

# Senate Bill 328

Sponsored by Senator BEYER (Presession filed.)

## 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**.

Changes date of primary election from third Tuesday in May to third Tuesday in September in even-numbered years. Retains presidential preference primary election in May. Modifies period for filing and conducting election contests, recounts and actions for false campaign statements following primary election. Directs Secretary of State to print single September voters' pamphlet. Changes deadlines for filing for nomination or election to office and for filing information relating to candidates and measures with election officials.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; and amending ORS 171.185, 180.020, 198.747, 198.765,  
3 198.815, 199.519, 202.180, 203.035, 203.085, 203.230, 203.710, 221.040, 221.050, 221.180, 221.230,  
4 222.040, 222.050, 222.250, 241.002, 244.050, 246.179, 246.270, 246.560, 247.203, 247.296, 247.410,  
5 247.435, 247.555, 247.940, 247.945, 248.007, 248.008, 248.033, 249.037, 249.078, 249.170, 249.180,  
6 249.200, 249.205, 249.722, 249.830, 250.127, 250.131, 251.026, 251.065, 251.115, 251.165, 251.175,  
7 251.185, 251.205, 251.215, 251.245, 251.255, 251.285, 251.295, 253.065, 253.540, 253.565, 254.016,  
8 254.025, 254.046, 254.056, 254.076, 254.085, 254.095, 254.103, 254.115, 254.135, 254.365, 254.370,  
9 254.470, 254.474, 254.546, 254.555, 254.565, 255.069, 255.085, 255.235, 255.335, 255.345, 258.036,  
10 258.055, 258.075, 258.085, 258.161, 258.190, 260.044, 260.057, 260.118, 260.241, 260.532, 261.171,  
11 261.190, 261.355, 261.360, 261.710, 267.208, 268.710, 316.102, 341.085, 358.375, 607.025 and 777.326  
12 and section 3, chapter 600, Oregon Laws 2013.

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

14 **SECTION 1.** ORS 254.056 is amended to read:

15 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in  
16 November of each even-numbered year. Except as provided in ORS 254.650, at the general election  
17 officers of the state and subdivisions of the state, members of Congress and electors of President  
18 and Vice President of the United States [*as*] **that** are to be elected in that year shall be elected.

19 (2) The primary election shall be held on the third Tuesday in [*May*] **September** of each even-  
20 numbered year, **except as provided in this subsection. In any even-numbered year when the**  
21 **date of the general election is fewer than 49 days after the third Tuesday in September, the**  
22 **primary election shall be held on the second Tuesday in September.** At the primary election  
23 precinct committeepersons shall be elected and major political party candidates **other than candi-**  
24 **dates for President of the United States** shall be nominated for offices to be filled at the general  
25 election held in that year.

26 (3) **The presidential preference primary election shall be held on the third Tuesday in**  
27 **May of each year in which electors of the President and Vice President of the United States**  
28 **are to be elected. At the presidential preference primary election, electors may vote for**  
29 **candidates for nomination for President of the United States.**

**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.

**SECTION 2.** ORS 246.179 is amended to read:

246.179. (1) Notwithstanding ORS 246.250, the Secretary of State shall reimburse each county clerk for necessary expenses of an election described in subsection (2) of this section based on a claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on a form designed by the Secretary of State. The Secretary of State shall make the reimbursement from funds made available to the Secretary of State by the Emergency Board.

(2) The Secretary of State shall reimburse each county clerk for necessary expenses of:

(a) A special primary election or a special election to fill a vacancy in the election or office of United States Senator or Representative in Congress held on a date other than the date of the primary election, **presidential preference primary election** or the general election; or

(b) A recall election involving the holder of a state office. As used in this subsection, “state office” has the meaning given that term in ORS 249.002.

**SECTION 3.** ORS 246.270 is amended to read:

246.270. On the day of any primary election, **presidential preference primary election**, general election or special election held throughout the county, the county clerk’s office shall remain open for business pertaining to the election from 7 a.m. to 8 p.m. of the same day.

**SECTION 4.** ORS 246.560 is amended to read:

246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting machine is constructed so that it:

(a) Secures to the elector secrecy of voting.

(b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the elector to vote for any person and as many persons for an office and upon any measure for which the elector has the right to vote.

(d) Permits the elector, except at a primary election **or presidential preference primary election**, to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

(e) Correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure.

(f) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting machine or vote tally system except for President and Vice President and electors for those offices.

(g) Provides that straight party pointers shall be disconnected from all candidate pointers.

(h) Contains a device that will duplicate the votes cast by each elector onto a paper record copy.

(i) Contains a device that will allow each elector to view the elector’s paper record copy while preventing the elector from directly handling the paper record copy.

(2) A vote tally system shall be:

(a) Capable of correctly counting votes on ballots on which the proper number of votes have been marked for any office or measure that has been voted.

(b) Capable of ignoring the votes marked for any office or measure if more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot.

(c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against

1 each measure of the ballots tallied for a precinct.

2 (d) Capable of tallying votes from ballots of different political parties, from the same precinct,  
3 in a primary election **or presidential preference primary election**.

4 (e) Capable of accommodating the procedure established under ORS 254.155.

5 (f) Capable of automatically producing precinct totals in either printed, marked, or punched  
6 form, or combinations thereof.

7 **SECTION 5.** ORS 247.203 is amended to read:

8 247.203. An elector who updates a registration during the period extending from the 20th day  
9 before a primary election **or presidential preference primary election** to the date of the primary  
10 election **or presidential preference primary election** may not, during that period:

11 (1) Change the elector's political party affiliation if the elector's immediate past registration  
12 record shows the elector was or is registered as affiliated with a political party.

13 (2) Terminate affiliation with a political party if the elector's immediate past registration record  
14 shows the elector was or is registered as affiliated with a political party.

15 (3) Adopt a political party affiliation if the elector's immediate past registration shows that the  
16 elector was not or is not registered as affiliated with a political party.

17 **SECTION 6.** ORS 247.296 is amended to read:

18 247.296. (1) The county clerk shall use records of the United States Postal Service relating to  
19 ballots issued by mail to verify the accuracy of addresses of electors contained in the registration  
20 file of the county clerk.

21 (2) Based on information obtained under subsection (1) of this section, the county clerk shall  
22 automatically update the registration of an elector under ORS 247.292 or mail a notice described in  
23 ORS 247.563.

24 (3) The registration of an elector shall not be canceled during the 90-day period prior to any  
25 primary **election, presidential preference primary election** or general election based on informa-  
26 tion obtained under this section.

27 **SECTION 7.** ORS 247.410 is amended to read:

28 247.410. A person who is qualified to register, except that the person will have resided in this  
29 state less than 20 days before the election, may vote in the election for candidates for nomination  
30 or election for President or Vice President of the United States or elector of President and Vice  
31 President of the United States if the person:

32 (1) Did not vote for the nomination of such candidates in another state during the six months  
33 immediately preceding the person's request for registration to vote for the nomination of such can-  
34 didates in the **presidential preference** primary election in this state; or

35 (2) Did not vote for the election of such candidates in another state during the six months im-  
36 mediately preceding the person's request for registration to vote for the election of such candidates  
37 in the general election in this state.

38 **SECTION 8.** ORS 247.435 is amended to read:

39 247.435. An elector of this state who moves to another state after the 31st day before a **presi-**  
40 **dential preference** primary **election** or general election for President or for electors of President  
41 and Vice President, and who does not qualify to vote in the state of the elector's present residence,  
42 may vote for these offices in the **presidential preference** primary **election** or general election in  
43 this state. The ballot for a person voting under this section shall be marked "Presidential only."

44 **SECTION 9.** ORS 247.555 is amended to read:

45 247.555. (1) A county clerk may cancel the registration of an elector:

1 (a) At the request of the elector;

2 (b) Upon the death of the elector;

3 (c) If the county clerk receives written evidence that the elector has registered to vote in an-  
4 other county in this state or in another state; or

5 (d) If the elector has not responded to a notice described in ORS 247.563 and has not voted or  
6 updated a registration during the period beginning on the date the notice is sent and ending on the  
7 day after the date of the second [*regular*] general election that occurs after the date the notice was  
8 sent.

9 (2) If the registration of an elector is canceled, the elector, in order to vote in an election, must  
10 register as provided in this chapter.

11 **SECTION 10.** ORS 247.940 is amended to read:

12 247.940. (1) Not later than the 21st day before any primary election, **presidential preference**  
13 **primary election**, general election or special congressional election, a major political party quali-  
14 fied under ORS 248.006 or its affiliate within the county or a minor political party qualified under  
15 ORS 248.008 may request from the county clerk a list of active electors, as described in ORS 247.013,  
16 of the county. Except as provided in this section, the list shall contain the name, party affiliation,  
17 residence or mailing address and precinct name or number of each active elector and shall be ar-  
18 ranged in groups by election precinct. The list may not contain any information about participants  
19 in the Address Confidentiality Program established under ORS 192.820 to 192.868. A major political  
20 party or its affiliate within the county or a minor political party may make no more than two sep-  
21 arate requests under this subsection.

22 (2) If the county clerk receives a request under subsection (1) of this section, the clerk shall  
23 deliver the list not later than:

24 (a) Ten days after receiving the request; or

25 (b) The date requested, provided that the date requested is more than 10 days after the request  
26 was made and at least 10 days before the date of any primary election, **presidential preference**  
27 **primary election**, general election or special congressional election.

28 (3) The county clerk may not charge for preparation or delivery of the list supplied under this  
29 section.

30 **SECTION 11.** ORS 247.945 is amended to read:

31 247.945. (1) The county clerk, upon request before the 45th day before a primary **election**,  
32 **presidential preference primary election**, general **election** or special election, shall deliver to any  
33 person a list of electors. The list may not contain any information about participants in the Address  
34 Confidentiality Program established under ORS 192.820 to 192.868. The lists shall be prepared in the  
35 manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

36 (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost  
37 of supplying lists under subsection (1) of this section.

38 (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered  
39 under this section.

40 (4) Upon request, the Secretary of State shall deliver to any person a statewide list of electors.  
41 The secretary shall charge a fee of \$500 for delivering a list under this subsection. The list may not  
42 contain any information about participants in the Address Confidentiality Program established under  
43 ORS 192.820 to 192.868.

44 **SECTION 12.** ORS 248.007 is amended to read:

45 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates

1 to national party conventions in any manner.

2 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party  
3 has notified the Secretary of State as provided in subsection (5) of this section that the party does  
4 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-  
5 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this  
6 subsection.

7 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary  
8 of State as provided in subsection (5) of this section that the political party intends to be subject  
9 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-  
10 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major  
11 political party fails to notify the Secretary of State under this subsection, the party shall be con-  
12 sidered subject to the provisions of ORS 248.012 to 248.315.

13 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this  
14 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except  
15 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State  
16 under this subsection, the party shall elect precinct committeepersons only as provided in ORS  
17 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

18 (5) Not later than the 274th day before the date of the primary election, a major political party  
19 shall notify the Secretary of State in writing whether or not the party intends to be subject to the  
20 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeeper-  
21 sons under subsection (4) of this section. If the major political party does not intend to be subject  
22 to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under  
23 subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice  
24 is given under this subsection, a copy of its organizational documents setting forth the manner in  
25 which its officers and managing committees are selected or any other manner in which it conducts  
26 its affairs.

27 (6) In each even-numbered year, a major political party shall file with the Secretary of State a  
28 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of  
29 current organizational documents setting forth the manner in which its officers and managing com-  
30 mittees are selected or any other manner in which it conducts its affairs. Material described in this  
31 subsection shall be filed on the 274th day before the [*third Tuesday in May*] **first Tuesday after**  
32 **the first Monday in November** of each [*odd-numbered*] **even-numbered** year.

33 (7) A major political party subject to the provisions of this section shall nominate candidates  
34 of the major political party, for other than political party office, at the primary election.

35 **SECTION 13.** ORS 248.008 is amended to read:

36 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or  
37 other electoral district, qualified to make nominations for public office in that electoral district and  
38 in any other electoral district wholly contained within the electoral district, when the affiliation of  
39 electors has acted as described in either paragraph (a) or (b) of this subsection:

40 (a)(A) When the affiliation of electors has filed with the Secretary of State a petition with the  
41 signatures of at least a number of electors equal to one and one-half percent of the total votes cast  
42 in the electoral district for all candidates for Governor at the most recent election at which a can-  
43 didate for Governor was elected to a full term.

44 (B) The petition must contain only original signatures and must be filed not later than two years  
45 following the date the prospective petition is filed. The petition must state the intention to form a

1 new political party and designate a name for the political party.

2 (C) Before circulating the petition, the chief sponsor of the petition must file with the Secretary  
3 of State a signed copy of the prospective petition. The chief sponsor must include with the pro-  
4 spective petition a statement declaring whether one or more persons will be paid money or other  
5 valuable consideration for obtaining signatures of electors on the petition. After the prospective  
6 petition is filed, the chief sponsor must notify the filing officer not later than the 10th day after the  
7 chief sponsor first has knowledge or should have had knowledge that:

8 (i) Any person is being paid for obtaining signatures, when the statement included with the  
9 prospective petition declared that no person would be paid for obtaining signatures of electors.

10 (ii) No person is being paid for obtaining signatures, when the statement included with the  
11 prospective petition declared that one or more persons would be paid for obtaining signatures of  
12 electors.

13 (D) The circulator shall certify on each signature sheet that the circulator witnessed the signing  
14 of the signature sheet by each individual whose signature appears on the signature sheet and that  
15 the circulator believes each individual is an elector registered in the electoral district.

16 (E) The Secretary of State shall verify whether the petition contains the required number of  
17 signatures of electors. The Secretary of State may not accept a petition for filing if it contains less  
18 than 100 percent of the required number of signatures. The Secretary of State by rule shall desig-  
19 nate a statistical sampling technique to verify whether a petition contains the required number of  
20 signatures of electors. A petition may not be rejected for the reason that it contains less than the  
21 required number of signatures unless two separate sampling processes both establish that the peti-  
22 tion lacks the required number of signatures. The second sampling must contain a larger number  
23 of signatures than the first sampling. The Secretary of State may employ professional assistance to  
24 determine the sampling technique. The statistical sampling technique may be the same as that  
25 adopted under ORS 250.105.

26 (b) When the affiliation of electors has polled for any one of its candidates for any public office  
27 in the electoral district at least one percent of the total votes cast in the electoral district for all  
28 candidates for:

29 (A) Presidential elector at the last general election at which candidates for President and Vice  
30 President of the United States were listed on the ballot; or

31 (B) Any single state office to be voted upon in the state at large for which nominations by pol-  
32 itical parties are permitted by law at the most recent election at which a candidate for the office  
33 was elected to a full term.

34 (2) After satisfying either subsection (1)(a) or (b) of this section, the minor political party may  
35 nominate candidates for election at the next general election.

36 (3) A filing officer may not accept a certificate of nomination of a candidate nominated by a  
37 minor political party for a subsequent general election unless the minor political party has main-  
38 tained status as a minor political party as described in subsection (4) of this section.

39 (4) In order to maintain status as a minor political party for a subsequent general election:

40 (a) Following each general election, at any time during the period beginning on the [*date of the*  
41 *next primary election*] **third Tuesday in May of an even-numbered year** and ending on the 90th  
42 day before the next general election, a number of electors equal to at least one-half of one percent  
43 of the total number of registered electors in this state must be registered as members of the party;  
44 or

45 (b)(A) Following each general election, at any time during the period beginning on the [*date of*

1 *the next primary election*] **third Tuesday in May of an even-numbered year** and ending on the 90th  
 2 day before the next general election, a number of electors equal to at least one-tenth of one percent  
 3 of the total votes cast in the state or electoral district for all candidates for Governor at the most  
 4 recent election at which a candidate for Governor was elected to a full term must be registered as  
 5 members of the party; and

6 (B) At least once in a four-year period, a candidate or candidates of the party must poll at least  
 7 one percent of the total votes cast in the electoral district for all candidates for:

8 (i) Presidential elector at the last general election at which candidates for President and Vice  
 9 President of the United States were listed on the ballot; or

10 (ii) Any single state office to be voted upon in the state at large for which nominations by pol-  
 11 itical parties are permitted by law at the most recent election at which a candidate for the office  
 12 was elected to a full term.

13 (5) An affiliation of electors that fails to maintain status as a minor political party ceases to be  
 14 a minor political party on the 90th day before the date of the next general election.

15 (6) During the period beginning on the [*date of the primary election*] **third Tuesday in May of**  
 16 **an even-numbered year** and ending on the 90th day before the date of the general election, the  
 17 Secretary of State shall determine at least once each month whether registration requirements to  
 18 maintain status as a minor political party have been satisfied.

19 (7) If a minor political party changes its name, only those electors who register on or after the  
 20 effective date of the name change as members of the party under the new party name shall be  
 21 counted as members of the party.

22 (8) An affiliation of electors or a minor political party may not nominate a candidate who is the  
 23 nominee of another political party at the same election in order to satisfy the one percent require-  
 24 ment referred to in subsection (1)(b) or (4)(b)(B) of this section.

25 (9) For purposes of this section, “subsequent general election” means any general election that  
 26 is held after the first general election following qualification as a minor political party under sub-  
 27 section (1) of this section.

28 **SECTION 14.** ORS 248.033 is amended to read:

29 248.033. (1) The organizational meeting of a county central committee shall be held no less fre-  
 30 quently than every 25 months.

31 (2) The retiring county central committee shall prepare a written notice designating the time,  
 32 date and place of the meeting and file a copy of the notice with the county clerk not later than the  
 33 [*40th*] **45th** day before the date of the meeting. The retiring county central committee also shall mail  
 34 a copy of the notice to the state central committee.

35 (3) Upon request of a county central committee, the county clerk shall provide the county cen-  
 36 tral committee, without charge, a list of the names, addresses and other contact information, in-  
 37 cluding electronic mail addresses or telephone numbers, of persons holding the office of precinct  
 38 committeeperson for that major political party on the date the clerk receives notice of an organ-  
 39 izational meeting under subsection (2) of this section.

40 (4) The chairperson of the retiring county central committee shall mail a copy of the notice of  
 41 the time, date and place of the meeting, not later than the 10th day before the meeting, to each  
 42 member of the county central committee. If permitted by the bylaws of the county central committee,  
 43 the county central committee may notify members by means other than by mail.

44 **SECTION 15.** ORS 249.037 is amended to read:

45 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration

1 of candidacy shall be filed not sooner than the 250th day and not later than the [70th] **85th** day  
2 before the date of the primary election.

3 (2) If a vacancy occurs in a partisan elective office after the [80th] **90th** day and before the  
4 [70th] **85th** day before the primary election, a nominating petition or declaration of candidacy for  
5 that office may be filed not later than the 65th day before the primary election.

6 (3) A declaration of candidacy for the office of precinct committeeperson may not be filed before  
7 [February 1] **June 1** immediately preceding the primary election.

8 **(4) Subsection (1) of this section does not apply to a nominating petition for President**  
9 **of the United States filed under ORS 249.078.**

10 **SECTION 16.** ORS 249.078 is amended to read:

11 249.078. (1) The name of a candidate for a major political party nomination for President of the  
12 United States shall be printed on the ballot only:

13 (a) By direction of the Secretary of State who in the secretary's sole discretion has determined  
14 that the candidate's candidacy is generally advocated or is recognized in national news media; or

15 (b) By nominating petition described in this section and filed with the Secretary of State.

16 (2) A petition nominating a candidate under this section shall contain from each congressional  
17 district the signatures of at least 1,000 electors who are registered in the district and who are  
18 members of the major political party of the candidate. The electors in each congressional district  
19 shall include electors registered in at least five percent of the precincts in each of at least one-  
20 fourth of the counties in the congressional district. The petition shall contain the printed name,  
21 residence or mailing address and name or number of the precinct, if known, of each elector whose  
22 signature appears on the petition. The signatures shall be certified for genuineness by the county  
23 clerks under ORS 249.008.

24 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of  
25 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective  
26 petition a statement declaring whether one or more persons will be paid money or other valuable  
27 consideration for obtaining signatures of electors on the petition. After the prospective petition is  
28 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief  
29 sponsor first has knowledge or should have had knowledge that:

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

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

34 **(4) A nominating petition under this section shall be filed not sooner than the 250th day**  
35 **and not later than the 70th day before the date of the presidential preference primary**  
36 **election.**

37 **SECTION 17.** ORS 249.170 is amended to read:

38 249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may  
39 withdraw not later than the [67th] **82nd** day before the date of the primary election by filing a  
40 statement of withdrawal with the filing officer with whom the declaration or petition was filed. The  
41 statement shall be made under oath and state the reasons for withdrawal.

