsection,**
28 not later than the fifth business day after receiving a prospective petition
29 for an initiative measure, the elections officer shall determine in writing
30 whether the initiative measure meets the requirements of section 1 (2)(d) and
31 (5), Article IV of the Oregon Constitution.

1 **(b) For any prospective petition that is received by the elections**
2 **officer between the 75th day prior to and the 35th day following an**
3 **election in either May or November, the elections officer shall make**
4 **the determination described under paragraph (a) of this subsection not**
5 **later than the 40th day following the election.**

6 (2) If the elections officer determines that the initiative measure meets
7 the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Con-
8 stitution, the elections officer shall proceed as required in ORS 255.145. The
9 elections officer shall include in the publication required under ORS 255.145
10 (5) a statement that the initiative measure has been determined to meet the
11 requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitu-
12 tion.

13 (3) If the elections officer determines that the initiative measure does not
14 meet the requirements of section 1 (2)(d) and (5), Article IV of the Oregon
15 Constitution, the elections officer shall immediately notify the petitioner, in
16 writing by certified mail, return receipt requested, of the determination.

17 (4) Any elector dissatisfied with a determination of the elections officer
18 under subsection (1) of this section may petition the circuit court of the ju-
19 dicial district in which the administrative office of the district is located
20 seeking to overturn the determination of the elections officer. If the elector
21 is dissatisfied with a determination that the initiative measure meets the
22 requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitu-
23 tion, the petition must be filed not later than the seventh business day after
24 the ballot title is filed with the elections officer. If the elector is dissatisfied
25 with a determination that the initiative measure does not meet the require-
26 ments of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the
27 petition must be filed not later than the seventh business day after the
28 written determination is made by the elections officer.

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

1 **SECTION 8.** ORS 255.145 is amended to read:

2 255.145. (1)(a) When a prospective petition for a district measure to be
3 referred is filed with the elections officer, the officer shall authorize the
4 circulation of the petition containing the title of the measure as enacted by
5 the district elections authority or, if there is no title, the title supplied by
6 the petitioner filing the prospective petition. **Except as provided in para-**
7 **graph (b) of this subsection,** the elections officer immediately shall send
8 one copy of the prospective petition to the district attorney of the county in
9 which the administrative office of the district is located.

10 **(b) For any prospective petition that is filed with the elections of-**
11 **ficer between the 75th day prior to and the 35th day following an**
12 **election in either May or November, the elections officer immediately**
13 **shall send one copy of the prospective petition to the district attorney**
14 **in accordance with paragraph (a) of this subsection following the pe-**
15 **riod described in this paragraph.**

16 (2)(a) **Except as provided in paragraph (b) of this subsection,** not
17 later than the sixth business day after a prospective petition for a district
18 measure to be initiated is filed with the elections officer, the officer shall
19 send one copy of it to the district attorney of the county in which the ad-
20 ministrative office of the district is located if the measure to be initiated has
21 been determined to be in compliance with section 1 (2)(d) and (5), Article IV
22 of the Oregon Constitution, as provided in ORS 255.140.

23 **(b) For any prospective petition that is filed with the elections of-**
24 **ficer between the 75th day prior to and the 35th day following an**
25 **election in either May or November, the elections officer shall send**
26 **one copy of the prospective petition to the district attorney not later**
27 **than the sixth business day following the period described in this par-**
28 **agraph if the officer determines that the measure to be initiated is in**
29 **compliance with the requirements set forth in paragraph (a) of this**
30 **subsection.**

31 (3)(a) Not later than the fifth business day after receiving the copy of the

1 prospective petition, the district attorney shall provide a ballot title for the
2 district measure to be initiated or referred and send one copy of the ballot
3 title to the elections officer. Unless the circuit court certifies a different ti-
4 tle, or the district attorney determines that a clerical correction is necessary,
5 this ballot title shall be the title printed on the ballot.

6 (b) As used in this subsection, “clerical correction” means a
7 typographical, arithmetical or grammatical correction that is evident from
8 the text of the draft or certified ballot title.

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

10 (5)(a) The elections officer, upon receiving a ballot title for a district
11 measure to be referred or initiated from the district attorney, shall publish
12 in the next available edition of a newspaper of general circulation in the
13 district a notice of receipt of the ballot title including notice that an elector
14 may file a petition for review of the ballot title not later than the date re-
15 ferred to in ORS 255.155.

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

19 **SECTION 9.** ORS 255.175 is amended to read:

20 255.175. (1) An initiative or referendum petition relating to a district
21 measure shall be filed with the elections officer for signature verification.
22 The filed petition shall contain only original signatures.

23 (2) An initiative or referendum petition relating to a district measure
24 shall not be accepted for filing if *[it]* **the petition:**

25 (a) Contains less than 100 percent of the required number of signatures;
26 **or**

27 (b) **Is filed between the 75th day prior to and the 35th day following**
28 **an election in either May or November.**

29 (3) For any petition requiring a number of signatures exceeding 4,500, the
30 Secretary of State by rule shall designate a statistical sampling technique
31 to verify whether a petition contains the required number of signatures of

1 electors. A petition may not be rejected for the reason that it contains less
2 than the required number of signatures unless two separate sampling pro-
3 cesses both establish that the petition lacks the required number of signa-
4 tures. The second sampling must contain a larger number of signatures than
5 the first sampling.

6 (4) The Secretary of State may employ professional assistance to deter-
7 mine the sampling technique referred to in subsection (3) of this section.

8