42 (2) The official with whom a declaration of candidacy is filed, upon request received not later  
43 than the [67th] **82nd** day before the date of the primary election, shall refund the filing fee of a  
44 candidate who dies, withdraws or becomes ineligible for the nomination.

45 **SECTION 18.** ORS 249.180 is amended to read:



1       249.180. Any person who has been nominated at a primary election, or any person who has been  
 2 nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from  
 3 nomination by filing a written statement declining the nomination and stating the reason for with-  
 4 drawal. The statement shall be signed by the candidate and filed not later than the [67th day before  
 5 the general] **sixth day after the primary** election with the officer with whom the candidate's dec-  
 6 laration of candidacy or nominating petition was filed.

7       **SECTION 19.** ORS 249.200 is amended to read:

8       249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan  
 9 elective office in the following manner:

10       (a) If the vacancy occurs on or before the [70th] **85th** day before a primary election, by selecting  
 11 a nominee at the next primary election; or

12       (b) If the vacancy occurs after the [70th] **85th** day before the primary election but before the  
 13 61st day before the general election, by selecting a nominee as provided by party rule.

14       (2) The procedure under subsection (1) of this section [shall] **does** not apply in any case in which  
 15 one of the following specific procedures for filling a vacancy applies:

16       (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and  
 17 United States Senator.

18       (b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

19       (c) The procedure specified in ORS chapter 236 for county office.

20       (d) The procedure specified in ORS chapter 221 for city office.

21       (3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the  
 22 nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed  
 23 of the name of the nominee by the most expeditious means practicable.

24       (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-  
 25 cancy within which a major political party that selects a nominee under subsection (1)(b) of this  
 26 section must notify the filing officer of the name of the nominee under subsection (3) of this section.

27       **SECTION 20.** ORS 249.205 is amended to read:

28       249.205. (1) If the only candidate nominated to a nonpartisan office dies, withdraws or becomes  
 29 ineligible, or if a vacancy occurs in the nonpartisan office after the [70th] **85th** day before the  
 30 nominating election and on or before the [62nd] **61st** day before the general election, a candidate  
 31 for the office may file a declaration of candidacy in the manner provided for nonpartisan office or  
 32 shall be nominated by nominating petition in the manner provided for nonpartisan office.

33       (2) The Secretary of State by rule may adopt a schedule for filing nominating petitions or dec-  
 34 larations of candidacy under this section. The schedule may specify the period within which nomi-  
 35 nating petitions or declarations of candidacy must be filed after a vacancy occurs.

36       **SECTION 21.** ORS 249.722 is amended to read:

37       249.722. (1) Except as provided in [subsection (3)] **subsections (3) and (4)** of this section, a  
 38 certificate of nomination of a candidate for public office shall be filed not sooner than the [15th]  
 39 **165th** day [after the date of the primary election] and not later than the [70th] **85th** day before the  
 40 date of the [general] **primary** election.

41       (2) A certificate of nomination of a candidate for:

42       (a) State office, United States Senator or Representative in Congress shall be filed with the  
 43 Secretary of State.

44       (b) County office shall be filed with the county clerk.

45       (c) City office shall be filed with the chief city elections officer.

1 (3) For a special election, including an election to fill a vacancy that occurs after the [70th] **85th**  
 2 day before the [general] **primary** election, the Secretary of State by rule may adopt a schedule  
 3 specifying the period within which a certificate of nomination must be filed. If the Secretary of State  
 4 does not adopt a rule under this subsection, a certificate of nomination must be filed before the 61st  
 5 day preceding the election.

6 (4) **A certificate of nomination of a candidate for elector of President and Vice President**  
 7 **of the United States shall be filed not sooner than the 15th day after the date of the presi-**  
 8 **dential preference primary election and not later than the 85th day before the date of the**  
 9 **primary election.**

10 **SECTION 22.** ORS 249.830 is amended to read:

11 249.830. (1) A person who has been nominated and has accepted the nomination under ORS  
 12 249.712 may withdraw from the nomination by filing with the officer with whom the certificate of  
 13 nomination was filed a written statement declining the nomination and stating the reason for with-  
 14 drawal.

15 (2) The statement must be:

16 (a) Signed by the person withdrawing from the nomination; and

17 (b) Filed not later than the [67th] **82nd** day before the [general] **primary** election.

18 (3) The statement may be sent to the Secretary of State through a county clerk, as provided by  
 19 ORS 249.850.

20 **SECTION 23.** ORS 250.127 is amended to read:

21 250.127. (1) [Not later than the 99th day before a special election held on the date of a primary  
 22 election or any general election at which any state measure is to be submitted to the people] **For a**  
 23 **state measure to be submitted to the people at the primary election or general election,** the  
 24 financial estimate committee created under ORS 250.125 shall prepare and electronically file with  
 25 the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it  
 26 necessary, a statement explaining the financial effects of the measure as described in ORS 250.125  
 27 (7) **not later than a date set by the Secretary of State by rule.** The financial estimate committee  
 28 may begin preparation of the estimates and statement on the date that a petition is accepted for  
 29 verification of signatures under ORS 250.105 or the date that a measure referred by the Legislative  
 30 Assembly is filed with the Secretary of State, whichever is applicable.

31 (2) Not later than [the 95th day before the election] **a date set by the Secretary of State by**  
 32 **rule,** the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to re-  
 33 ceive suggested changes to the estimates or statement or to receive other information. At the  
 34 hearing any person may submit suggested changes or other information orally or in writing. Written  
 35 suggestions or other information also may be submitted at any time before the hearing.

36 (3) The financial estimate committee shall consider suggestions and any other information sub-  
 37 mitted under subsection (2) of this section, and may file revised estimates or a revised statement  
 38 with the Secretary of State not later than [the 90th day before the election] **a date set by the Sec-**  
 39 **retary of State by rule.**

40 (4) Except as provided in subsection (5) of this section, the original estimates and statement and  
 41 any revised estimates or statement shall be approved by a majority of the members of the financial  
 42 estimate committee. If a member does not concur, the estimates or statement shall show only that  
 43 the member dissents. The Secretary of State shall certify final estimates and a final statement not  
 44 later than [the 90th day before the election at which the measure is to be voted upon] **a date set by**  
 45 **the Secretary of State by rule.** All estimates and statements prepared under ORS 250.125 and this

1 section shall be made available to the public.

2 (5) If a majority of the members of the financial estimate committee do not approve the esti-  
3 mates or statement, the Secretary of State alone shall prepare, file and certify the estimates or  
4 statement not later than *[the 88th day before the election at which the measure is to be voted upon*  
5 *with the data upon which the estimates or statement is based]* **a date set by the Secretary of State**  
6 **by rule.**

7 (6) The support or opposition of any member of the financial estimate committee to the original  
8 or revised estimates or statement shall be indicated in the minutes of any meeting of the committee.  
9 Meetings of the financial estimate committee shall be open to the public. Designees of the members  
10 of the financial estimate committee may attend any meetings of the committee in the place of the  
11 members, but the designees may not vote to approve or oppose any estimates or statement.

12 (7) A failure to prepare, file or certify estimates or a statement under ORS 250.125, this section  
13 or ORS 250.131 does not prevent the inclusion of the measure in the voters' pamphlet or placement  
14 of the measure on the ballot.

15 (8) If the estimates are not delivered to the county clerk by *[the 61st day before the election]* **a**  
16 **date set by the Secretary of State by rule**, the county clerk may proceed with the printing of  
17 ballots. The county clerk is not required to reprint ballots to include the estimates or to provide  
18 supplemental information that includes the estimates.

19 **SECTION 24.** ORS 250.131 is amended to read:

20 250.131. (1) Any person alleging that an estimate or statement described in ORS 250.125 was  
21 prepared, filed or certified in violation of the procedures specified in ORS 250.125 or 250.127 may  
22 petition the Supreme Court seeking that the required procedures be followed and stating the reasons  
23 the estimate or statement filed with the court does not satisfy the required procedures. A petition  
24 is not allowed concerning the contents of the estimate or statement or whether an estimate or  
25 statement should be prepared.

26 (2) If the petition is filed not later than *[the 85th day before the election at which the measure is*  
27 *to be voted upon]* **a date set by the Secretary of State by rule**, the court shall review the proce-  
28 dures under which the estimate or statement was prepared, filed and certified, hear arguments and  
29 determine whether the procedures required under ORS 250.125 and 250.127 were satisfied. The re-  
30 view by the Supreme Court shall be conducted expeditiously to ensure the orderly and timely con-  
31 duct of the election at which the measure is to be submitted to the electors.

32 (3) If the court determines that the procedures described in ORS 250.125 and 250.127 were not  
33 satisfied, the court shall order the preparation of a second estimate or statement, to be prepared,  
34 filed and certified as provided in ORS 250.125 and 250.127 except that:

35 (a) The financial estimate committee created under ORS 250.125 shall prepare and file with the  
36 Secretary of State an estimate or statement not later than two days following the decision of the  
37 court;

38 (b) A hearing shall be held within two days after the estimate or statement is filed; and

39 (c) An estimate or statement shall be certified not later than seven days after the decision of  
40 the court. The procedures under which the second estimate or statement is filed and certified may  
41 not be appealed.

42 **SECTION 25.** ORS 251.026 is amended to read:

43 251.026. (1) **The Secretary of State shall prepare and have printed in September a voters'**  
44 **pamphlet for both the primary election and the general election.** The Secretary of State shall  
45 prepare and have printed in the voters' pamphlet *[for the state primary election, the general election*

1 *and any special election described in ORS 251.022]* a statement containing, if applicable:

2 (a) Requirements for a citizen to qualify as an elector.

3 (b) When an elector is required to register or update a registration.

4 (c) *[In the voters' pamphlet for the primary election,]* A statement of the duties and responsibil-  
5 ities of a precinct committeeperson to be elected at the primary election.

6 (d) Any other information the Secretary of State considers relevant to the conduct of the  
7 election.

8 (2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that  
9 the pamphlet may be used to assist electors in voting.

10 (3) The Secretary of State may include in the voters' pamphlet the following information:

11 (a) Maps showing the boundaries of senatorial and representative districts.

12 (b) Voter registration forms.

13 (c) Elector instructions, including the right of an elector to request a second ballot if the first  
14 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

15 **SECTION 26.** ORS 251.065 is amended to read:

16 251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not sooner than the 120th  
17 day and not later than the 68th day before the primary election, a candidate **described in this**  
18 **subsection, or an agent on behalf of the candidate** *[for nomination or election at the primary election*  
19 *to the office of President or Vice President of the United States, United States Senator, Representative*  
20 *in Congress or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait*  
21 *of the candidate and a statement of the reasons the candidate should be nominated or elected. A can-*  
22 *didate or agent on behalf of the candidate for nomination or election to a county or city office, or to*  
23 *an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait*  
24 *and statement under this subsection if permitted under ORS 251.067.], may file with the Secretary*  
25 **of State a portrait of the candidate and a printed or typewritten statement of the reasons**  
26 **the candidate should be nominated or elected. This subsection applies to the following can-**  
27 **didates:**

28 **(A) Any candidate for nomination or election at the primary election to the office of**  
29 **United States Senator, Representative in Congress, any state office as defined in ORS 249.002**  
30 **or any county office, city office or elected office of a metropolitan service district organized**  
31 **under ORS chapter 268 if the county, city or metropolitan service district candidate is per-**  
32 **mitted under ORS 251.067; and**

33 **(B) Any independent or minor political party candidate for election at the general**  
34 **election to a partisan office listed in paragraph (a) of this subsection and any candidate for**  
35 **election at the next general election to the office of President or Vice President of the United**  
36 **States.**

37 (b) A portrait and statement may be filed not later than the 63rd day before the primary election  
38 in the event of a vacancy described in ORS 249.037 (2).

39 *[(2) Not sooner than the 120th day and not later than the 70th day before the general election, a*  
40 *candidate or agent on behalf of the candidate for election at the general election to the office of Presi-*  
41 *dent or Vice President of the United States, United States Senator, Representative in Congress or a*  
42 *state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate*  
43 *and a statement of the reasons the candidate should be elected. A candidate or agent on behalf of the*  
44 *candidate for election to a county or city office, or to an elected office of a metropolitan service district*  
45 *organized under ORS chapter 268, may file a portrait and statement under this subsection if permitted*

1 *under ORS 251.067.]*

2 [(3)] (2) In the case of a special election to fill a vacancy as described in ORS 251.022, the  
3 Secretary of State by rule shall set the deadline for filing with the secretary a portrait of the candi-  
4 dinate and a statement of the reasons the candidate should be nominated or elected.

5 [(4)] (3) All portraits and statements described in this section must be filed using an electronic  
6 filing system designated by the Secretary of State under ORS 251.014.

7 [(5)] (4) Subject to the requirements of this section, the Secretary of State by rule shall establish  
8 the format of the statements permitted under this section.

9 [(6)] (5) A portrait or statement filed under this section must be accompanied by a telephone  
10 or electronic facsimile transmission machine number where the candidate may be contacted for  
11 purposes of ORS 251.087.

12 **SECTION 27.** ORS 251.115 is amended to read:

13 251.115. (1) Not later than the [70th] **85th** day before the [general] **primary** election, the party  
14 officers as designated in the organizational documents of any statewide political party or assembly  
15 of electors [having nominated] **seeking to nominate candidates at the primary election or to**  
16 **elect candidates at the general election** may file with the Secretary of State a statement of argu-  
17 ments for the success of its principles and election of its candidates on a statewide basis and  
18 opposing the principles and candidates of other political parties or organizations on a statewide  
19 basis.

20 (2) Not later than the [70th] **85th** day before the [general] **primary** election, the party officers  
21 as designated in the organizational documents of any less than statewide political party or assembly  
22 of electors having nominated candidates may file with the Secretary of State a statement of argu-  
23 ments for the success of its principles and election of its candidates on a county basis and opposing  
24 the principles and candidates of other political parties or organizations on a county basis.

25 (3)(a) Any statewide political party or assembly of electors having nominated candidates shall  
26 pay a fee of \$1,200 to the Secretary of State when the statement is filed or may submit a petition  
27 in a form prescribed by the secretary containing the signatures of 500 active electors.

28 (b) Any less than statewide political party or assembly of electors having nominated candidates  
29 shall pay a fee of \$600 to the Secretary of State when the statement is filed or may submit a petition  
30 in a form prescribed by the secretary containing the signatures of 300 active electors.

31 (c) The signatures on a petition submitted under this subsection shall be verified by the county  
32 clerk or the Secretary of State.

33 (d) The Secretary of State by rule shall establish procedures for verifying whether a petition  
34 submitted under this subsection contains the required number of signatures of active electors.

35 (4) A statement of arguments filed under this section must be filed using an electronic filing  
36 system designated by the Secretary of State under ORS 251.014.

37 (5) The Secretary of State by rule shall prescribe the size of the statements permitted under this  
38 section, except that any statewide political party or assembly of electors having nominated candi-  
39 dates shall be allotted more space than any less than statewide political party or assembly of elec-  
40 tors having nominated candidates.

41 (6) For purposes of this section, an "active elector" is a person whose registration is considered  
42 active as described in ORS 247.013.

43 **SECTION 28.** ORS 251.165 is amended to read:

44 251.165. (1) The Secretary of State shall prepare:

45 (a) A list of the names of candidates for nomination or election at the primary election to the

1 offices of [*President or Vice President of the United States,*] United States Senator, Representative  
 2 in Congress, any state office other than justice of the peace and any county or city office or elected  
 3 office of a metropolitan service district required to be included under ORS 251.067, or a list of names  
 4 of candidates for election at the general election to the offices of President or Vice President of the  
 5 United States, United States Senator, Representative in Congress, any state office other than justice  
 6 of the peace and any county or city office or elected office of a metropolitan service district re-  
 7 quired to be included under ORS 251.067, along with a designation of the offices for which the can-  
 8 didates are competing;

9 (b) All portraits and statements filed under ORS 251.065 and 251.115; and

10 (c) The information specified in ORS 251.185 relating to measures to be voted upon at the  
 11 election for which the pamphlet is prepared.

12 (2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list  
 13 of the names of candidates for nomination or election to the offices of United States Senator or  
 14 Representative in Congress along with all portraits and statements filed for the special election  
 15 under ORS 251.065.

16 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-  
 17 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

18 **SECTION 29.** ORS 251.175 is amended to read:

19 251.175. (1) Except as provided in subsection (2) of this section, not later than the 20th day be-  
 20 fore [a] **the** primary election[, *general election*] or special election for which a voters' pamphlet has  
 21 been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-  
 22 office mailing address in Oregon, and shall use any additional means of distribution necessary to  
 23 make the pamphlet available to electors.

24 (2) For any special election described in ORS 251.022 that is not held statewide, or for any other  
 25 state special election that is not held statewide, the Secretary of State by rule may prescribe  
 26 methods for distributing the voters' pamphlet prepared for the election. The rule shall require the  
 27 secretary to mail the pamphlet to at least each elector whose registration is determined to be active  
 28 on the 21st day before the date of the election and who is eligible to vote in the election. The rule  
 29 may specify other methods of distribution. Voters' pamphlets prepared for the election shall be  
 30 mailed not later than the date ballots are mailed to electors as provided in ORS 254.470.

31 **SECTION 30.** ORS 251.185, as amended by section 20, chapter 722, Oregon Laws 2013, and  
 32 section 4, chapter 72, Oregon Laws 2014, is amended to read:

33 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet [*for a general*  
 34 *election or any special election*] a copy of the title and text of each state measure to be submitted to  
 35 the people at the election **or elections** for which the pamphlet was prepared. The pamphlet must  
 36 include the procedures for filing a complaint under ORS 260.345. Each measure shall be printed in  
 37 the pamphlet with:

38 (a) The number and ballot title of the measure;

39 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;

40 (c) The explanatory statement prepared for the measure;

41 (d) Arguments relating to the measure and filed with the Secretary of State;

42 (e) Any racial and ethnic impact statement prepared for the measure under section 3, chapter  
 43 600, Oregon Laws 2013; and

44 (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

45 (2) A county measure or measure of a metropolitan service district organized under ORS chapter

1 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
 2 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
 3 described in subsection (1) of this section if required under ORS 251.067.

4 **SECTION 31.** ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, section  
 5 20, chapter 722, Oregon Laws 2013, and section 5, chapter 72, Oregon Laws 2014, is amended to  
 6 read:

7 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet [*for a general*  
 8 *election or any special election*] a copy of the title and text of each state measure to be submitted to  
 9 the people at the election **or elections** for which the pamphlet was prepared. The pamphlet must  
 10 include the procedures for filing a complaint under ORS 260.345. Each measure shall be printed in  
 11 the pamphlet with:

- 12 (a) The number and ballot title of the measure;
- 13 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- 14 (c) The explanatory statement prepared for the measure;
- 15 (d) Arguments relating to the measure and filed with the Secretary of State; and
- 16 (e) Any statement submitted for the measure by a citizen panel under ORS 250.141.

17 (2) A county measure or measure of a metropolitan service district organized under ORS chapter  
 18 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the  
 19 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet  
 20 described in subsection (1) of this section if required under ORS 251.067.

21 **SECTION 32.** ORS 251.205 is amended to read:

22 251.205. (1) As used in this section, "proponents" means:

- 23 (a) With respect to any state measure initiated or referred by petition, the chief petitioners; or
- 24 (b) With respect to a measure referred by the Legislative Assembly, the President of the Senate,  
 25 who shall appoint a Senator, and the Speaker of the House of Representatives, who shall appoint a  
 26 Representative.

27 (2) For each state measure to be submitted to the people at a special election held on the date  
 28 of [*a*] **the** primary election or any general election, a committee of five citizens shall be selected to  
 29 prepare the explanatory statement under ORS 251.215.

30 (3) Not later than [*the 120th day before the election*] **a date set by the Secretary of State by**  
 31 **rule**, the proponents of the measure shall appoint two members to the committee and notify the  
 32 Secretary of State in writing of the selections. If the proponents do not appoint two members, the  
 33 Secretary of State shall appoint two members of the committee from among supporters, if any, of the  
 34 measure not later than [*the 118th day before the election*] **a date set by the Secretary of State by**  
 35 **rule**.

36 (4) Not later than [*the 118th day before the election*] **a date set by the Secretary of State by**  
 37 **rule**, the Secretary of State shall appoint two members of the committee from among the opponents,  
 38 if any, of the measure.

39 (5) The four appointed members of the committee shall select the fifth member and notify the  
 40 Secretary of State in writing of the selection. If the four members have not selected the fifth member  
 41 by [*the 111th day before the election*] **a date set by the Secretary of State by rule**, the fifth member  
 42 shall be appointed by the Secretary of State not later than [*the 109th day before the election*] **a date**  
 43 **set by the Secretary of State by rule**.

44 (6) A vacancy shall be filled not later than two business days after the vacancy occurs by the  
 45 person who made the original appointment. Unless the Secretary of State fills a vacancy, the person

1 filling the vacancy shall notify the Secretary of State in writing of the selection.

2 (7) With respect to a measure referred by the Legislative Assembly, a Senator or Representative  
3 appointed under subsection (1) of this section may disclose whether the Senator or Representative  
4 supports or opposes the state measure. The Secretary of State shall print the disclosure in the  
5 voters' pamphlet following the explanatory statement.

6 (8) The Legislative Administration Committee shall provide any administrative staff assistance  
7 required by the explanatory statement committee to facilitate the work of the explanatory statement  
8 committee under this section or ORS 251.215.

9 **(9) The appointment process under this section may begin prior to the date that an ini-**  
10 **tiative petition is accepted for verification of signatures under ORS 250.105 or on the date**  
11 **that a measure referred by the Legislative Assembly is filed with the Secretary of State,**  
12 **whichever is applicable.**

13 [(9)] (10) For purposes of this section, "measure" includes an initiative petition relating to a  
14 state measure that has been filed with the Secretary of State for the purpose of verifying signatures  
15 under ORS 250.105. The requirements of this section shall not apply to the petition if the secretary  
16 determines that the petition contains less than the required number of signatures of electors.

17 **SECTION 33.** ORS 251.215 is amended to read:

18 251.215. (1) Not later than [*the 99th day before a special election held on the date of a primary*  
19 *election or any general election at which any state measure is to be submitted to the people*] **a date**  
20 **set by the Secretary of State by rule**, the committee appointed under ORS 251.205 shall prepare  
21 and electronically file with the Secretary of State, an impartial, simple and understandable state-  
22 ment explaining the measure. The statement shall not exceed 500 words. **The date set by the**  
23 **Secretary of State by rule may be any date after the date that an initiative petition is ac-**  
24 **cepted for verification of signatures under ORS 250.105 or after the date that a measure re-**  
25 **ferred by the Legislative Assembly is filed with the Secretary of State, whichever is**  
26 **applicable.**

27 (2) Not later than [*the 95th day before the election*] **a date set by the Secretary of State by**  
28 **rule**, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to re-  
29 ceive suggested changes or other information relating to any explanatory statement. At the hearing  
30 any person may submit suggested changes or other information orally or in writing. Written sug-  
31 gestions or other information also may be submitted at any time before the hearing.

32 (3) The committee for each measure shall (3) consider suggestions and any other information sub-  
33 mitted under subsection (2) of this section, and may file a revised statement with the Secretary of  
34 State not later than [*the 90th day before the election*] **a date set by the Secretary of State by**  
35 **rule.**

36 (4) The original statement and any revised statement must be approved by at least three mem-  
37 bers of the committee. If a member does not concur, the statement shall show only that the member  
38 dissents.

39 (5) For purposes of this section, "measure" includes an initiative petition relating to a state  
40 measure that has been filed with the Secretary of State for the purpose of verifying signatures under  
41 ORS 250.105. The requirements of this section shall not apply to the petition if the secretary deter-  
42 mines that the petition contains less than the required number of signatures of electors.

43 **SECTION 34.** ORS 251.245 is amended to read:

44 251.245. (1) For any measure referred to the electors by the Legislative Assembly, an argument  
45 prepared by the Legislative Assembly in support of the measure may be printed in the voters' pam-



1 phlet. The size and length of an argument under this section shall be determined as specified in ORS  
2 251.255.

3 (2) A joint committee consisting of one Senator, to be appointed by the President of the Senate,  
4 and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be  
5 appointed to prepare the argument. The committee shall electronically file the argument with the  
6 Secretary of State not later than the 70th day before *[a general election or the 68th day before a*  
7 *special election held on the date of any]* **the** primary election. There *[shall be]* **is** no fee for including  
8 an argument submitted under this section in the voters' pamphlet.

9 **SECTION 35.** ORS 251.255 is amended to read:

10 251.255. (1) *[Not later than the 70th day before a general election or the 68th day before a special*  
11 *election held on the date of any primary election at which a state measure is to be voted upon]* **For a**  
12 **state measure to be voted upon at the primary election or at the general election**, any person  
13 may file with the Secretary of State an argument supporting or opposing the measure. **The argu-**  
14 **ment shall be filed not later than a date set by the Secretary of State by rule.**

15 (2)(a) A person filing an argument under this section shall pay a fee of \$1,200 to the Secretary  
16 of State when the argument is filed or may submit a petition in a form prescribed by the Secretary  
17 of State containing the signatures of 500 active electors. Each person signing the petition shall  
18 subscribe to a statement that the person has read and agrees with the argument.

19 (b) The signatures on each petition shall be verified by the county clerk or the Secretary of  
20 State.

21 (c) The Secretary of State by rule shall establish procedures for verifying whether a petition  
22 submitted under this subsection contains the required number of signatures of active electors.

23 (3) An argument filed under this section must be filed using an electronic filing system desig-  
24 nated by the Secretary of State under ORS 251.014.

25 (4) The Secretary of State by rule shall establish the size and length of arguments permitted  
26 under ORS 251.245 and this section, except that the length of an argument may not exceed 325  
27 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245  
28 or this section.

29 **SECTION 36.** ORS 251.285 is amended to read:

30 251.285. (1) If any county measure or any measure of a metropolitan service district organized  
31 under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the  
32 measure, are to be included by the Secretary of State in the state voters' pamphlet as provided in  
33 ORS 251.067, the requirements of this section shall be satisfied.

34 (2) The county or district measure, ballot title, explanatory statement and arguments shall not  
35 be printed in the voters' pamphlet unless:

36 (a) The ballot title is a concise and impartial statement of the purpose of the measure;

37 (b) The explanatory statement is an impartial, simple and understandable statement explaining  
38 the measure and its effect;

39 (c) The county or metropolitan service district adopts and complies with an ordinance that  
40 provides a review procedure for a ballot title or explanatory statement which is contested because  
41 it does not comply with the requirements of paragraph (a) or (b) of this subsection;

42 (d) The county or metropolitan service district adopts and complies with an ordinance that  
43 provides for acceptance of typewritten arguments relating to the measure not to exceed 325 words  
44 to be printed in the voters' pamphlet; and

45 (e) The county or metropolitan service district does not require of a person filing an argument

1 a payment of more than \$300, or a petition containing more than a number of signatures equal to  
 2 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever  
 3 is less.

4 (3) Any judicial review of a determination made under the review procedures adopted under  
 5 subsection (2)(c) of this section shall be first and finally in the circuit court of the judicial district  
 6 in which the county is located or, for a district measure, in the circuit court of the judicial district  
 7 in which the administrative office of the metropolitan service district is located.

8 (4) If the county or metropolitan service district has adopted and complied with ordinances  
 9 prescribed in subsection (2) of this section, the decision to include the county or district measure,  
 10 ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

11 (a) The county governing body with regard to any county measure or the council of the metro-  
 12 politan service district with regard to any district measure;

13 (b) The chief petitioners of the initiative or referendum with regard to a county or district  
 14 measure initiated or referred by the people. The chief petitioners shall indicate their decision in a  
 15 statement signed by all of the chief petitioners and filed with the county clerk or, for a district  
 16 measure, with the executive officer of the metropolitan service district; or

17 (c) A political committee, as defined in ORS 260.005, that opposes the county or district measure.  
 18 The committee shall indicate its decision in a statement signed by every committee director, as de-  
 19 fined in ORS 260.005, and filed with the county clerk or, for a district measure, with the executive  
 20 officer of the metropolitan service district.

21 (5) The county or metropolitan service district shall file the measure, ballot title, explanatory  
 22 statement and arguments with the Secretary of State not later than the 70th day before the [*general*  
 23 *election or the 68th day before a special election held on the date of any*] primary election. The county  
 24 or district shall pay to the Secretary of State the cost of including the county or district material  
 25 in the pamphlet as determined by the secretary. The Secretary of State shall not have this material  
 26 printed in the pamphlet unless:

27 (a) The time for filing a petition for judicial review of a determination made under subsection  
 28 (2)(c) of this section has passed; and

29 (b) The measure, title, statement and arguments properly filed with the county or metropolitan  
 30 service district, are delivered to the secretary.

31 **SECTION 37.** ORS 251.295 is amended to read:

32 251.295. The Secretary of State, pursuant to ORS 193.310 to 193.360, may supplement the [*special*  
 33 *or general election*] voters' pamphlet by causing to have broadcast by radio or television, material  
 34 specified in this section at times the secretary determines suitable during the four weeks imme-  
 35 diately preceding the election at which state measures are to be submitted to the people. The ma-  
 36 terial provided by broadcast shall include only the following:

37 (1) The ballot title or popular name of each state measure.

38 (2) The number and form in which the ballot title of the state measures will be printed on the  
 39 official ballot.

40 (3) A summary of the explanatory statements filed relating to each state measure.

41 **SECTION 38.** ORS 253.065 is amended to read:

42 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver  
 43 a ballot:

44 (a) Not later than the [*45th*] **40th** day before the election to each military or overseas elector;  
 45 and

1 (b) Not sooner than the 29th day before the election to each absent elector with a mailing ad-  
 2 dress outside this state who is not a military or overseas elector.

3 (2) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a  
 4 return identification envelope and a secrecy envelope. The back of the envelope shall include a  
 5 statement to be signed by the absent elector, stating that the elector:

- 6 (a) Is qualified to vote;
- 7 (b) Unless prevented by physical disability, has personally marked the ballot; and
- 8 (c) Has not unnecessarily exhibited the marked ballot to any other person.

9 (3) An absent elector may obtain a replacement ballot if the ballot delivered under this section  
 10 is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of  
 11 each replacement ballot provided under this subsection.

12 (4) A replacement ballot provided under subsection (3) of this section may be mailed or shall be  
 13 made available in the office of the county clerk.

14 (5) If the county clerk determines that an absent elector to whom a replacement ballot has been  
 15 issued at the request of the elector has voted more than once, the county clerk shall count only the  
 16 first ballot received by the clerk and provide the elector's name to the Secretary of State for further  
 17 review. If the county clerk is required to reissue ballots due to a change on the ballot for any rea-  
 18 son, that ballot shall be counted in lieu of any previous ballot issued unless:

- 19 (a) Only the original ballot was voted and returned; or
- 20 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-  
 21 iginal ballot.

22 **SECTION 39.** ORS 253.540 is amended to read:

23 253.540. (1) Any military or overseas elector may secure a ballot by submitting an application  
 24 as specified in subsection (2) of this section to the clerk of the county of the military or overseas  
 25 elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of  
 26 State, the secretary shall forward it to the appropriate county clerk.

27 (2) An application for a ballot by a military or overseas elector shall be made in the form of a  
 28 written request. The application shall be valid for every subsequent election until the elector oth-  
 29 erwise notifies the clerk or is no longer an elector of the county. The application shall be signed  
 30 by the applicant and contain:

- 31 (a) The name and current mailing address of the applicant;
- 32 (b) A statement that the applicant is a citizen of the United States;
- 33 (c) A statement that the applicant will be 18 years of age or older on the date of the election;
- 34 (d) A statement that for more than 20 days preceding the election the applicant's home residence  
 35 has been in this state, and giving the address of the last home residence;
- 36 (e) A statement of the facts that qualify the applicant as a military or overseas elector or as the  
 37 spouse or a dependent of a military or overseas elector;
- 38 (f) A statement that the applicant is not requesting a ballot from any other state and is not  
 39 voting in any other manner in the election except by the requested ballot; and

40 (g) If the applicant desires to vote in a primary election **or a presidential preference primary**  
 41 **election**, a designation of the applicant's political party affiliation or a statement that the applicant  
 42 is not affiliated with any political party. An applicant not affiliated with any political party may  
 43 request a ballot for a major political party. The applicant shall be sent the ballot for the political  
 44 party that the applicant requested if that political party has provided under ORS 254.365 for a pri-  
 45 mary election **or a presidential preference primary election** that admits electors not affiliated

1 with any political party.

2 **SECTION 40.** ORS 253.565 is amended to read:

3 253.565. (1) Any military or overseas elector may secure a special ballot for a primary  
4 election, **presidential preference primary election** or general election by making an application  
5 under this section if the elector believes that:

6 (a) The elector will be residing, stationed or working outside the territorial limits of the United  
7 States and the District of Columbia; and

8 (b) The elector will be unable to vote and return a regular ballot by normal mail delivery within  
9 the period provided for regular absent electors.

10 (2) A military or overseas elector shall make the application for a special ballot in the form of  
11 a written request. The elector shall submit the application before the date of the applicable election  
12 to the clerk of the county of the military or overseas elector's residence or to the Secretary of State.  
13 If the application is addressed to the Secretary of State, the secretary shall forward it to the ap-  
14 propriate county clerk. The application shall be signed by the applicant and contain:

15 (a) The name and current mailing address of the applicant;

16 (b) A designation of the election for which the applicant requests a special ballot;

17 (c) A statement that the applicant is a citizen of the United States;

18 (d) A statement that the applicant will be 18 years of age or older on the date of the election;

19 (e) A statement that for more than 20 days preceding the election the applicant's home residence  
20 has been in this state, and giving the address of the last home residence;

21 (f) A statement of the facts that qualify the applicant as a military or overseas elector or as the  
22 spouse or a dependent of a military or overseas elector;

23 (g) A statement of the facts that qualify the applicant to vote by means of a special ballot;

24 (h) A statement that the applicant is not requesting a ballot from any other state and is not  
25 voting in any other manner in the election except by the requested special ballot; and

26 (i) If the applicant requests a ballot for a primary election **or a presidential preference pri-**  
27 **mary election**, a designation of the applicant's political party affiliation or a statement that the  
28 applicant is not affiliated with any political party. An applicant not affiliated with any political  
29 party may request a ballot for a major political party. The applicant shall be sent the ballot for the  
30 political party that the applicant requested if that political party has provided under ORS 254.365  
31 for a primary election **or a presidential preference primary election** that admits electors not af-  
32 filiated with any political party.

33 (3) An application for a special ballot shall be valid only for the election specified in the appli-  
34 cation.

35 (4) The county clerk shall list on the special ballot the offices and measures scheduled to appear  
36 on the regular ballot, if known when the ballot is prepared, and provide space in which the elector  
37 may write in the elector's preference.

38 (5) The elector may write in the name of any eligible candidate for each office to be filled or for  
39 which nominations will be made at the election, and may vote on any measure submitted at the  
40 election.

41 **SECTION 41.** ORS 254.016 is amended to read:

42 254.016. Any primary election, **presidential preference primary election**, general election or  
43 special election held in this state shall be conducted under the provisions of this chapter, unless  
44 specifically provided otherwise in the statute laws of this state.

45 **SECTION 42.** ORS 254.025 is amended to read:

1 254.025. (1) Statutes applicable to primary elections **and presidential preference primary**  
 2 **elections** shall be construed as though the [*primary*] elections are separate elections for each major  
 3 political party nominating candidates.

4 (2) The primary elections **and presidential preference primary elections**, shall be conducted  
 5 as nearly as possible according to the theory expressed in the preamble to chapter 1, Oregon Laws  
 6 1905.

7 **SECTION 43.** ORS 254.046 is amended to read:

8 254.046. If a city holds a special election on a date other than the primary election, **presidential**  
 9 **preference primary election** or general election, it shall bear the expense of the election.

10 **SECTION 44.** ORS 254.076 is amended to read:

11 254.076. The chief elections officer shall keep a register of candidates for nomination at the  
 12 primary election **and presidential preference primary election**. The register, if applicable, shall  
 13 contain for each major political party:

14 (1) The title of each office for which the major political party will nominate candidates at the  
 15 primary election **or presidential preference primary election**.

16 (2) The name and mailing address of each candidate for nomination at the primary election **or**  
 17 **presidential preference primary election**.

18 (3) The name of the major political party with which the candidate is registered as affiliated.

19 (4) The date of filing of the prospective petition for nomination of the candidate.

20 (5) The date of filing of the completed petition for nomination of the candidate, the number of  
 21 valid signatures contained and the number of signatures required.

22 (6) The date of filing of the declaration of candidacy of the candidate.

23 (7) Such other information as may aid the chief elections officer in arranging the official ballot  
 24 for the primary election **or presidential preference primary election**.

25 **SECTION 45.** ORS 254.085 is amended to read:

26 254.085. (1) The Secretary of State, not later than the 61st day before the date of a primary [*or*]  
 27 *general*] election, **and not later than the 40th day before the date of a general election**, shall  
 28 file with each county clerk a statement of the federal and state offices to be filled or for which  
 29 candidates are to be nominated in the county at the election[,] **and** information concerning all can-  
 30 didates for the offices.[, *and*]

31 **(2) The Secretary of State, not later than the 61st day before the date of a primary**  
 32 **election, presidential preference primary election or general election, shall prepare and fur-**  
 33 **nish to each county clerk a certified statement of the state measures to be voted on.**

34 [(2)] **(3)** The information concerning candidates for the Supreme Court, Court of Appeals, Oregon  
 35 Tax Court and circuit court shall include a designation of incumbent for each candidate who is the  
 36 regularly elected or appointed judge of the court to which the candidate seeks election. If a candi-  
 37 date was regularly elected or appointed to a specific position or department on the court, the candi-  
 38 date shall be designated as the incumbent only if the person is a candidate for that position or  
 39 department.

40 [(3)] **(4)** Included with each state measure shall be the measure number, the latest ballot title  
 41 certified by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the  
 42 title under ORS 250.085, the title certified by the court and the financial estimates under ORS  
 43 250.125. The Secretary of State shall keep a copy of the statement.

44 **SECTION 46.** ORS 254.095 is amended to read:

45 254.095. (1) The chief elections officer of any city shall file with the county clerk of the county

1 in which the city hall of the city is located, a statement of the city offices to be filled or for which  
 2 candidates are to be nominated at the election and information concerning all candidates for the  
 3 offices not later than:

4 (a) **The 40th day before an election held on the date of the general election; or**

5 (b) The 61st day before the date of *[the]* **any other** election.

6 (2) Except as provided in subsection (3) of this section, the chief elections officer of any city  
 7 shall file with the county clerk of the county in which the city hall is located, a statement of the  
 8 city measures to be voted on, including the ballot title for each measure, not later than:

9 (a) **The 40th day before an election held on the date of the general election; or**

10 (b) The 61st day before the date of *[the]* **any other** election.

11 (3) If a measure to be submitted to the electors of a city at an election held on the first Tuesday  
 12 after the first Monday in November was submitted on the election date in ORS 221.230 (1) imme-  
 13 diately preceding the first Tuesday after the first Monday in November, the chief elections officer  
 14 of the city shall file the statement required for that measure in subsection (2) of this section *[on]*  
 15 **not later than:**

16 (a) **The 40th day before an election held on the date of the general election; or**

17 (b) The 47th day before *[an]* **any other** election held on the first Tuesday after the first Monday  
 18 in November.

19 (4) The chief elections officer of the city shall keep a copy of each statement filed under this  
 20 section.

21 (5) If a city is located in more than one county, the county clerk under subsection (1) of this  
 22 section shall immediately file the statement and information required under subsection (1) of this  
 23 section with the county clerk of any other county in which the city is located.

24 **SECTION 47.** ORS 254.103 is amended to read:

25 254.103. (1) Except as provided in subsection (2) of this section, the governing body of a county  
 26 shall file with the county clerk each measure referred by the county governing body, including the  
 27 ballot title for each measure, not later than:

28 (a) **The 40th day before an election held on the date of the general election; or**

29 (b) The 61st day before the date of *[the]* **any other** election.

30 (2) If a measure to be submitted to the electors of a county at an election held on the first  
 31 Tuesday after the first Monday in November was submitted on the election date in ORS 203.085 (1)  
 32 immediately preceding the first Tuesday after the first Monday in November, the county governing  
 33 body shall file the measure with the county clerk not later than:

34 (a) **The 40th day before an election held on the date of the general election; or**

35 (b) The 47th day before *[an]* **any other** election held on the first Tuesday after the first Monday  
 36 in November.

37 **SECTION 48.** ORS 254.115 is amended to read:

38 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating  
 39 Ballot for the \_\_\_\_\_ Party." and shall state:

40 (a) The name of the county for which it is intended.

41 (b) The date of the primary election.

42 (c) The names of all candidates for nomination at the primary election whose nominating pe-  
 43 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn  
 44 or become disqualified.

45 (d) The names of candidates for election as precinct committeeperson.

1        *[(e) The names of candidates for the party nomination for President of the United States who*  
 2 *qualified for the ballot under ORS 249.078.]*

3        (2) The primary election ballot may include any city, county or nonpartisan office or the number,  
 4 ballot title and financial estimates under ORS 250.125 of any measure.

5        (3) The ballot may not contain the name of any person other than those referred to in sub-  
 6 sections (1) and (2) of this section. The name of each candidate for whom a nominating petition or  
 7 declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event  
 8 that two or more candidates for the same nomination or office have the same or similar surnames,  
 9 the location of their places of residence shall be printed with their names to distinguish one from  
 10 another.

11        **SECTION 49. Section 50 of this 2015 Act is added to and made a part of ORS chapter 254.**

12        **SECTION 50. (1) The official presidential preference primary election ballot or ballot label**  
 13 **shall be styled “Official Ballot” and shall state:**

14        (a) **The date of the presidential preference primary election.**

15        (b) **The names of all candidates for the party nomination for President of the United**  
 16 **States who qualified for the ballot under ORS 249.078.**

17        (2) **The presidential preference primary election ballot may also include the names of**  
 18 **candidates to be nominated or elected to other offices at the election held on the third**  
 19 **Tuesday in May and the numbers, ballot titles and financial estimates of any measure.**

20        (3) **The name of each candidate shall be printed on the ballot in but one place. In the**  
 21 **event that two or more candidates for the same nomination or office have the same or**  
 22 **similar surnames, the location of their places of residence shall be printed opposite their**  
 23 **names to distinguish one from another.**

24        **SECTION 51. ORS 254.135, as amended by section 2, chapter 67, Oregon Laws 2014, and section**  
 25 **2, chapter 112, Oregon Laws 2014, is amended to read:**

26        254.135. (1) The official general or special election ballot shall be styled “Official Ballot” and  
 27 shall state:

28        (a) The name of the county for which it is intended.

29        (b) The date of the election.

30        (c) The names of all candidates for offices to be filled at the election whose nominations have  
 31 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may  
 32 not contain the name of any other person.

33        (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be  
 34 voted on at the election.

35        (2) The names of candidates for President and Vice President of the United States shall be  
 36 printed in groups together, under their political party designations. The names of the electors may  
 37 not be printed on the general election ballot. A vote for the candidates for President and Vice  
 38 President is a vote for the group of presidential electors supporting those candidates and selected  
 39 as provided by law. The general election ballot shall state that electors of President and Vice  
 40 President are being elected and that a vote for the candidates for President and Vice President shall  
 41 be a vote for the electors supporting those candidates.

42        (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,  
 43 without regard to how many times the candidate may have been nominated. The name of a political  
 44 party, or names of political parties, shall be printed with the name of a candidate for other than  
 45 nonpartisan office according to the following rules:

1 (A) For a candidate not affiliated with a political party who is nominated by a minor political  
2 party, the name of the minor political party shall be printed with the name of the candidate;

3 (B) For a candidate not affiliated with a political party who is nominated by more than one  
4 minor political party, the names of not more than three minor political parties selected by the candi-  
5 didate shall be printed with the name of the candidate;

6 (C) For a candidate who is a member of a political party who is nominated by a political party  
7 of which the candidate is not a member, the name of the political party that nominated the candi-  
8 date shall be printed with the name of the candidate;

9 (D) For a candidate who is a member of a political party who is nominated by more than one  
10 political party of which the candidate is not a member, the names of not more than three political  
11 parties selected by the candidate shall be printed with the name of the candidate;

12 (E) For a candidate who is nominated only by a political party of which the candidate is a  
13 member, the name of the political party of which the candidate is a member shall be printed with  
14 the name of the candidate; and

15 (F) For a candidate who is nominated by a political party of which the candidate is a member  
16 and by any political party or parties of which the candidate is not a member, the name of the poli-  
17 tical party of which the candidate is a member and the names of not more than two other political  
18 parties selected by the candidate shall be printed with the name of the candidate.

19 (b) If a candidate is required to select the name of a political party to be printed on the ballot  
20 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection  
21 not later than the [61st] **40th** day before the day of the election.

22 (c) The word “incumbent” shall be printed with the name of each candidate for the Supreme  
23 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the  
24 Secretary of State under ORS 254.085.

25 (d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affil-  
26 iated with a political party and who is nominated by an assembly of electors or individual electors.

27 (e) If two or more candidates for the same office have the same or similar surnames, the location  
28 of their places of residence shall be printed with their names to distinguish one from another.

29 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more  
30 than one district office that is to be filled at the same election shall be separately printed upon the  
31 ballot for each district office for which the candidate is nominated.

32 **SECTION 52.** ORS 254.365 is amended to read:

33 254.365. (1) An elector is not qualified or permitted to vote at any primary election **or presi-**  
34 **dential preference primary election** for any candidate of a major political party, and it is unlawful  
35 for the elector to offer to do so, unless:

36 (a) The elector is registered as being affiliated with one of the major political parties nominating  
37 or electing its candidates for public office at the primary election **or presidential preference pri-**  
38 **mary election**; or

39 (b) The elector is registered as not being affiliated with any political party and wishes to vote  
40 in the primary election **or presidential preference primary election** of a major political party that  
41 has provided under subsection (3) of this section for a primary election **or presidential preference**  
42 **primary election** that admits electors not affiliated with any political party.

43 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election  
44 **or presidential preference primary election** shall be given a ballot of the major political party  
45 with which the elector is registered as being affiliated. The elector may not be given a ballot of any



1 other political party at that primary election **or presidential preference primary election**. An  
 2 elector not affiliated with any political party and offering to vote at the primary election **or presi-**  
 3 **dential preference primary election** shall be given the ballot of the major political party in whose  
 4 primary election **or presidential preference primary election** the elector wishes to vote if that  
 5 party has provided under subsection (3) of this section for a primary election **or presidential**  
 6 **preference primary election** that admits electors not affiliated with any political party. An elector  
 7 not affiliated with any political party who is given a ballot of the major political party associates  
 8 with the party for the purpose of voting in that primary election **or presidential preference pri-**  
 9 **mary election**.

10 (3)(a) Not later than the 90th day before the date of the primary election **or presidential**  
 11 **preference primary election**, a major political party may file with the Secretary of State a certified  
 12 copy of the current party rule allowing an elector not affiliated with any political party to vote in  
 13 the party's primary election **or presidential preference primary election**. The party may not re-  
 14 peal the rule as filed during the 90 days before the primary election **or presidential preference**  
 15 **primary election**. The rule shall continue to be effective after the date of the primary election **or**  
 16 **presidential preference primary election** until the party gives written notice to the Secretary of  
 17 State that the rule has been repealed. Except as provided in paragraph (b) of this subsection, a party  
 18 rule under this subsection may limit the candidates for whom an elector who is not affiliated with  
 19 any political party may vote.

20 (b) The party rule shall allow any elector who is permitted to vote for the most numerous  
 21 branch of the Legislative Assembly also to vote in federal legislative elections, consistent with sec-  
 22 tion 2, Article I, and the Seventeenth Amendment to the United States Constitution.

23 (4) If the primary election **or presidential preference primary election** ballot includes city,  
 24 county or nonpartisan offices or measures, and it is given to an elector who is not eligible to vote  
 25 for party candidates, the ballot shall be marked "non-affiliated."

26 **SECTION 53.** ORS 254.370 is amended to read:

27 254.370. The county clerk shall maintain:

28 (1) A monthly registration record of all electors registered as not being affiliated with any pol-  
 29 itical party;

30 (2) At each primary election **or presidential preference primary election**, a record of the  
 31 number of electors who voted from each major political party;

32 (3) A record of all electors registered as not being affiliated with any political party who vote  
 33 in a primary election **or presidential preference primary election** of a major political party that  
 34 has provided under ORS 254.365 for a primary election **or presidential preference primary**  
 35 **election** that admits electors not affiliated with any political party; and

36 (4) A record of all electors registered as not being affiliated with any political party who vote  
 37 in the general election.

38 **SECTION 54.** ORS 254.470 is amended to read:

39 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
 40 designation of places of deposit for the ballots cast in an election. The rules shall also specify the  
 41 dates and times the places of deposit must be open and the security requirements for the places of  
 42 deposit. At a minimum, the places designated under this section shall be open on the date of the  
 43 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
 44 of deposit designated under this section, the county clerk shall prominently display a sign stating  
 45 that the location is an official ballot drop site.

1 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail  
 2 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-  
 3 ope not sooner than the 20th day before the date of an election and not later than the 14th day  
 4 before the date of the election, to each active elector of the electoral district as of the 21st day  
 5 before the date of the election.

6 (b) If the county clerk determines that an active elector of the electoral district as of the 21st  
 7 day before the date of the election does not receive daily mail service from the United States Postal  
 8 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-  
 9 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the  
 10 date of an election and not later than the 18th day before the date of the election.

11 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not  
 12 military or overseas electors, the county clerk may mail the ballots not sooner than the 29th day  
 13 before the date of the election.

14 (3) For an election held on the date of a primary election **or presidential preference primary**  
 15 **election:**

16 (a) The county clerk shall mail the official ballot of a major political party to each elector who  
 17 is registered as being affiliated with the major political party as of the 21st day before the date of  
 18 the election.

19 (b) The county clerk shall mail the official ballot of a major political party to an elector not  
 20 affiliated with any political party if the elector has applied for the ballot as provided in this sub-  
 21 section and that party has provided under ORS 254.365 for a primary election **or presidential**  
 22 **preference primary election** that admits electors not affiliated with any political party.

23 (c) An elector not affiliated with any political party who wishes to vote in the primary election  
 24 **or presidential preference primary election** of a major political party shall apply to the county  
 25 clerk in writing. The application shall indicate which major political party ballot the elector wishes  
 26 to receive. Except for electors described in subsection (4) of this section, and subject to ORS 247.203,  
 27 the application must be received by the county clerk not later than 5 p.m. of the 21st day before the  
 28 date of the election.

29 (d) If the primary election **or presidential preference primary election** ballot includes city,  
 30 county or nonpartisan offices or measures, the county clerk shall mail to each elector who is not  
 31 eligible to vote for party candidates a ballot limited to those offices and measures for which the  
 32 elector is eligible to vote.

33 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the  
 34 county clerk shall make the official ballot, the return identification envelope and the secrecy en-  
 35 velope available either by mail or at the county clerk's office or at another place designated by the  
 36 county clerk. An elector to whom this subsection applies must request a ballot from the county  
 37 clerk.

38 (5) The ballot shall contain the following warning:  
 39

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40  
 41 Any person who, by use of force or other means, unduly influences an elector to vote in any  
 42 particular manner or to refrain from voting is subject to a fine.  
 43

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44  
 45 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign

1 the return identification envelope supplied with the ballot and comply with the instructions provided  
2 with the ballot.

3 (b) The elector may return the marked ballot to the county clerk by United States mail or by  
4 depositing the ballot at the office of the county clerk, at any place of deposit designated by the  
5 county clerk or at any location described in ORS 254.472 or 254.474.

6 (c) The ballot must be returned in the return identification envelope. If the elector returns the  
7 ballot by mail, the elector must provide the postage.

8 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the  
9 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later  
10 than two days after receiving the ballot.

11 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit  
12 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-  
13 mined under subsection (1) of this section on the date of the election.

14 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not  
15 received by the elector. Replacement ballots shall be issued and processed as described in this  
16 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided  
17 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this  
18 section, a replacement ballot may be mailed, made available in the office of the county clerk or made  
19 available at one central location in the electoral district in which the election is conducted. The  
20 county clerk shall designate the central location. A replacement ballot need not be mailed after the  
21 fifth day before the date of the election.

22 (8) A ballot shall be counted only if:

23 (a) It is returned in the return identification envelope;

24 (b) The envelope is signed by the elector to whom the ballot is issued; and

25 (c) The signature is verified as provided in subsection (9) of this section.

26 (9) The county clerk shall verify the signature of each elector on the return identification en-  
27 velope with the signature on the elector's registration card, according to the procedure provided by  
28 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a  
29 replacement ballot has been issued has voted more than once, the county clerk shall count only one  
30 ballot cast by that elector.

31 (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit  
32 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474  
33 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the  
34 act of voting.

35 **SECTION 55.** ORS 254.474 is amended to read:

36 254.474. (1) At each primary election, **presidential preference primary election** and general  
37 election, the county clerk shall maintain voting booths in the county as follows:

38 (a) In each county with 35,000 or more electors in the county, the county clerk shall maintain  
39 a number of voting booths equal to at least one voting booth for every 20,000 electors in the county;  
40 and

41 (b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain  
42 at least one voting booth.

43 (2) The county clerk may determine the location of the voting booths required under this sec-  
44 tion.

45 **SECTION 56.** ORS 254.546 is amended to read:

1       254.546. (1) In the case of a recall election held on a date other than the date of the primary  
2 election, **presidential preference primary election** or general election, the county clerk shall  
3 prepare an abstract of the votes and deliver it to the elections official authorized to order the recall  
4 election not later than the 20th day after the election.

5       (2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II,  
6 Oregon Constitution, the result of the recall election referred to in subsection (1) of this section  
7 shall be considered officially declared on the date the abstract of the votes is delivered.

8       (3) If the elections official authorized to order the recall election is the Secretary of State, the  
9 Secretary of State shall officially declare the result of the election not later than the 30th day after  
10 the election.

11       **SECTION 57.** ORS 254.555 is amended to read:

12       254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,  
13 the Secretary of State, regarding offices for which the secretary receives filings for nomination,  
14 shall:

15       (a) Canvass the votes for the offices, except the office of Governor after the general election.

16       (b) Enter in a register of nominations after the primary election **or presidential preference**  
17 **primary election** the name and, if applicable, major political party of each candidate nominated, the  
18 office for which the candidate is nominated and the date of entry.

19       (c) Prepare and deliver a certificate of nomination or election to each candidate having the most  
20 votes for nomination for or election to the office. The Secretary of State shall sign the certificate  
21 under the seal of the state.

22       (d) Issue a proclamation declaring the election of candidates to the offices.

23       (2) Not later than the 30th day after the election:

24       (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall  
25 canvass the votes for each measure.

26       (b) The Governor shall issue a proclamation giving the number of votes cast for or against each  
27 such measure, and declaring the approved measures as the law on the effective date of the measure.  
28 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which  
29 is paramount.

30       **SECTION 58.** ORS 254.565 is amended to read:

31       254.565. Subject to ORS 254.548, the chief city elections officer:

32       (1) After the primary election **or presidential preference primary election**, shall enter in a  
33 register of nominations:

34       (a) The name of each candidate for city office nominated at the primary election **or presidential**  
35 **preference primary election**.

36       (b) The office for which the candidate is nominated.

37       (c) If applicable, the name of the major political party nominating the candidate.

38       (d) The date of the entry.

39       (2) After the general election, shall prepare and deliver a certificate of election to each qualified  
40 candidate having the most votes for election to a city office.

41       (3) Not later than the 30th day after any election, shall canvass the vote on each city measure,  
42 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-  
43 amount.

44       **SECTION 59.** ORS 255.069 is amended to read:

45       255.069. (1) Not later than the 115th day before a regular district election, or not later than the

1 135th day before a district election held on the date of a primary election, **presidential preference**  
 2 **primary election** or general election, the elections officer shall deliver to each district elections  
 3 authority, by certified mail, a form for updating information on members of district boards. The form  
 4 shall include, at a minimum, the district offices to be filled or for which candidates are to be nomi-  
 5 nated or elected at the next district election and information concerning the candidates.

6 (2) Not later than the 105th day before a regular district election or not later than the 125th  
 7 day before a district election held on the date of a primary election, **presidential preference pri-**  
 8 **mary election** or general election, the district elections authority shall return to the elections of-  
 9 ficer the form for updating information on members of district boards.

10 (3) The elections officer shall prepare the notice required by ORS 255.075 by using the form  
 11 completed by the district elections authority and any other information available. If the form is not  
 12 returned by the district elections authority by the deadline specified in subsection (2) of this section,  
 13 the elections officer shall prepare the notice for the district using the most current information  
 14 available. If the form is returned by the district elections authority after the deadline, the elections  
 15 officer shall prepare a corrected notice. The district shall be liable for any additional costs incurred  
 16 in preparing and publishing a corrected notice.

17 (4) The elections officer shall retain the completed forms in a file maintained for that purpose.  
 18 All forms shall be kept for a period of at least four years after the district election for which the  
 19 form was completed.

20 (5) If a district is located in more than one county, the elections officer shall immediately certify  
 21 the information contained on the form required under subsection (2) of this section to the county  
 22 clerk of any other county in which the district is located.

23 (6) The Secretary of State by rule shall establish the forms and procedures the elections officer  
 24 and the district elections authority shall use in maintaining adequate records for preparation of the  
 25 form required under subsection (1) of this section.

26 **SECTION 60.** ORS 255.085 is amended to read:

27 255.085. (1) Not later than the **40th day before a district election on a measure to be held**  
 28 **on the date of the general election or the** 61st day before a district election on a measure **held**  
 29 **on any other date**, the district elections authority shall deliver to the elections officer a notice  
 30 stating the date of the election and a ballot title. The district elections authority shall prepare the  
 31 ballot title for a measure referred by the authority with the assistance of the district attorney for  
 32 the county of the elections officer or an attorney employed by the district elections authority.

33 (2) If a district submits a measure to the electors of the district at an election held on the first  
 34 Tuesday after the first Monday in November and the district submitted a measure on the election  
 35 date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after  
 36 the first Monday in November, the district elections authority shall file the measure for the election  
 37 held on the first Tuesday after the first Monday in November with the elections officer not later  
 38 than:

39 **(a) The 40th day before an election held on the date of the general election; or**

40 **(b) The 47th day before an election held on the first Tuesday after the first Monday in Novem-**  
 41 **ber.**

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

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

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

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

1 (d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS  
2 450.905.

3 (4)(a) In the case of a measure submitted by initiative or referendum petition, the elections of-  
4 ficer shall publish the notice in the next available edition of a newspaper of general circulation in  
5 the district after the deadline for filing the notice.

6 (b) In the case of a measure referred by the district elections authority, the elections officer  
7 shall publish the notice of election in the next available edition of a newspaper of general circu-  
8 lation in the district after the notice of election is filed. The notice shall also state that an elector  
9 may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.  
10 If the circuit court certifies a different ballot title, the elections officer shall publish an amended  
11 notice of election in the next available edition of the newspaper referred to in this subsection after  
12 the new title is certified to the elections officer.

13 (c) In addition to publishing the notice as described in paragraphs (a) and (b) of this subsection,  
14 the elections officer may publish the notice on the county's website for a minimum of seven days.

15 **SECTION 61.** ORS 255.235 is amended to read:

16 255.235. (1) A candidate for election as a member of a district board shall be nominated by filing  
17 with the elections officer either:

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

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

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

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

26 (b) Not later than the 70th day before the date of the district election if the election is held on  
27 the date of a primary election or **presidential preference primary election.**

28 (c) **Not later than the 70th day before the date of the primary election if the election is**  
29 **held on the date of the** general election.

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

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

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

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

41 **SECTION 62.** ORS 255.335 is amended to read:

42 255.335. (1) The regular district election shall be held by each district for the purpose of electing  
43 members of the district board to succeed a member whose term expires the following June 30 and  
44 to elect members to fill any vacancy which then may exist. The election shall be held in each such  
45 district in each odd-numbered year on the *[third Tuesday in May]* **date of the primary election or**

1 **presidential preference primary election.**

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

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

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

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

11 **SECTION 63.** ORS 255.345 is amended to read:

12 255.345. (1) Except as provided in subsection (2) of this section, a special election called by a  
13 district elections authority shall not be held on any date other than:

14 (a) The second Tuesday in March;

15 (b) The third Tuesday in May;

16 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**  
17 **September;** or

18 (d) The first Tuesday after the first Monday in November.

19 (2) A special election may be held on a date other than that provided in subsection (1) of this  
20 section, if the district elections authority by resolution finds that an election sooner than the next  
21 available election date is required on a measure to finance repairs to property damaged by fire,  
22 vandalism or a natural disaster.

23 (3) As used in this section, "district elections authority" means the body or officer authorized  
24 or required to call an election for a public corporation formed under, and deriving its powers solely  
25 from, the statutes of this state, but does not include a city or county.

26 **SECTION 64.** ORS 258.036 is amended to read:

27 258.036. (1) **Except as provided in subsection (2) of this section,** not later than the 40th day  
28 after the election or the seventh day after completion of a recount of votes cast in connection with  
29 the election, any person authorized to contest a result of the election may file a petition of contest.  
30 The petition shall be filed with:

31 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate  
32 for election to the office of elector of President and Vice President of the United States or a can-  
33 didate for nomination or election to the office of United States Senator, United States Represen-  
34 tative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner  
35 of the Bureau of Labor and Industries or a position of judge on the Oregon Supreme Court, the  
36 Oregon Court of Appeals or the Oregon Tax Court.

37 (b) The circuit court for the county where a majority of the electors in the electoral district  
38 reside if the petition involves a candidate for nomination or election to the office of state Senator,  
39 state Representative, circuit court judge or district attorney.

40 (c) The circuit court for the county in which the filing officer is located if the petition involves  
41 a candidate for nomination or election to county, city or district office or a county, city or district  
42 measure. If a district is located in more than one county, the petition shall be filed with the circuit  
43 court for the county in which the administrative office of the district is located.

44 (d) The circuit court for the county in which the filing officer authorized to order the recall  
45 election is located if the petition involves the recall of a public officer.

1       **(2) For a primary election or a nominating or special election held on the date of a pri-**  
 2 **mary election, any person authorized to contest a result of the election may file a petition**  
 3 **of contest not later than the sixth calendar day after the election.**

4       [(2)] (3) The petition shall be verified in the manner required for verification of complaints in  
 5 civil cases and shall specify:

6       (a) The cause of the contest; and

7       (b) The names of all contestees.

8       **SECTION 65.** ORS 258.055 is amended to read:

9       258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-  
 10 tion of contest with the circuit court described under ORS 258.036, the contestant shall, within three  
 11 business days of filing the petition, publish a notice stating that the petition has been filed and  
 12 identifying the date of the deadline described in this subsection for filing a motion to intervene. The  
 13 notice must be published at least once in the next available issue of a newspaper of general circu-  
 14 lation published in the county where the proceeding is pending. Jurisdiction over the election  
 15 contest shall be complete within 10 days after the notice is published as provided in this subsection.  
 16 Any person interested may at any time before the expiration of the 10 days appear and contest the  
 17 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

18       (2) Subsection (1) of this section does not apply if the contest involves:

19       (a) A state measure.

20       (b) The election of a candidate to the office of elector of President and Vice President of the  
 21 United States.

22       (c) The nomination or election of a candidate to the office of United States Senator, United  
 23 States Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General,  
 24 Commissioner of the Bureau of Labor and Industries or a position of judge on the Oregon Supreme  
 25 Court, the Oregon Court of Appeals or the Oregon Tax Court.

26       (d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, At-  
 27 torney General, Commissioner of the Bureau of Labor and Industries or a position of judge on the  
 28 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

29       (3) Not later than two business days after the contestant files a petition of contest with the  
 30 circuit court, the contestant shall serve a copy of the petition by certified mail on each contestee.  
 31 If the Secretary of State or county clerk is not a contestee, not later than one business day after  
 32 the contestant files a petition of contest with the circuit court, the contestant shall file a copy of  
 33 the petition with:

34       (a) The Secretary of State if the petition involves a candidate for state office, the recall of a  
 35 person from state office or a state measure; or

36       (b) The county clerk if the petition involves a candidate for county, city or district office, the  
 37 recall of a person from county, city or district office or a county, city or district measure. As used  
 38 in this paragraph, "county clerk" includes the county clerk of the county in which the administra-  
 39 tive office of a city or district is located regarding a measure, a recall or a candidate for an office  
 40 to be voted on in a city or district located in more than one county.

41       (4) **Except as provided in subsection (6) of this section,** the circuit court shall fix a time for  
 42 the hearing by the circuit court of the contest proceeding, and not later than the fifth day before  
 43 the hearing shall give written notice of the hearing to each party to the proceeding. In fixing the  
 44 time for the hearing, the court shall consider the dates set in any notice published under subsection  
 45 (1) of this section and the dates of service on the contestees. The contest proceeding shall take



1 precedence over all other business on the circuit court docket.

2 (5) **Except as provided in subsection (6) of this section**, the circuit court shall hear and de-  
 3 termine the proceeding without a jury and shall issue written findings of law and fact. The practice  
 4 and procedure otherwise applicable to civil cases shall govern the proceeding, except that the  
 5 contestant has the burden of proof by clear and convincing evidence.

6 (6) **When a petition of contest is filed under ORS 258.036 (2):**

7 (a) **The clerk of the court shall cause notice to be served on all contestees named in the**  
 8 **petition, notifying them that they may respond by petition not sooner than the third nor**  
 9 **later than the sixth calendar day after the date the petition of contest was filed; and**

10 (b) **The court in which the petition of contest is filed shall hear and determine the pro-**  
 11 **ceeding expeditiously on the basis of the petitions. The decision of the court shall be the first**  
 12 **and final decision on the matter.**

13 **SECTION 66.** ORS 258.075 is amended to read:

14 258.075. (1) Except as provided in subsection (4) of this section, after the contest hearing, the  
 15 circuit court shall render a judgment affirming or setting aside the approval or rejection of the  
 16 measure.

17 (2) If the judgment sets aside the approval or rejection of a measure, the circuit court shall di-  
 18 rect the measure to be resubmitted at a special election held on one of the dates specified in this  
 19 subsection, as set by the court. In setting the election date, the court shall provide sufficient time  
 20 for adequate notice to be given. The special election may be held on any of the following dates:

21 (a) The second Tuesday in March;

22 (b) The third Tuesday in May;

23 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**  
 24 **September; or**

25 (d) The first Tuesday after the first Monday in November.

26 (3) The county of the county clerk or the local elections official who committed the error in the  
 27 distribution of the official ballots shall bear the cost of the special election.

28 (4) In a contest under ORS 258.016 (7), the court shall determine whether the challenge to the  
 29 determination of the number of electors who were eligible on election day to participate in the  
 30 election on a measure conducted under section 11 (8), Article XI of the Oregon Constitution, is valid.  
 31 In making the determination, the court shall rely on the provisions of ORS chapter 247 and shall  
 32 receive testimony from the county clerk regarding the clerk's administration of ORS chapter 247.  
 33 If, after a contest hearing, the court determines that the challenge to the determination of the  
 34 number of electors who were eligible to participate is valid and that the change in the number of  
 35 electors eligible to participate is sufficient to change the outcome of the election on the measure,  
 36 the court shall order the county clerk to make a new determination of the number of eligible elec-  
 37 tors and to certify the results of the election based on the new determination.

38 **SECTION 67.** ORS 258.085 is amended to read:

39 258.085. **Except as provided in ORS 258.055 (6)**, any party to the contest proceeding may ap-  
 40 peal from the judgment rendered by the circuit court to the Court of Appeals in the same manner  
 41 as appeals in civil cases are taken. The appeal shall take precedence over all other business on the  
 42 docket.

43 **SECTION 68.** ORS 258.161 is amended to read:

44 258.161. (1) A candidate or an officer of a political party on behalf of a candidate of the political  
 45 party may file a demand requiring the Secretary of State to direct that a recount be made [*in spec-*

1 *ified precincts in which votes were]* **of the votes** cast for the nomination or office for which the  
 2 candidate received a vote.

3 (2) An elector may file a demand requiring the Secretary of State to direct that a recount be  
 4 made [*in specified precincts in which votes were]* **of the votes** cast on any measure which appeared  
 5 on the ballot.

6 (3) A county clerk may file a demand requiring the Secretary of State to direct that a recount  
 7 be made in specified precincts in which votes were cast for the nomination or office for which a  
 8 candidate received a vote or on any measure that appeared on the ballot. The cash deposit re-  
 9 quirement of subsection (5) of this section shall not apply to a demand made under this subsection.  
 10 The cost of a recount conducted under this subsection shall be paid by the county of the county  
 11 clerk making the demand.

12 (4) Except as provided in subsection (9) of this section, the person making a demand for a re-  
 13 count may, in the first demand, specify a partial or a full recount. A person making a demand for  
 14 a partial recount shall specify the precincts in which votes were cast for the nomination or office  
 15 or on the measure to be recounted. If in the first demand the person requested a partial recount,  
 16 the person may file a supplemental demand for a recount of all the remainder of the precincts.

17 (5) Except as provided in subsections (3) and (6) of this section, each demand shall be accom-  
 18 panied by a cash deposit of \$15 for each precinct to be recounted up to a maximum of \$8,000 for a  
 19 recount of all precincts in the state on a measure or for a nomination or office. The Secretary of  
 20 State may retain the deposit for not more than 60 days after the election for which the recount was  
 21 demanded, without depositing it in the General Fund.

22 (6) Upon application from a county clerk, the Secretary of State may waive the cash deposit  
 23 requirement of subsection (5) of this section if, after the first demand, it appears that due to  
 24 nondeliberate and material error by a local elections official, as defined in ORS 246.012, or a county  
 25 clerk, the outcome of an election on a candidate or measure will be changed. The cost of a recount  
 26 conducted under this subsection shall be paid by the county of the county clerk or the county of the  
 27 local elections official who committed the error.

28 (7) Each demand shall be in the form and shall contain the information prescribed by the Sec-  
 29 retary of State, including the names and addresses of all persons and organizations providing any  
 30 part of the cash deposit and the amount provided by each.

31 (8) Except as provided in subsection (9) of this section, the first demand shall be filed in the  
 32 office of the Secretary of State not later than the 35th day and a supplemental demand not later  
 33 than the 45th day after the date of the election in which votes were cast for the nomination, office  
 34 or measure.

35 (9)(a) A demand for a recount made under this section on behalf of the electors of presidential  
 36 and vice presidential candidates shall be for a full recount only and [*shall*] **must** be filed [*no*] **not**  
 37 later than five business days after the Secretary of State declares the result of the election under  
 38 ORS 254.555.

39 **(b) A demand for a recount made under this section involving any candidate or measure**  
 40 **at the primary election or a nominating election held on the date of the primary election**  
 41 **shall be for a full recount only and must be filed not later than six calendar days after the**  
 42 **date of the election.**

43 **SECTION 69.** ORS 258.190 is amended to read:

44 258.190. (1) After a recount demand is filed, the Secretary of State shall direct the official who  
 45 conducted the election or the clerk of any county containing precincts in which ballots were cast

1 on the measure or for the nomination or office specified in the demand for a recount to conduct a  
2 recount in the precincts specified in the demand.

3 (2) If the demand for a recount of votes cast for a nomination or office is filed, the Secretary  
4 of State, not later than the third day after the filing of the first demand **under ORS 258.161 (4) or**  
5 **the filing of the demand under ORS 258.161 (9)**, shall notify the affected candidates by certified  
6 or registered mail that a recount is to be made in the precincts specified in the demand.

7 (3) The official who is to conduct the recount, within a reasonable time before the recount, shall  
8 notify the affected candidates or the individual filing the demand for recount for a measure of the  
9 date, time and place of the recount.

10 **SECTION 70.** ORS 260.044 is amended to read:

11 260.044. (1) If a person makes independent expenditures in a total amount of more than \$750 in  
12 a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file  
13 with the Secretary of State a statement of independent expenditures not later than seven calendar  
14 days after the total amount of independent expenditures exceeds \$750 in a calendar year.

15 (2) A person who files a statement of independent expenditures under subsection (1) of this  
16 section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary  
17 additional statements of independent expenditures made by the person, as described in ORS 260.083.

18 (3) Except as provided in subsections (4) and (5) of this section, a person shall file a statement  
19 described in subsection (2) of this section not later than 30 calendar days after an independent ex-  
20 penditure is made.

21 (4)(a) A person shall file a statement described in subsection (2) of this section not later than  
22 seven calendar days after an independent expenditure is made. This paragraph applies to independ-  
23 ent expenditures made:

24 (A) During the period beginning on the 42nd calendar day before the date of any primary  
25 election **or presidential preference primary election** and ending on the date of the primary  
26 election **or presidential preference primary election**; and

27 (B) During the period beginning on the 42nd calendar day before the date of any general  
28 election and ending on the date of the general election.

29 (b) If the person makes an independent expenditure prior to the 42nd calendar day before the  
30 date of the primary **election, presidential preference primary election** or general election and the  
31 person has not filed a statement under subsection (3) of this section by the 43rd calendar day before  
32 the date of the primary **election, presidential preference primary election** or general election, the  
33 person shall file a statement described in subsection (2) of this section not later than the 35th cal-  
34 endar day before the date of the primary **election, presidential preference primary election** or  
35 general election.

36 (5) For any special election, the secretary by rule may establish a period during which a person  
37 must file a statement described in subsection (2) of this section. The period may not extend beyond  
38 seven calendar days after an independent expenditure is made.

39 (6) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or con-  
40 tributions is a political committee and shall file a statement of organization under ORS 260.042 and  
41 the statements required by ORS 260.057, 260.076 or 260.078.

42 (7) For purposes of this section:

43 (a) An independent expenditure does not include a contribution to a candidate or political  
44 committee that is required to report the contribution on a statement filed under ORS 260.057,  
45 260.076 or 260.078 or a certificate filed under ORS 260.112;

1 (b) An independent expenditure does not include a contribution to a candidate who is not re-  
2 quired to file a statement of organization under ORS 260.043; and

3 (c) A person is not a political committee under subsection (6) of this section if all contributions  
4 received by the person are:

5 (A) Designated to an identified candidate or political committee;

6 (B) Delivered by the person to the designated candidate or political committee not later than  
7 seven business days after the contribution is received; and

8 (C) Required to be reported as contributions by a candidate or political committee on a state-  
9 ment filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112.

10 **SECTION 71.** ORS 260.057 is amended to read:

11 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

12 (a) All candidates and political committees to file with the secretary statements of contributions  
13 received and expenditures made by the candidates and political committees, as described in ORS  
14 260.083.

15 (b) Treasurers of petition committees organized under ORS 260.118 to file with the secretary  
16 statements of contributions received and expenditures made by the treasurers or chief petitioners  
17 as described in ORS 260.083.

18 (c) Persons who make independent expenditures as provided in ORS 260.044 to file with the  
19 secretary statements of independent expenditures made by the persons as described in ORS 260.083.

20 (2) Except as otherwise provided in this section, a candidate or political committee shall file a  
21 statement of contributions received and expenditures made described in subsection (1)(a) of this  
22 section not later than 30 calendar days after a contribution is received or an expenditure is made.

23 (3)(a) A candidate for nomination or election at any primary **election, presidential preference**  
24 **primary election** or general election or a political committee supporting or opposing a candidate  
25 or measure at any primary **election, presidential preference primary election** or general election  
26 shall file a statement described in subsection (1)(a) of this section not later than seven calendar days  
27 after a contribution is received or an expenditure is made. This paragraph applies to contributions  
28 received and expenditures made:

29 (A) During the period beginning on the 42nd calendar day before the date of any primary  
30 election **or presidential preference primary election** and ending on the date of the primary  
31 election **or presidential preference primary election**; and

32 (B) During the period beginning on the 42nd calendar day before the date of any general  
33 election and ending on the date of the general election.

34 (b) For any special election, the secretary by rule may establish a period during which a can-  
35 didate for nomination or election at the special election or a political committee supporting or op-  
36 posing a candidate or measure at the special election must file a statement described in subsection  
37 (1) of this section not later than seven calendar days after a contribution is received or an expend-  
38 iture is made.

39 (c) If the candidate or political committee receives a contribution or makes an expenditure prior  
40 to the 42nd calendar day before the date of the primary **election, presidential preference primary**  
41 **election** or general election and the candidate or political committee has not filed a statement of  
42 the contribution or expenditure under subsection (2) of this section by the 43rd calendar day before  
43 the date of the primary **election, presidential preference primary election** or general election, the  
44 candidate or political committee shall file a statement described in subsection (1)(a) of this section  
45 not later than the 35th calendar day before the date of the primary **election, presidential prefer-**

1 **ence primary election** or general election.

2 (4) The electronic filing system shall be provided free of charge by the secretary and shall:

3 (a) Accept electronic files that conform to the format prescribed by the secretary by rule; or

4 (b) Be compatible with any other electronic filing application provided or approved by the sec-  
5 retary.

6 (5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data  
7 filed electronically under subsection (1)(a) of this section and all information filed with the secretary  
8 under ORS 260.049 or 260.085 available on the Internet to the public free of charge according to a  
9 schedule adopted by the secretary by rule. The secretary shall make the data available in a  
10 searchable database that is easily accessible by the public. When the secretary makes data or in-  
11 formation available on the Internet under this subsection, the secretary shall display any contribu-  
12 tion received from a person or political committee with an out-of-state address in a different colored  
13 font than a contribution received from a person or political committee with an in-state address.

14 (b) The secretary may not make data that are filed electronically under subsection (1)(a) of this  
15 section available to the public under this section, unless the data are required to be listed under  
16 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed  
17 electronically under subsection (1)(a) of this section, unless the data are required to be listed under  
18 ORS 260.083.

19 (6)(a) Except as provided in paragraph (b) of this subsection, each statement required by this  
20 section shall be signed and certified as true by the candidate or treasurer required to file it. Sig-  
21 natures shall be supplied in the manner specified by the secretary by rule.

22 (b) A candidate or treasurer may designate an individual to sign and certify as true a statement  
23 required by this section. The designation must be filed in writing with the secretary and must be  
24 renewed for each two-year period beginning January 1 of an even-numbered year.

25 (7) This section does not apply to:

26 (a) Candidates for federal office;

27 (b) Candidates who are not required to file a statement of organization under ORS 260.043; or

28 (c) Candidates, political committees or petition committees that file certificates under ORS  
29 260.112.

30 **SECTION 72.** ORS 260.118 is amended to read:

31 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a  
32 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and  
33 expenditures made by or through the treasurer.

34 (2) The treasurer shall file a statement of organization of a petition committee with the appro-  
35 priate filing officer. The treasurer shall file the statement not later than the third business day after  
36 a chief petitioner or the treasurer receives a contribution or makes an expenditure relating to the  
37 initiative, referendum or recall petition. The statement shall include:

38 (a) The name and address of the chief petitioners.

39 (b) The name and address of the treasurer appointed under subsection (1) of this section.

40 (c) A designation of the initiative, referendum or recall petition. The designation of the recall  
41 petition shall include the name of the officer whose recall is demanded.

42 (d) The name of the financial institution in which the petition account required under ORS  
43 260.054 is established, the name of the account, the name of the account holder and the names of  
44 all individuals who have signature authority for the account. The Secretary of State may not dis-  
45 close information received by the secretary under this paragraph except as necessary for purposes

1 of enforcing the provisions of ORS chapters 246 to 260.

2 (3) If there is a change in the information submitted in a statement of organization under sub-  
3 section (2) of this section, the treasurer shall file an amended statement of organization not later  
4 than the 10th day after the change in information.

5 (4) The treasurer of an initiative, referendum or recall petition committee shall use the elec-  
6 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of  
7 contributions received and expenditures made by the petition committee, as described in ORS  
8 260.083.

9 (5) The treasurer of an initiative petition committee shall file a statement described in sub-  
10 section (4) of this section not later than seven calendar days after a contribution is received or an  
11 expenditure is made. This subsection applies to contributions received and expenditures made:

12 (a) During the period beginning on the 42nd calendar day before the date that is four months  
13 before a general election and ending on the date that is four months before a general election;  
14 *[and]*

15 **(b) During the period beginning on the 42nd calendar day before the date of any presi-**  
16 **dential preference primary election and ending on the date of the presidential preference**  
17 **primary election; and**

18 *[(b)]* (c) During the period beginning on the 42nd calendar day before the date of any primary  
19 election and ending on the date of the primary election and the period beginning on the *[42nd cal-*  
20 *endar day before the date of any general election]* **third Tuesday in September or, as provided in**  
21 **ORS 254.056, the second Tuesday in September** and ending on the date of the general election.

22 (6) The treasurer of a referendum petition committee or a recall petition committee shall file a  
23 statement described in subsection (4) of this section not later than seven calendar days after a  
24 contribution is received or an expenditure is made. This subsection applies:

25 (a) For a referendum petition committee, to contributions received and expenditures made during  
26 the period beginning on the date the treasurer is appointed under subsection (1) of this section and  
27 ending on the deadline for submitting signatures for verification; and

28 (b) For a recall petition committee, to contributions received and expenditures made during the  
29 period beginning on the day after the date on which the statement of contributions received and  
30 expenditures made that is required under ORS 249.865 is filed and ending on the deadline for sub-  
31 mitting signatures for verification.

32 (7) Except as provided in subsection (8) of this section, during a period not described in sub-  
33 section (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition committee  
34 shall file a statement described in subsection (4) of this section not later than 30 calendar days after  
35 a contribution is received or an expenditure is made.

36 (8) If a treasurer of an initiative petition committee receives a contribution or makes an ex-  
37 penditure prior to the 42nd calendar day before the date that is four months before a general  
38 election, or the 42nd day before the date of the primary election, **presidential preference primary**  
39 **election** or general election, and the treasurer has not filed a statement of the contribution or ex-  
40 penditure under subsection (4) of this section by the 43rd calendar day before the date that is four  
41 months before a general election, or the 43rd day before the date of the primary election, **presi-**  
42 **dential preference primary election** or general election, the treasurer shall file a statement de-  
43 scribed in subsection (4) of this section not later than the 35th calendar day before the date that is  
44 four months before a general election, or the 35th day before the date of the primary election,  
45 **presidential preference primary election** or general election.

1 (9) For an initiative petition committee, the accounting period for the first statement filed under  
2 this section begins on the date the treasurer is appointed under subsection (1) of this section.

3 (10) Each statement required under this section shall be signed and certified as true by the  
4 treasurer. Signatures shall be supplied in the manner specified by the secretary by rule.

5 (11) Subsections (4) to (10) of this section do not apply to petition committees that file certif-  
6 icates under ORS 260.112.

7 (12) As used in this section, “contribution” and “expenditure” include a contribution or ex-  
8 penditure to or on behalf of an initiative, referendum or recall petition.

9 **SECTION 73.** ORS 260.241 is amended to read:

10 260.241. (1) Despite delay in the filing of statements relating to a candidate’s nomination re-  
11 quired to be filed under ORS 260.057, or in the filing of a certificate described in ORS 260.112 in lieu  
12 of a statement required under ORS 260.057, prior to the nominating election, the candidate’s name  
13 shall appear on the general election ballot if those statements or the certificate is filed before the  
14 [61st] **40th** day before the general election.

15 (2) A candidate’s name may not be placed on the general election ballot if the statements or  
16 certificate referred to in subsection (1) of this section is not filed before the [61st] **40th** day before  
17 the general election.

18 (3) If the statements or certificate referred to in subsection (1) of this section is not filed by the  
19 [68th] **45th** day before the general election, the filing officer by mail shall notify the candidate that  
20 the candidate’s name may not be placed on the general election ballot. The filing officer shall send  
21 the notice described in this subsection by first class mail to the candidate and the candidate’s  
22 treasurer or the treasurer of the candidate’s principal campaign committee. The filing officer is not  
23 required to send two notices if the candidate serves as the treasurer of the candidate’s principal  
24 campaign committee.

25 **SECTION 74.** ORS 260.532 is amended to read:

26 260.532. (1) [No person shall] **A person may not** cause to be written, printed, published, posted,  
27 communicated or circulated, any letter, circular, bill, placard, poster, photograph or other publica-  
28 tion, or cause any advertisement to be placed in a publication, or singly or with others pay for any  
29 advertisement, with knowledge or with reckless disregard that the letter, circular, bill, placard,  
30 poster, photograph, publication or advertisement contains a false statement of material fact relating  
31 to any candidate, political committee or measure.

32 (2) As used in subsection (1) of this section, “cause” does not include the broadcast of an ad-  
33 vertisement by a radio or television station or cable television company unless the advertisement  
34 is for:

35 (a) The candidacy of the owner, licensee or operator of the station or company; or

36 (b) A ballot measure of which a chief petitioner is the owner, licensee or operator of the station  
37 or company.

38 (3) A candidate who knows of and consents to a publication or advertisement prohibited by this  
39 section with knowledge or with reckless disregard that it contains a false statement of material fact,  
40 violates this section regardless of whether the candidate has participated directly in the publication  
41 or advertisement.

42 (4) There is a rebuttable presumption that a candidate knows of and consents to any publication  
43 or advertisement prohibited by this section caused by a political committee over which the candi-  
44 date exercises any direction and control.

45 (5) Any candidate or political committee aggrieved by a violation of this section [shall have] **has**

1 a right of action against the person alleged to have committed the violation. The aggrieved party  
 2 may file the action in the circuit court for any county in this state in which a defendant resides or  
 3 can be found or, if the defendant is a nonresident of this state, in the circuit court for any county  
 4 in which the publication occurred. To prevail in such an action, the plaintiff must show by clear and  
 5 convincing evidence that the defendant violated subsection (1) of this section.

6 (6) A plaintiff who prevails in an action provided by subsection (5) of this section may recover  
 7 economic and noneconomic damages, as defined in ORS 31.710, or \$2,500, whichever is greater. The  
 8 court may award such additional equitable relief as it considers necessary or proper. The equitable  
 9 relief may include, but is not limited to, a requirement that a retraction of the false statement be  
 10 disseminated in the manner directed by the court. Proof of entitlement to economic and noneconomic  
 11 damages must be by a preponderance of evidence. The court shall award the prevailing party rea-  
 12 sonable attorney fees at trial and on appeal.

13 (7) A political committee has standing to bring an action provided by subsection (5) of this sec-  
 14 tion as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations  
 15 and publications has been injured by the violation and if it has fully complied with the provisions  
 16 of this chapter. In an action brought by a political committee as provided by subsection (5) of this  
 17 section, the plaintiff may recover economic and noneconomic damages for all injury to the purpose  
 18 of the committee as provided in subsection (6) of this section.

19 (8) If a judgment is rendered in an action under this section against a defendant who has been  
 20 nominated to public office or elected to a public office other than state Senator or state Represen-  
 21 tative, and it is established by clear and convincing evidence that the false statement was delib-  
 22 erately made or caused to be made by the defendant, the finder of fact shall determine whether the  
 23 false statement reversed the outcome of the election. If the finder of fact finds by clear and con-  
 24 vincing evidence that the false statement reversed the outcome of the election, the defendant shall  
 25 be deprived of the nomination or election and the nomination or office shall be declared vacant.

26 (9) An action under this section must be filed not later than the **sixth day after the primary**  
 27 **election or nominating election relating to which a publication or advertisement in violation**  
 28 **of this section was made and not later than the 30th day after [the] any other** election relating  
 29 to which a publication or advertisement in violation of this section was made. Proceedings on a  
 30 complaint filed under this section shall have precedence over all other business on the docket. The  
 31 courts shall proceed in a manner which will ensure that:

32 (a) Final judgment on a complaint [*which*] **that** relates to a primary election, **presidential**  
 33 **preference primary election** or nominating election is rendered before the 30th day before the  
 34 general election; and

35 (b) Final judgment on a complaint which relates to an election to an office is rendered before  
 36 the term of that office begins.

37 (10) The remedy provided by this section is the exclusive remedy for a violation of this section.

38 **SECTION 75.** ORS 171.185 is amended to read:

39 171.185. (1) Except as provided in subsection (2) of this section, an election called by the Leg-  
 40 islative Assembly shall be held only on:

41 (a) The second Tuesday in March;

42 (b) The third Tuesday in May;

43 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**  
 44 **September;** or

45 (d) The first Tuesday after the first Monday in November.



1 (2) An election may be held on a date other than that provided in subsection (1) of this section,  
 2 if the Legislative Assembly by resolution or Act finds that an election sooner than the next avail-  
 3 able election date is required on a measure to finance repairs to property damaged by fire,  
 4 vandalism or a natural disaster.

5 **SECTION 76.** ORS 180.020 is amended to read:

6 180.020. The Attorney General shall be elected by the electors of this state at the [*regular*]  
 7 general election in the same manner as other state officers are elected. The term of the Attorney  
 8 General shall commence on the first Monday in January of the year succeeding election. The At-  
 9 torney General shall hold office for the term of four years, and until a successor is elected and  
 10 qualified.

11 **SECTION 77.** ORS 198.747 is amended to read:

12 198.747. (1) Notwithstanding any provision of ORS 198.705 to 198.955 that provides a different  
 13 effective date, an annexation, withdrawal, consolidation or merger shall not become effective during  
 14 the period:

15 (a) Beginning after the 90th day before a primary election, **presidential preference primary**  
 16 **election** or general election and ending on the day after the election; or

17 (b) Beginning after the deadline for filing the notice of election before any other election held  
 18 by any district or other municipal corporation involved in the annexation, withdrawal, consolidation  
 19 or merger and ending on the day after the election.

20 (2) If the effective date established for an annexation, withdrawal, consolidation or merger is a  
 21 date that is prohibited under this section, the annexation, withdrawal, consolidation or merger shall  
 22 become effective on the day after the election.

23 (3) For the purposes of ORS 308.225 only, the effective date of an annexation shall be the date  
 24 of the order declaring the annexation under ORS 198.855.

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

27 **SECTION 78.** ORS 198.765 is amended to read:

28 198.765. (1) A petition shall not be accepted for filing unless the signatures thereon have been  
 29 secured within six months of the date on which the first signature on the petition was affixed. A  
 30 petition for formation of a district shall not be accepted for filing if it is not accompanied by the  
 31 economic feasibility statement required under ORS 198.749. When a petition for formation of a dis-  
 32 trict includes a proposed permanent rate limit for operating taxes, the petition shall be filed not  
 33 later than 180 days before the date of the next May, **September** or November election [*at which the*  
 34 *petition for formation will be voted upon*], **if the petition for formation will be voted upon at the**  
 35 **primary election or general election.** Petitions required to be filed with the county board shall  
 36 be filed with the county clerk of the principal county. Petitions required to be filed with the district  
 37 board shall be filed with the secretary of the district board. It is not necessary to offer all  
 38 counterparts of a petition for filing at the same time, but all counterparts when certified as provided  
 39 by subsection (3) of this section shall be filed at the same time.

40 (2) Within 10 days after the date a petition is offered for filing, the county clerk or district  
 41 secretary, as the case may be, shall examine the petition and determine whether it is signed by the  
 42 requisite number of qualified signers. In the case of a petition required or permitted to be signed  
 43 by landowners, within 10 days after the date a petition is offered for filing, the county assessor shall  
 44 examine the petition and determine whether it is signed by the requisite number of qualified land-  
 45 owners. If the requisite number of qualified signers have signed the petition, the county clerk or

1 district secretary shall file the petition. If the requisite number have not signed, the county clerk  
2 or district secretary shall so notify the chief petitioners and may return the petition to the  
3 petitioners.

4 (3) A petition shall not be filed unless the certificate of the county clerk or the district secretary  
5 is attached thereto certifying that the county clerk or district secretary has compared the signa-  
6 tures of the signers with the appropriate records, that the county clerk or district secretary has  
7 ascertained therefrom the number of qualified signers appearing on the petition, and that the peti-  
8 tion is signed by the requisite number of qualified signers. In the case of a petition required or  
9 permitted to be signed by landowners, a petition shall not be filed unless the certificate of the  
10 county assessor is attached thereto certifying that the county assessor has compared the signatures  
11 of the signers with the appropriate records and that the petition is signed by the requisite number  
12 of qualified landowners.

13 (4) No petition for dissolution shall be accepted for filing within one year after an election held  
14 on the question of dissolution of a district.

15 **SECTION 79.** ORS 198.815 is amended to read:

16 198.815. (1) If the required number of written requests for an election are filed with the county  
17 board on or before the date of the final hearing or if the petition for formation includes a permanent  
18 rate limit for operating taxes for the proposed district, the board shall provide by order for the  
19 holding of an election to submit to the electors the question of forming the district. The board shall  
20 cause notice of the election to be published by two insertions. If requests for an election are filed  
21 by less than the required number of persons and no permanent rate limit for operating taxes is in-  
22 cluded in the petition, the county board shall dismiss the requests and enter an order creating the  
23 district.

24 (2) The order calling an election shall fix the date of the election on the next available election  
25 date in ORS 255.345 for which the filing deadline can be met. However, when the proposal for for-  
26 mation includes a permanent rate limit for operating taxes for the proposed district, the election  
27 shall be held on the date of the next May, **September** or November election for which the filing  
28 deadline can be met. The order shall also state that at such election members of the district board  
29 will be voted for. Candidates to be voted for as members of the first board of a district shall be  
30 nominated as provided by ORS chapter 255 and the principal Act of a district.

31 (3) The order calling the election shall require the county official in charge of elections to in-  
32 clude with the ballot for the election a map or other description of the boundaries of the proposed  
33 district using streets and other generally recognized features and a statement of the permanent rate,  
34 if any, proposed for the district in the petition for formation under ORS 198.750 (1)(g). Such state-  
35 ment shall comply with the requirements of ORS 250.035. The map or other description and state-  
36 ment required by this subsection shall be supplied by the county board.

37 (4)(a) When the proposal for formation includes a permanent rate limit for operating taxes for  
38 the proposed district, the ballot title shall clearly indicate that a single question is being proposed  
39 which is:

40 (A) Whether the proposed district shall be formed; and

41 (B) Whether the permanent rate limit specified in the ballot title shall be adopted as the maxi-  
42 mum rate of operating taxes for that district.

43 (b) The ballot title for the election shall be in compliance with ORS 250.036.

44 (5) When the proposal for formation includes a permanent rate limit for the proposed district,  
45 the district shall be authorized to impose operating taxes not in excess of the permanent rate limit

1 if the proposal is approved by a majority of the votes cast and the election is held in May, **Sep-**  
 2 **tember** or November of any year.

3 (6) If a proposed county service district is subject to dissolution unless a determination of public  
 4 need for continued existence is made, the ballot title shall include the fiscal year in which dissol-  
 5 ution will occur and statement that the district will dissolve unless the board of directors deter-  
 6 mines that there is a public need for continued existence.

7 **SECTION 80.** ORS 199.519 is amended to read:

8 199.519. (1) Notwithstanding any different effective date specified in ORS 199.480, 199.505 or  
 9 199.507, a boundary change under ORS 199.410 to 199.534 shall not become effective during the pe-  
 10 riod:

11 (a) Beginning after the 90th day before a primary election, **presidential preference primary**  
 12 **election** or general election and ending on the day after the election; or

13 (b) Beginning after the deadline for filing the notice of election before any other election held  
 14 by any city or district involved in the boundary change and ending on the day after the election.

15 (2) If the effective date established for a boundary change is a date that is prohibited under this  
 16 section, the boundary change shall become effective on the day after the election for voting pur-  
 17 poses.

18 (3) The provisions of this section do not apply if the territory affected by the boundary change  
 19 has no registered voters.

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

22 **SECTION 81.** ORS 202.180 is amended to read:

23 202.180. (1) The county court of a new county or a county to which territory has been added  
 24 shall, respectively:

25 (a) Cause all the registration records of electors living in the new county or in the territory that  
 26 has been added to an existing county to be segregated from the registration records on file in the  
 27 counties from which the new county is created or the county from which the territory has been  
 28 removed;

29 (b) Cause the registration records to be delivered to the county clerk of the new county or the  
 30 county to which the territory has been added; and

31 (c) Provide for the transfer to the county clerk of the new county or the county to which the  
 32 territory has been added a list of electors and other election records, relating only to precincts and  
 33 electors within the new county or the territory that has been added to an existing county.

34 (2) The county clerk of the new county or the county to which the territory has been added  
 35 shall arrange and install the registration records received under subsection (1) of this section in the  
 36 manner provided by law. The registration records constitute registration of the electors whose  
 37 names appear on the records in the new county or the county to which the territory has been added,  
 38 respectively.

39 (3) The list of electors and other registration and election records are records of the new county  
 40 or the county to which the territory has been added, respectively.

41 (4)(a) If a county boundary change occurs on a date within a period described in paragraph (b)  
 42 of this subsection, the change is not effective for purposes of eligibility for elections within the  
 43 territory that is removed from one county and added to another county until the day after the re-  
 44 spective ending date described in paragraph (b) of this subsection.

45 (b) The periods referred to in paragraph (a) of this subsection are the periods:

1 (A) Beginning on the day after the 90th day before a primary election, a **presidential prefer-**  
 2 **ence primary election** or a general election and ending on the day of the election; or

3 (B) Beginning on the day after the deadline for filing the notice of election before any election,  
 4 other than a primary election, a **presidential preference primary election** or a general election,  
 5 that is held by a county, district or other municipal corporation affected by the boundary change  
 6 and ending on the day of the election.

7 **SECTION 82.** ORS 203.035 is amended to read:

8 203.035. (1) Subject to subsection (3) of this section, the governing body or the electors of a  
 9 county may by ordinance exercise authority within the county over matters of county concern, to  
 10 the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully  
 11 as if each particular power comprised in that general authority were specifically listed in ORS  
 12 203.030 to 203.075.

13 (2) The power granted by this section is in addition to other grants of power to counties, shall  
 14 not be construed to limit or qualify any such grant and shall be liberally construed, to the end that  
 15 counties have all powers over matters of county concern that it is possible for them to have under  
 16 the Constitutions and laws of the United States and of this state.

17 (3) An ordinance adopted by a county governing body that changes the number or mode of se-  
 18 lection of elective county officers shall not take effect unless the ordinance is submitted to and ap-  
 19 proved by the electors of the county at a primary election, **presidential preference primary**  
 20 **election**, general election or election held on the first Tuesday after the first Monday in November  
 21 of an odd-numbered year. However, an ordinance adopted under this section may not change the  
 22 mode of selection of a county assessor.

23 (4) Nothing in this section shall be construed to limit the rights of the electors of a county to  
 24 propose county ordinances through exercise of the initiative power.

25 **SECTION 83.** ORS 203.085 is amended to read:

26 203.085. (1) Except as provided in subsection (2) of this section, no election on a county measure  
 27 or for a county office shall be held on any date other than:

28 (a) The second Tuesday in March;

29 (b) The third Tuesday in May;

30 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**  
 31 **September;** or

32 (d) The first Tuesday after the first Monday in November.

33 (2) An emergency election may be held on a date other than those provided in subsection (1)  
 34 of this section, if the county governing body by resolution finds that an emergency exists that will  
 35 require an election sooner than the next available election date to avoid extraordinary hardship to  
 36 the community. A determination under this subsection as to whether an emergency exists is within  
 37 the sole discretion of the county governing body.

38 (3) A county governing body, with adequate notice, shall hold a public hearing, on a date other  
 39 than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that  
 40 an emergency exists before scheduling an election on a date other than those specified in subsection  
 41 (1) of this section.

42 (4) Notice of a county's intent to hold an emergency election shall be filed with the county  
 43 elections authority no later than 47 days preceding the desired election date. At the time the notice  
 44 of election is given to the county elections authority, the county shall also file with the elections  
 45 authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the

1 county governing body to authorize the emergency election as required under subsection (3) of this  
2 section.

3 **SECTION 84.** ORS 203.230 is amended to read:

4 203.230. (1) The county court of any county which has not adopted a county charter pursuant  
5 to ORS 203.710 to 203.770, and in which the county judge has no judicial function, may order the  
6 office of county judge abolished and create in lieu thereof a third county commissioner. The order  
7 shall transfer all powers and duties of the county court and county judge to the board of county  
8 commissioners and, unless referred to the people, shall be effective on the date specified therein.  
9 The order made under this subsection may be referred to the people of the county for their approval  
10 or rejection and, if approved, shall become operative on the date specified in the order referred. The  
11 people of the county shall vote on such order at a primary election, **presidential preference pri-**  
12 **mary election** or general election.

13 (2) If, in a year in which a county judge is to be elected in the county, the order made under  
14 subsection (1) of this section is to become operative:

15 (a) On or subsequent to the date of the primary election **or presidential preference primary**  
16 **election** but prior to the general election, then those persons nominated at the primary election for  
17 the office of county judge shall be candidates for the office of county commissioner created in the  
18 order.

19 (b) On or subsequent to the date of the [*regular*] general election, then the person elected to the  
20 office of county judge shall, upon the expiration of the term of office of the county judge holding  
21 office at the time the order was approved, take office as the county commissioner created in the  
22 order if the order has become operative.

23 (3) When the order issued under subsection (1) of this section becomes operative, the county  
24 judge shall, until the expiration of the term of office of the county judge, serve as the third county  
25 commissioner. At the general election next preceding the expiration of the term of office of the  
26 county judge there shall be elected, in addition to the two county commissioners provided by law  
27 for each county, one county commissioner who shall possess the same qualifications and be subject  
28 to the same provisions of law as the other county commissioners.

29 (4) The order issued under subsection (1) of this section may specify any or all of the following  
30 relating to the third commissioner:

31 (a) Compensation that is different from the other commissioners;

32 (b) Powers and duties that are different from the other commissioners; and

33 (c) Service as chairperson of the board of commissioners.

34 (5) The person serving as county judge on the date the office is abolished shall serve as chair-  
35 person of the board of county commissioners until the expiration of the term of office of that person  
36 and shall be subject to the same provisions of law as the other county commissioners.

37 **SECTION 85.** ORS 203.710 is amended to read:

38 203.710. (1) The designation of county officers to perform functions under ORS 203.710 to 203.770  
39 extends to those officers who, under a county charter or legislation enacted pursuant thereto, may  
40 be designated to perform the same functions.

41 (2) References to the county court in ORS 203.710 to 203.770 include the board of county com-  
42 missioners.

43 (3) As used in ORS 203.710 to 203.770, unless the context requires otherwise, "legally called  
44 election" means any primary election, **presidential preference primary election** or general  
45 election held throughout the county.

1        **SECTION 86.** ORS 221.040 is amended to read:

2        221.040. (1) When a petition for incorporation described in ORS 221.031 is signed by 20 percent  
3 or, in a county with a population over 300,000, by 10 percent, of the electors registered in the area  
4 proposed to be incorporated, the petition shall be filed with the county court of the county in which  
5 the proposed petition was filed under ORS 221.031. A petition shall not be accepted for filing unless  
6 all the signatures on the petition were obtained within the six-month period immediately following  
7 the date on which the petitions were filed under ORS 221.031. Upon the filing of the petition, the  
8 county court shall fix the time and place for the hearing of such petition and shall give notice  
9 thereof by publication once each week for two successive weeks in a newspaper published in the  
10 county where the petition is filed and of general circulation within the boundaries, and by posting  
11 the notice for the same period of time in three public places in the area proposed to be incorporated.  
12 The notice shall state the time and place of the hearing, describe the boundaries set forth in the  
13 petition and state the purpose of the petition. If any portion of the proposed incorporation of a city  
14 lies within another county or counties, then the notice shall be published in a newspaper of general  
15 circulation in each of the counties and in the same time and manner.

16        (2) At the time and place fixed for the hearing, or at any time and place at which the hearing  
17 may be continued or postponed, any person interested may appear and present oral or written ob-  
18 jections to the granting of the petition, the forming of the proposed incorporated city or the esti-  
19 mated rate of taxation set forth in the petition. The court may alter the boundaries as set forth in  
20 the petition to include all territory which may be benefited by being included within the boundaries  
21 of the proposed incorporated city, but shall not modify boundaries so as to exclude any land which  
22 would be benefited by the formation of the proposed city. No land shall be included in the proposed  
23 city which will not, in the judgment of the court, be benefited. If the court determines that any land  
24 has been improperly omitted from the proposed city and the owner has not appeared at the hearing,  
25 it shall continue the hearing and shall order notice given to the nonappearing owner requiring the  
26 owner to appear before it and show cause, if any the owner has, why the owner's land should not  
27 be included in the proposed city. The notice shall be given by publication and posting in the same  
28 manner as the original notice for hearing and for the same period. For the purposes of this sub-  
29 section, "owner" means the legal owner of record except that if there is a vendee under a duly re-  
30 corded contract, the vendee shall be deemed to be the owner.

31        (3) Upon the final hearing of the petition, the court, if it approves the petition as originally  
32 presented or in an altered form, shall provide by order for the holding of an election relating to the  
33 incorporation of the proposed city. The order calling the election shall fix the date of the election  
34 on the date of the next primary election, **presidential preference primary election** or general  
35 election that is not sooner than the 90th day after the date of the order. The order shall contain:

36        (a) A description of the exterior boundaries of the proposed city as determined by the court. The  
37 description shall be a metes and bounds or legal description prepared by the county surveyor or  
38 county assessor. The description prepared under this paragraph shall accurately describe the exte-  
39 rior boundaries of the proposed city as indicated on the map filed under ORS 221.031 (3) unless those  
40 boundaries were altered by the county court, in which case the description shall accurately describe  
41 the boundaries as altered;

42        (b) A provision requiring the county official in charge of elections to include on the ballot for  
43 the election a description of the boundaries of the proposed city using streets and other generally  
44 recognized features and a statement of the proposed permanent rate limit for operating taxes in-  
45 cluded in the petition for incorporation of the proposed city as required by ORS 221.031, which

1 statement shall comply with the requirements of ORS 250.035; and

2 (c) The date on which the election will be held in the proposed city.

3 **SECTION 87.** ORS 221.050 is amended to read:

4 221.050. (1) The county court shall submit the proposition for incorporation determined as pro-  
5 vided in ORS 221.040 to the electors registered in the area proposed to be incorporated. At the same  
6 election, five city council members for the proposed city shall be elected.

7 (2) ORS chapters 246 to 260 govern the conduct of an election under this section, including the  
8 nomination and election of the first city council, except as follows:

9 (a) A nominating or primary election for the purpose of nominating candidates for the city  
10 council shall not be held.

11 (b) Notwithstanding ORS 249.037, a nominating petition or declaration of candidacy must be filed  
12 with the county clerk not sooner than the 100th day and not later than the 70th day before the date  
13 of the election.

14 (c) At the time of filing a declaration of candidacy, a candidate for the first city council shall  
15 pay to the officer with whom the declaration is filed a fee of \$25.

16 (d) A nominating petition shall contain at least 25 signatures of electors in the area proposed  
17 to be incorporated or a number of signatures of electors equal to at least 10 percent of the number  
18 of electors in the area proposed to be incorporated as of the date the election is ordered under ORS  
19 221.040, whichever is less.

20 (3) The proposed ballot title for an election under this section shall be in compliance with ORS  
21 250.036.

22 (4) Not later than the 30th day after an election called under ORS 221.040 the county court  
23 calling the election shall proclaim whether the results of the election favor incorporation. The  
24 county court also shall proclaim which candidates for city council are elected, if the results of the  
25 election favor incorporation. The results of the election favor incorporation if a majority of the  
26 votes cast on the proposition favors incorporation and:

27 (a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or

28 (b) The election is held in May, **September** or November of any year.

29 (5) If the results of the election favor incorporation:

30 (a) The area described in the notice of election is incorporated as a city from the date of the  
31 election;

32 (b) The proposed rate limit for operating taxes submitted to and approved by the electors at the  
33 election shall be the permanent rate limit for operating taxes for the new city; and

34 (c) The five council members elected under subsection (2) of this section shall take office not  
35 later than the 10th day next following the proclamation on the proposition and council election.

36 **SECTION 88.** ORS 221.180 is amended to read:

37 221.180. (1) This section and ORS chapters 249 and 254 govern the manner of nominating and  
38 electing candidates for municipal offices in all cities.

39 (2) Notwithstanding ORS 249.037, if a city does not hold a nominating election for municipal  
40 offices, a nominating petition or declaration of candidacy shall be filed not sooner than the [15th]  
41 **250th** day [after the date of the primary election] and not later than the [70th] **85th** day before the  
42 date of the [general] **primary** election. A candidate who is nominated under this subsection may  
43 withdraw candidacy under ORS 249.830.

44 (3) All nominating petitions and declarations of candidacy shall be filed with the city elections  
45 officer. If the city charter or ordinance provides a manner of filing for nomination, a candidate for

1 any office of that city shall file in that manner.

2 **SECTION 89.** ORS 221.230 is amended to read:

3 221.230. (1) Except as provided in subsection (2) of this section, no election on a city measure  
4 or for a city office shall be held on any date other than:

5 (a) The second Tuesday in March;

6 (b) The third Tuesday in May;

7 (c) The third Tuesday in September **or, as provided in ORS 254.056, the second Tuesday in**  
8 **September;** or

9 (d) The first Tuesday after the first Monday in November.

10 (2) An emergency election may be held on a date other than those provided in subsection (1)  
11 of this section, if the city governing body by resolution finds that an emergency exists that will re-  
12 quire an election sooner than the next available election date to avoid extraordinary hardship to the  
13 community. A determination under this subsection as to whether an emergency exists is within the  
14 sole discretion of the city governing body.

15 (3) A city governing body, with adequate notice, shall hold a public hearing, on a date other  
16 than a regularly scheduled council meeting, for the purpose of making findings substantiating the  
17 fact that an emergency exists before scheduling an election on a date other than those specified in  
18 subsection (1) of this section.

19 (4) Notice of a city's intent to hold an emergency election shall be filed with the county  
20 elections authority no later than 47 days preceding the desired election date. At the time the notice  
21 of election is given to the county elections authority, the city shall also file with the elections au-  
22 thority a certified copy of the ballot title and a copy of the resolution and findings adopted by the  
23 city governing body to authorize the emergency election as required under subsection (3) of this  
24 section.

25 **SECTION 90.** ORS 222.040 is amended to read:

26 222.040. (1) Notwithstanding any provision of this chapter that provides a different effective  
27 date, an annexation, transfer of territory, consolidation or merger under this chapter, or any re-  
28 moval by a city by ordinance of a newly annexed area from a special district, shall not become ef-  
29 fective during the period:

30 (a) Beginning after the 90th day before a primary election, **presidential preference primary**  
31 **election** or general election and ending on the day after the election; or

32 (b) Beginning after the deadline for filing the notice of election before any other election held  
33 by any city, district or other municipal corporation involved in the annexation, transfer of territory,  
34 consolidation, merger or removal, and ending on the day after the election.

35 (2) If the effective date established for an annexation, transfer of territory, consolidation, merger  
36 or removal is a date that is prohibited under this section, the annexation, transfer of territory,  
37 consolidation, merger or removal shall become effective on the day after the election.

38 (3) For the purposes of ORS 308.225 only, the effective date of an annexation under ORS 222.180  
39 shall be the date of filing of the abstract referred to in ORS 222.180.

40 **SECTION 91.** ORS 222.050 is amended to read:

41 222.050. (1) This section applies if a consolidation or merger proposes to consolidate or merge  
42 two or more cities and at least one of the cities has not previously imposed ad valorem property  
43 taxes.

44 (2) The question of the consolidation or merger that is submitted to the electors of the city that  
45 has not previously imposed ad valorem property taxes may also propose a permanent rate limit on



1 operating taxes as described in section 11 (3)(c), Article XI of the Oregon Constitution.

2 (3) The permanent rate limit proposed under subsection (2) of this section shall be taken into  
3 account in determining the permanent rate limit for the city following consolidation or merger as  
4 provided in section 11 (3)(d), Article XI of the Oregon Constitution.

5 (4) The question of the consolidation or merger that is submitted to the electors of the city that  
6 has not previously approved operating taxes shall be considered approved by such electors if a ma-  
7 jority of the votes cast are in favor of the consolidation or merger and:

8 (a) At least 50 percent of registered voters eligible to vote in the election cast a ballot; or

9 (b) The election is held in May, **September** or November of any year.

10 (5) ORS 250.036 applies to a ballot title for an election described in this section.

11 (6) Notwithstanding that a majority of all electors voting on the question of consolidation or  
12 merger approve the consolidation or merger, the consolidation or merger shall not be considered  
13 approved if the voting participation requirements in subsection (4) of this section have not been met  
14 in the city to which this section applies.

15 (7) If the city to which this section applies approves the consolidation or merger but the con-  
16 solidation or merger is not approved by the other electors voting on the question or for some other  
17 reason does not occur, no permanent rate limit for operating taxes shall be established for the city  
18 as a result of the election.

19 **SECTION 92.** ORS 222.250 is amended to read:

20 222.250. (1) After the charter commission has prepared and adopted a charter, the secretary of  
21 the charter commission shall file copies of the charter, certified as correct by the secretary or two  
22 or more members of the commission, with the governing bodies of each of the incorporated cities to  
23 be included in the proposed city. Within 30 days after the filing the governing bodies of the cities  
24 shall meet in joint convention, at the usual place of meeting of the governing body of the city having  
25 the largest population as shown by the last federal census, to adopt a ballot title for the question  
26 of consolidation and adoption of a city charter and tax base. The ballot title shall comply with the  
27 requirements of ORS 250.035. The permanent rate limit for operating taxes that is submitted to the  
28 electors shall be the permanent rate limit included in the petition for consolidation filed under ORS  
29 222.230.

30 (2) The election shall be held on the date of the next primary election, **presidential preference**  
31 **primary election** or general election that is not earlier than the 90th day after the filing. The  
32 election shall be called and held for the purpose of submitting the following question to the electors  
33 of each incorporated city and of each unincorporated area to be included in the proposed city:

34 (a) Whether an incorporated city shall be created consisting of the largest city proposed to be  
35 included therein, of each other incorporated city whose electors vote to create the proposed city,  
36 and of each unincorporated area in which the electors vote to create the proposed city;

37 (b) Whether the charter proposed by the charter commission shall be adopted as the charter for  
38 the city; and

39 (c) Whether the proposed permanent rate limit included in the petition for consolidation filed  
40 under ORS 222.230 shall be adopted as the proposed permanent rate limit of the new city.

41 (3) If the governing bodies cannot agree at the joint convention upon a date and a ballot title  
42 for the election, the county court of the county in which is located the administrative office of the  
43 city having the largest population of all cities proposed to be included in the consolidated city, by  
44 resolution duly adopted by the county court, shall determine a date and adopt a ballot title. The  
45 election in that case shall be called by the county court for the purposes provided in the petitions

1 and ORS 222.210 to 222.310.

2 (4) The statement summarizing the measure and its major effect in a ballot title for an election  
 3 under this section shall include a general description of the boundaries of the proposed city. The  
 4 description shall use streets and other generally recognized features and name the cities proposed  
 5 to be included in the consolidated city. Notwithstanding ORS 250.035, the statement summarizing the  
 6 measure and its major effect shall not exceed 150 words.

7 (5) Not later than the 61st day before the date of the election, the officer performing the duties  
 8 of clerk of the joint convention or the county court shall file the ballot title with the county clerk  
 9 of the county in which is located the administrative office of the city having the largest population  
 10 of all cities proposed to be included in the consolidated city. The ballot title may be challenged in  
 11 the manner provided for county measures in ORS 250.195.

12 **SECTION 93.** ORS 241.002 is amended to read:

13 241.002. (1) If the majority of electors of any county voting at a [*regular*] general election pur-  
 14 suant to ORS 241.006 approve a proposal to establish, substitute or amend a system of civil service  
 15 under which county employees shall be employed, the system or amendments to an existing system  
 16 of civil service approved by the electors shall apply to such county.

17 (2) If ORS 241.016 to 241.990 become applicable in a county, “board of county commissioners”  
 18 as used in ORS 241.016 to 241.990 means the county court of a county which does not have a board  
 19 of county commissioners.

20 (3) If ORS 242.702 to 242.824 become applicable in a county, “governing body” as used in ORS  
 21 242.702 to 242.824 means the board of county commissioners or county court of a county, as the case  
 22 may be.

23 **SECTION 94.** ORS 244.050 is amended to read:

24 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 25 Government Ethics Commission a verified statement of economic interest as required under this  
 26 chapter:

27 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
 28 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

29 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
 30 judicial officer who does not otherwise serve as a judicial officer.

31 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

32 (d) The Deputy Attorney General.

33 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
 34 Secretary of the Senate and the Chief Clerk of the House of Representatives.

35 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and  
 36 vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

37 (g) The following state officers:

38 (A) Adjutant General.

39 (B) Director of Agriculture.

40 (C) Manager of State Accident Insurance Fund Corporation.

41 (D) Water Resources Director.

42 (E) Director of Department of Environmental Quality.

43 (F) Director of Oregon Department of Administrative Services.

44 (G) State Fish and Wildlife Director.

45 (H) State Forester.

- 1 (I) State Geologist.
- 2 (J) Director of Human Services.
- 3 (K) Director of the Department of Consumer and Business Services.
- 4 (L) Director of the Department of State Lands.
- 5 (M) State Librarian.
- 6 (N) Administrator of Oregon Liquor Control Commission.
- 7 (O) Superintendent of State Police.
- 8 (P) Director of the Public Employees Retirement System.
- 9 (Q) Director of Department of Revenue.
- 10 (R) Director of Transportation.
- 11 (S) Public Utility Commissioner.
- 12 (T) Director of Veterans' Affairs.
- 13 (U) Executive director of Oregon Government Ethics Commission.
- 14 (V) Director of the State Department of Energy.
- 15 (W) Director and each assistant director of the Oregon State Lottery.
- 16 (X) Director of the Department of Corrections.
- 17 (Y) Director of the Oregon Department of Aviation.
- 18 (Z) Executive director of the Oregon Criminal Justice Commission.
- 19 (AA) Director of the Oregon Business Development Department.
- 20 (BB) Director of the Office of Emergency Management.
- 21 (CC) Director of the Employment Department.
- 22 (DD) Chief of staff for the Governor.
- 23 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 24 (FF) Director of the Housing and Community Services Department.
- 25 (GG) State Court Administrator.
- 26 (HH) Director of the Department of Land Conservation and Development.
- 27 (II) Board chairperson of the Land Use Board of Appeals.
- 28 (JJ) State Marine Director.
- 29 (KK) Executive director of the Oregon Racing Commission.
- 30 (LL) State Parks and Recreation Director.
- 31 (MM) Public defense services executive director.
- 32 (NN) Chairperson of the Public Employees' Benefit Board.
- 33 (OO) Director of the Department of Public Safety Standards and Training.
- 34 (PP) Executive director of the Higher Education Coordinating Commission.
- 35 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 36 (RR) Director of the Oregon Youth Authority.
- 37 (SS) Director of the Oregon Health Authority.
- 38 (TT) Deputy Superintendent of Public Instruction.
- 39 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 40 (i) Every elected city or county official.
- 41 (j) Every member of a city or county planning, zoning or development commission.
- 42 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 43 cipal administrator of the city or county.
- 44 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 45 (m) Every member of a governing body of a metropolitan service district and the executive of-

- 1 ficer thereof.
- 2 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 3 (o) The chief administrative officer and the financial officer of each common and union high  
4 school district, education service district and community college district.
- 5 (p) Every member of the following state boards and commissions:
- 6 (A) Board of Geologic and Mineral Industries.
- 7 (B) Oregon Business Development Commission.
- 8 (C) State Board of Education.
- 9 (D) Environmental Quality Commission.
- 10 (E) Fish and Wildlife Commission of the State of Oregon.
- 11 (F) State Board of Forestry.
- 12 (G) Oregon Government Ethics Commission.
- 13 (H) Oregon Health Policy Board.
- 14 (I) State Board of Higher Education.
- 15 (J) Oregon Investment Council.
- 16 (K) Land Conservation and Development Commission.
- 17 (L) Oregon Liquor Control Commission.
- 18 (M) Oregon Short Term Fund Board.
- 19 (N) State Marine Board.
- 20 (O) Mass transit district boards.
- 21 (P) Energy Facility Siting Council.
- 22 (Q) Board of Commissioners of the Port of Portland.
- 23 (R) Employment Relations Board.
- 24 (S) Public Employees Retirement Board.
- 25 (T) Oregon Racing Commission.
- 26 (U) Oregon Transportation Commission.
- 27 (V) Water Resources Commission.
- 28 (W) Workers' Compensation Board.
- 29 (X) Oregon Facilities Authority.
- 30 (Y) Oregon State Lottery Commission.
- 31 (Z) Pacific Northwest Electric Power and Conservation Planning Council.
- 32 (AA) Columbia River Gorge Commission.
- 33 (BB) Oregon Health and Science University Board of Directors.
- 34 (CC) Capitol Planning Commission.
- 35 (DD) Higher Education Coordinating Commission.
- 36 (EE) Oregon Growth Board.
- 37 (FF) Early Learning Council.
- 38 (q) The following officers of the State Treasurer:
- 39 (A) Deputy State Treasurer.
- 40 (B) Chief of staff for the office of the State Treasurer.
- 41 (C) Director of the Investment Division.
- 42 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
43 or 777.915 to 777.953.
- 44 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 45 (t) Every member of a governing board of a public university with a governing board listed in

1 ORS 352.054.

2 (2) By [April 15] **August 15** next after the date an appointment takes effect, every appointed  
3 public official on a board or commission listed in subsection (1) of this section shall file with the  
4 Oregon Government Ethics Commission a statement of economic interest as required under ORS  
5 244.060, 244.070 and 244.090.

6 (3) By [April 15] **August 15** next after the filing deadline for the primary election, each candi-  
7 date described in subsection (1) of this section shall file with the commission a statement of eco-  
8 nomic interest as required under ORS 244.060, 244.070 and 244.090.

9 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
10 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
11 was nominated for public office described in subsection (1) of this section at the preceding primary  
12 election by write-in votes, shall file with the commission a statement of economic interest as re-  
13 quired under ORS 244.060, 244.070 and 244.090.

14 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
15 appointed public officials as of [April 15] **August 15** and to persons who are candidates on [April  
16 15] **August 15**. Subsections (1) to (4) of this section also apply to persons who do not become can-  
17 didates until 30 days after the filing deadline for the statewide general election.

18 (6) If a statement required to be filed under this section has not been received by the commis-  
19 sion within five days after the date the statement is due, the commission shall notify the public of-  
20 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
21 requirements of this section. If the public official or candidate fails to comply by the date set by the  
22 commission, the commission may impose a civil penalty as provided in ORS 244.350.

23 **SECTION 95.** ORS 261.171 is amended to read:

24 261.171. (1) Upon its own resolution, the county governing body may, and upon receipt of an  
25 electors' petition or resolution of the governing body of a people's utility district or city that the  
26 county governing body finds to be in compliance with this chapter shall, at the earliest practical  
27 date submit the question of district formation, annexation or consolidation and, if for formation, the  
28 question of a special levy, to the electors within the affected territory at a special election. The  
29 special election may be held on the same date as a primary election, **presidential preference pri-**  
30 **mary election** or general election.

31 (2) The notice of the election shall state the purpose of the election, describe in general terms  
32 the boundaries of the affected territory and in all other respects comply with the general laws of  
33 this state governing the time and manner of holding elections.

34 (3) The county governing body shall call no more than one election for formation of a district  
35 comprising substantially the same area within the same calendar year.

36 **SECTION 96.** ORS 261.190 is amended to read:

37 261.190. (1) At all elections where the creation of a district is authorized, five directors shall  
38 be elected to manage and transact the business of the district.

39 (2) Candidates for the office of director must be electors of this state, must have resided in the  
40 proposed district continuously for not less than two years next preceding the date of the election,  
41 and must continue to reside in the district during their term of office.

42 (3) All electors of the proposed district shall have the right to vote for five candidates at the  
43 election.

44 (4) The five candidates receiving the highest number of votes in the area approved by the elec-  
45 tors and declared by the county governing body to be a district shall be elected to serve until the

1 first Monday in January after the first [regular] general election which occurs not less than one  
2 year following the election to create the district, and until their successors are elected and qualified.

3 **SECTION 97.** ORS 261.355 is amended to read:

4 261.355. (1) For the purpose of carrying into effect the powers granted in this chapter, any dis-  
5 trict may issue and sell revenue bonds, when authorized by a majority of its electors voting at any  
6 primary election, **presidential preference primary election**, general election or special election.

7 (2) All revenue bonds issued and sold under this chapter shall be so conditioned as to be paid  
8 solely from that portion of the revenues derived by the district from the sale of water, waterpower  
9 and electricity, or any of them, or any other service, commodity or facility which may be produced,  
10 used or furnished in connection therewith, remaining after paying from those revenues all expenses  
11 of operation and maintenance, including taxes.

12 (3) Notwithstanding subsection (1) of this section and subject to subsection (4) of this section,  
13 any district may, by a duly adopted resolution of its board, issue and sell revenue bonds for the  
14 purpose of financing betterments and extensions of the district, including renewable energy facilities  
15 or the purchase or sale of electricity, electrical capacity or renewable energy certificates, but the  
16 amount of revenue bonds so issued shall be limited to the reasonable value of the betterments and  
17 extensions plus an amount not to exceed 10 percent thereof for administrative purposes. Revenue  
18 bonds shall not be issued and sold for the purpose of acquiring an initial utility system or acquiring  
19 property or facilities owned by another entity that provides electric utility service unless:

20 (a) The acquisition is a voluntary transaction between the district and the other entity that  
21 provides electric utility service; or

22 (b) The electors within the district have approved issuance of the bonds by a vote.

23 (4) Not later than the 30th day prior to a board meeting at which adoption of a resolution under  
24 subsection (3) of this section will be considered, the district shall:

25 (a) Provide for and give public notice, reasonably calculated to give actual notice to interested  
26 persons including news media which have requested notice, of the time and place of the meeting and  
27 of the intent of the board to consider and possibly adopt the resolution; and

28 (b) Mail to its customers notice of the time and place of the meeting and of the intent of the  
29 board to consider and possibly adopt the resolution.

30 (5) Except as otherwise provided in this section, any authorizing resolution adopted for the  
31 purposes of subsection (3) of this section shall provide that electors residing within the district may  
32 file a petition with the district asking to have the question of whether to issue such bonds referred  
33 to a vote.

34 (6) If within 60 days after adoption of a resolution under subsection (3) of this section the dis-  
35 trict receives petitions containing valid signatures of not fewer than five percent of the electors of  
36 the district, the question of issuing the bonds shall be placed on the ballot at the next date on which  
37 a district election may be held under ORS 255.345 (1).

38 (7) When petitions containing the number of signatures required under subsection (6) of this  
39 section are filed with the district within 60 days after adoption of a resolution under subsection (3)  
40 of this section, revenue bonds shall not be sold until the resolution is approved by a majority of the  
41 electors of the district voting on the resolution.

42 (8) Any district issuing revenue bonds may pledge that part of the revenue which the district  
43 may derive from its operations as security for payment of principal and interest thereon remaining  
44 after payment from such revenues of all expenses of operation and maintenance, including taxes, and  
45 consistent with the other provisions of this chapter.

1 (9) Prior to any district board taking formal action to issue and sell any revenue bonds under  
 2 this section, the board shall have on file with the secretary of the district a certificate executed by  
 3 a qualified engineer that the net annual revenues of the district, including the property to be ac-  
 4 quired or constructed with the proceeds of the bonds, shall be sufficient to pay the maximum amount  
 5 that will be due in any one fiscal year for both principal of and interest on both the bonds then  
 6 proposed to be issued and all bonds of the district then outstanding.

7 (10) Except as otherwise provided in this section, the district shall order an election for the  
 8 authorization of revenue bonds to finance the acquisition or construction of an initial utility system,  
 9 including the replacement value of the unreimbursed investment of an investor owned utility in en-  
 10 ergy efficiency measures and installations within the proposed district, as early as practicable under  
 11 ORS 255.345 after filing the certificate required under subsection (9) of this section. An election for  
 12 the authorization of revenue bonds to finance the acquisition or construction of an initial utility  
 13 system shall be held no more than twice in any one calendar year for any district. In even-numbered  
 14 years no election shall be held on any other date than the date of the primary election, **presidential**  
 15 **preference primary election** or general election.

16 (11) A district may issue revenue bonds under ORS 287A.150 without an election authorizing the  
 17 issuance, except that revenue bonds shall not be issued under ORS 287A.150 for the purpose of ac-  
 18 quiring an initial utility system or acquiring property or facilities owned by another entity that  
 19 provides electric utility service unless:

20 (a) The acquisition is a voluntary transaction between the district and the other entity that  
 21 provides electric utility service; or

22 (b) The electors within the district have approved issuance of the bonds by a vote.

23 **SECTION 98.** ORS 261.360 is amended to read:

24 261.360. (1) When authorized by a majority of its electors voting at any primary election, **pres-**  
 25 **idential preference primary election** or general election or at a special election, at which special  
 26 election not less than 25 percent of the electors of the district voted on the question, any district  
 27 may issue and sell general obligation bonds so conditioned that the district shall therein and thereby  
 28 unconditionally undertake, promise and agree to pay the same in whole or in part from revenue or  
 29 from taxes or both.

30 (2) The general obligation bonds of the district outstanding at any time shall not exceed two and  
 31 one-half percent (0.025) of the real market value of all taxable property within the limits of the  
 32 district.

33 (3) General obligation bonds may be made payable primarily from and secured by a lien on and  
 34 pledge of the revenues derived by the district from its operations remaining after paying from such  
 35 revenues all expenses of operation and maintenance, and secondarily from taxes.

36 **SECTION 99.** ORS 261.710 is amended to read:

37 261.710. (1) The dissolution election may be called by the board of directors on their own motion  
 38 or by a petition filed with the directors of the district, signed by electors of the district equal in  
 39 number to not less than three percent of the total number of votes cast for all candidates for Gov-  
 40 ernor in the district at the most recent election at which a candidate for Governor was elected to  
 41 a full term, requesting the directors of the district to submit to the electors of the district the pro-  
 42 position of dissolving the district and settling its affairs.

43 (2) The petition shall be referred to the county clerk of each county wherein the district or any  
 44 part thereof is located. The county clerk of each of such counties shall examine the purported  
 45 signatures on the petition of electors of the county and shall certify as to the regularity and suffi-

1 ciency thereof. Where the district is located in more than one county, the certificate of the county  
 2 clerk of each county as to the regularity of the signatures on the petition shall be filed with the  
 3 Secretary of State, who shall accept the certificates by the county clerks as to the regularity of the  
 4 signatures, and based thereon, shall certify as to the sufficiency of all signatures on the petition.  
 5 Whenever a dissolution petition has been certified as sufficient, the certificate of sufficiency with  
 6 copy of the petition shall be transmitted to the directors of the district, who shall immediately call  
 7 an election to be held concurrently with a primary election, **presidential preference primary**  
 8 **election** or general election.

9 (3) If a majority of the electors of the district, voting at the election, votes in favor of dissol-  
 10 ution, the directors shall issue their proclamation dissolving the district and shall file the procla-  
 11 mation in the office of the county clerk of the county wherein the district is located.

12 (4) The district shall thereafter continue to exist solely for the purpose of settling its affairs as  
 13 provided in ORS 261.715 to 261.730.

14 **SECTION 100.** ORS 267.208 is amended to read:

15 267.208. (1) An alteration of the boundaries of a district under ORS 267.207 or 267.250 to 267.263  
 16 shall not become effective during the period:

17 (a) Beginning after the 90th day before a primary election, **presidential preference primary**  
 18 **election** or general election and ending on the day after the election; or

19 (b) Beginning after the deadline for filing the notice of election before any other election held  
 20 by the district and ending on the day after the election.

21 (2) If the effective date established for the alteration of the boundaries is a date that is prohib-  
 22 ited under this section, the alteration shall become effective on the day after the election.

23 (3) For the purposes of ORS 308.225 only, the effective date of an alteration of district bounda-  
 24 ries shall be the date on which the board adopts the ordinance altering the boundaries or, if such  
 25 an ordinance is initiated or referred, the date on which the ordinance is approved by the electors  
 26 as provided in ORS 267.207.

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

29 **SECTION 101.** ORS 268.710 is amended to read:

30 268.710. (1) The electors of any metropolitan service district, by majority vote of such electors  
 31 voting thereon at any legally called election, may adopt, amend, revise or repeal a charter for the  
 32 district. The charter, or legislation passed by the district pursuant thereto, shall provide a method  
 33 whereby the electors of the district, by majority vote of such electors voting thereon at any legally  
 34 called election, may amend, revise or repeal the charter.

35 (2) Provisions of a district charter and district legislation that relate to the amendment, revision  
 36 or repeal of a district charter are matters of metropolitan concern and shall prevail over conflicting  
 37 provisions of state law that are first effective after January 1, 1999, unless such law specifically  
 38 provides otherwise. After January 1, 1997, no person may commence or maintain an action to  
 39 challenge the validity of a district charter existing and effective on January 1, 1997, on the basis  
 40 of inconsistency or conflict between the district charter and ORS 268.030, 268.300, 268.310, 268.317,  
 41 268.318, 268.320, 268.330, 268.340, 268.345, 268.357, 268.360, 268.370, 268.500, 268.505, 268.507, 268.520,  
 42 268.525, 268.530, 268.590, 268.600 to 268.660 and 268.990. To the extent that provisions of a district  
 43 charter limit the exercise of a power granted by the statutes listed in this subsection, the provisions  
 44 of the district charter shall be given full force and effect. In addition to any authority expressly  
 45 granted to a metropolitan service district by the Legislative Assembly, a district charter is an in-



1 dependent grant of authority by the affected electorate pursuant to section 1 (5), Article IV and  
2 section 2, Article XI of the Oregon Constitution.

3 (3) A charter of a metropolitan service district shall prescribe the organization of the district  
4 government and shall provide directly, or by its authority, for the number, election or appointment,  
5 qualifications, tenure, compensation, powers and duties of such officers as the district considers  
6 necessary. Such officers shall among them exercise all the powers and perform all the duties, as  
7 granted to, imposed upon or distributed among district officers by the Constitution or laws of this  
8 state, by the district charter or by its authority.

9 (4) Any reference to the executive officer of a metropolitan service district in statutes of this  
10 state relating to elections or government ethics shall be construed to include any district officer  
11 who serves in an elective office and performs executive functions. Any reference in a district charter  
12 to a district court judge may be construed as referring to a judge of the circuit court.

13 (5) As used in this section, "legally called election" means an election held on the same date  
14 as a primary election, **presidential preference primary election** or general election held through-  
15 out this state.

16 (6) Consistent with ORS 197.013, the land use planning authority granted to a district under ORS  
17 chapter 268 is a matter of statewide concern. Provisions of a district charter and implementing or-  
18 dinances adopted and effective on January 1, 1997, that establish procedural requirements relating  
19 to the exercise of land use planning authority of the district, including but not limited to require-  
20 ments for local government advisory committees, are supplementary to ORS 268.380, 268.385, 268.390  
21 and ORS chapter 197. After January 1, 1997, no person may commence or maintain an action to  
22 challenge the validity of such district charter provisions or implementing ordinances on the basis  
23 of inconsistency or conflict with the procedural requirements of ORS 268.380, 268.385 or 268.390 or  
24 the procedural requirements of ORS chapter 197 existing on January 1, 1997.

25 (7) If a district charter is repealed, the provisions of the charter providing for district officers,  
26 their powers and duties and the election of such officers shall continue in effect until the Legislative  
27 Assembly provides by law for the restructuring or dissolution of the district.

28 **SECTION 102.** ORS 316.102 is amended to read:

29 316.102. (1) A credit against taxes shall be allowed for voluntary contributions in money made  
30 in the taxable year:

31 (a) To a major political party qualified under ORS 248.006 or to a committee thereof or to a  
32 minor political party qualified under ORS 248.008 or to a committee thereof.

33 (b) To or for the use of a person who must be a candidate for nomination or election to a fed-  
34 eral, state or local elective office in any primary election, **presidential preference primary**  
35 **election**, general election or special election in this state. The person must, in the calendar year in  
36 which the contribution is made, either be listed on a primary election, **presidential preference**  
37 **primary election**, general election or special election ballot in this state or have filed in this state  
38 one of the following:

39 (A) A prospective petition;

40 (B) A declaration of candidacy;

41 (C) A certificate of nomination; or

42 (D) A designation of a principal campaign committee.

43 (c) To a political committee, as defined in ORS 260.005, if the political committee has certified  
44 the name of its treasurer to the filing officer, as defined in ORS 260.005, in the manner provided in  
45 ORS chapter 260.

1 (2) The credit allowed by subsection (1) of this section shall be the lesser of:

2 (a) The total contribution, not to exceed \$100 on a joint return or \$50 on any other type of re-  
 3 turn; or

4 (b) The tax liability of the taxpayer.

5 (3) A taxpayer may not claim the credit allowed under this section if the taxpayer has federal  
 6 adjusted gross income in excess of \$200,000 on a joint return or \$100,000 on any other type of return.

7 (4) The claim for tax credit shall be substantiated by submission, with the tax return, of official  
 8 receipts of the candidate, agent, political party or committee thereof or political committee to whom  
 9 contribution was made.

10 **SECTION 103.** ORS 341.085 is amended to read:

11 341.085. (1) An election for the purpose of presenting the question of formation of a district and  
 12 establishing a permanent rate limit for operating taxes and the boundaries of the zones, if the zones  
 13 were recommended by the Higher Education Coordinating Commission, shall be held to submit the  
 14 question to the electors registered in the proposed district designated in the recommendation of the  
 15 commission. The election shall be held not sooner than the 90th day after the effective date of the  
 16 appropriation required by ORS 341.102. The election date shall be uniform throughout the proposed  
 17 district, and shall be set by the commission on a date specified in ORS 255.345. However, if the  
 18 question of establishing a permanent rate limit for operating taxes is to be submitted, the election  
 19 must be held on the same date as the next primary election, **presidential preference primary**  
 20 **election** or [*the next*] general election, as determined by the commission.

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

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

28 **SECTION 104.** ORS 358.375 is amended to read:

29 358.375. (1) In the case of a city museum, and when authorized by the electors of the city voting  
 30 at a primary election, **presidential preference primary election** or general election, the governing  
 31 body may issue general obligation or revenue bonds of the city for the purpose of providing all or  
 32 part of the funds necessary to acquire a museum site or sites and to construct the museum.

33 (2) In the case of a joint city museum, and when authorized by the electors of the two or more  
 34 cities voting at a primary election, **presidential preference primary election** or general election,  
 35 each city council of the two or more respective cities may issue general obligation bonds or revenue  
 36 bonds of each of the two or more respective cities for the purpose of providing such portion of the  
 37 funds necessary to acquire a museum site or sites and to construct the museum as is determined by  
 38 the governing body.

39 **SECTION 105.** ORS 607.025 is amended to read:

40 607.025. When, at the request of the petitioners, the election is to be held on a day other than  
 41 one on which a primary election, **presidential preference primary election** or general election is  
 42 scheduled to be held, and if the request is approved by the county court or board of county com-  
 43 missioners, one or more of the petitioners shall deposit money with the county clerk in an amount  
 44 to be fixed by the county court or board of county commissioners, which shall be a sum deemed by  
 45 it sufficient to defray the probable expenses of the special election. Until the money is deposited,

1 the county clerk shall neither take action nor incur expense in connection with the special election.  
 2 If the amount deposited exceeds the total expenses of the election, as ascertained by the county  
 3 clerk and certified by the county clerk to the county court or board of county commissioners, the  
 4 excess shall be returned to the petitioner or petitioners who deposited the money.

5 **SECTION 106.** ORS 777.326 is amended to read:

6 777.326. (1) This section applies when an annexation would increase the area of a port by one-  
 7 half or more, or would increase the assessed value of taxable property within a port by one-half or  
 8 more. An annexation proposal subject to this section, if approved by the county board, shall be  
 9 submitted to the electors at an election which shall be held at the same time as a primary  
 10 election, **presidential preference primary election** or general election.

11 (2) When the county board orders an election on the annexation proposal, the board shall adopt  
 12 an order dividing or redividing the area of the port, including the territory annexed, into five sub-  
 13 districts. The boundaries of the subdistricts shall be determined in accordance with ORS 777.155 and  
 14 shall be described in the order calling the election on the proposed annexation.

15 (3) At the first regular district election following the effective date of the annexation, one  
 16 commissioner from each of the five subdistricts established under subsection (2) of this section shall  
 17 be elected. The terms of the incumbent commissioners shall terminate and the terms of the com-  
 18 missioners elected under this subsection shall commence as provided in ORS 777.160.

19 (4) If the annexation is approved, the order proclaiming the annexation shall also describe the  
 20 boundaries of the subdistricts established as provided by subsection (2) of this section.

21 **SECTION 107.** Section 3, chapter 600, Oregon Laws 2013, is amended to read:

22 **Sec. 3.** (1) To obtain a racial and ethnic impact statement described in this section, one member  
 23 of the Legislative Assembly from each major political party must sign a written request. Upon re-  
 24 ceipt of the written request, the Oregon Criminal Justice Commission shall prepare a racial and  
 25 ethnic impact statement that describes the effects of a state measure on the racial and ethnic com-  
 26 position of:

27 (a) The criminal offender population, as defined in section 1 [*of this 2013 Act*], **chapter 600,**  
 28 **Oregon Laws 2013;** or

29 (b) Recipients of human services, as defined in section 1 [*of this 2013 Act*], **chapter 600, Oregon**  
 30 **Laws 2013.**

31 (2) The statement must be impartial, simple and understandable and must include the informa-  
 32 tion described in section 1 (3) [*of this 2013 Act*], **chapter 600, Oregon Laws 2013.**

33 (3) If the commission has prepared a racial and ethnic impact statement for a state measure, not  
 34 later than the 99th day before a special election held on the date of a primary election, **a presi-**  
 35 **dential preference primary election** or any general election at which the state measure is to be  
 36 submitted to the people, the commission shall file the statement with the Secretary of State.

37 (4) Not later than the 95th day before the election, the Secretary of State shall hold a hearing  
 38 in Salem upon reasonable statewide notice to receive suggestions for changes to the statement or  
 39 to receive other information. At the hearing, any person may submit suggested changes or other  
 40 information orally or in writing. Written suggestions and any other information also may be sub-  
 41 mitted at any time before the hearing.

42 (5) The commission shall consider suggestions and any other information submitted under sub-  
 43 section (4) of this section and may file a revised statement with the Secretary of State not later than  
 44 the 90th day before the election at which the measure is to be voted upon.

45 (6) The Secretary of State shall certify the statement not later than the 90th day before the

1 election at which the measure is to be voted upon.

2 (7) All statements prepared under this section shall be made available to the public.

3 (8) A failure to prepare, file or certify a statement does not prevent inclusion of the measure in  
4 the voters' pamphlet.

5 **SECTION 108.** (1) **If a candidate has filed a nominating petition or declaration of candi-**  
6 **dacy under ORS 249.037 prior to the effective date of this 2015 Act for the primary election**  
7 **held on the third Tuesday in May 2016, the filing shall be considered a filing for the primary**  
8 **election held on the date of the primary election specified in ORS 254.056, as amended by**  
9 **section 1 of this 2015 Act.**

10 (2) **If a person holds the office of precinct committeeperson on the effective date of this**  
11 **2015 Act, the person's term of office, as specified in ORS 248.015, is extended until the 24th**  
12 **day after the date of the primary election specified in ORS 254.056, as amended by section 1**  
13 **of this 2015 Act.**

14 \_\_\_\_\_