

A-Engrossed
Senate Bill 776

Ordered by the Senate June 11
Including Senate Amendments dated June 11

Sponsored by COMMITTEE ON RULES

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.

Adjusts fees **and signature requirements** related to materials to be included in voters' pamphlet. Requires Secretary of State by rule to provide for size and length of statements.

A BILL FOR AN ACT

1
2 Relating to the voters' pamphlet; creating new provisions; and amending ORS 251.095, 251.115,
3 251.255 and 251.285.

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

5 **SECTION 1.** ORS 251.095 is amended to read:

6 251.095. *[(1) At the time materials are filed under ORS 251.065, each candidate for nomination or*
7 *election to any of the following offices shall pay to the Secretary of State the following fee for space in*
8 *the voters' pamphlet:]*

9 *[(a) President or Vice President of the United States, United States Senator, Representative in*
10 *Congress or any state office to be voted for in the state at large, \$1,000.]*

11 *[(b) State Senator, state Representative or any other office, \$300.]*

12 **(1) For space in the voters' pamphlet:**

13 **(a) Each candidate for nomination or election to the office of President or Vice President**
14 **of the United States shall, at the time materials are filed under ORS 251.065, pay a fee of**
15 **\$3,500 to the Secretary of State or may submit a petition in a form prescribed by the secre-**
16 **tary containing the signatures of 500 electors.**

17 **(b) Each candidate for nomination or election to the office of United States Senator or**
18 **any state office to be voted for in the state at large shall, at the time materials are filed**
19 **under ORS 251.065, pay a fee of \$3,000 to the Secretary of State or may submit a petition in**
20 **a form prescribed by the secretary containing the signatures of 500 electors.**

21 **(c) Each candidate for nomination or election to the office of Representative in Congress**
22 **shall, at the time materials are filed under ORS 251.065, pay a fee of \$2,500 to the Secretary**
23 **of State or may submit a petition in a form prescribed by the secretary containing the sig-**
24 **natures of 300 electors.**

25 **(d) Each candidate for nomination or election to the office of state Senator or state**
26 **Representative shall, at the time materials are filed under ORS 251.065, pay a fee of \$750 to**
27 **the Secretary of State or may submit a petition in a form prescribed by the secretary con-**
28 **taining the signatures of 300 electors.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) Each candidate for nomination or election to any other office shall, at the time ma-
 2 terials are filed under ORS 251.065, pay a fee of \$600 to the Secretary of State or may submit
 3 a petition in a form prescribed by the secretary containing the signatures of 300 electors.

4 (2) The signatures on a petition submitted under subsection (1) of this section shall be
 5 certified by the county clerk in the manner provided in ORS 249.008. The petition shall be
 6 filed with the Secretary of State.

7 [(2)] (3) The space allotted to each candidate shall be used for materials filed under ORS 251.065,
 8 including the portrait and statement of reasons the candidate should be nominated or elected and
 9 the information required under ORS 251.085. If a portrait is not filed, the statement may cover the
 10 entire allotted space. The length of the statement shall not exceed 325 words. [*All materials sub-*
 11 *mitted by a candidate under ORS 251.065 shall fit within 30 square inches of space.*] All candidates
 12 shall be allowed the same amount of space. **The Secretary of State by rule shall prescribe the**
 13 **size of the space allotted to each candidate, except that the space may not be smaller than**
 14 **30 square inches.**

15 **SECTION 2.** ORS 251.115 is amended to read:

16 251.115. (1) Not later than the 70th day before the general election, the party officers as desig-
 17 nated in the organizational documents of any statewide political party or assembly of electors hav-
 18 ing nominated candidates may file with the Secretary of State a printed or typewritten statement
 19 of arguments for the success of its principles and election of its candidates on a statewide basis and
 20 opposing the principles and candidates of other political parties or organizations on a statewide
 21 basis.

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

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

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

34 (c) **The signatures on a petition submitted under this subsection shall be certified by the**
 35 **county clerk in the manner provided in ORS 249.008. The petition shall be filed with the**
 36 **Secretary of State.**

37 [(3)] (4) **The Secretary of State by rule shall prescribe** the size of the statements permitted
 38 under this section [*shall not exceed 60 square inches for*], **except that** any statewide political party
 39 or assembly of electors having nominated candidates [*and 30 square inches for*] **shall be allotted**
 40 **more space than** any less than statewide political party or assembly of electors having nominated
 41 candidates. [*The fee for a statement filed under this section shall be \$600 for any statewide political*
 42 *party or assembly of electors having nominated candidates and \$300 for any less than statewide poli-*
 43 *tical party or assembly of electors having nominated candidates.*]

44 **SECTION 3.** ORS 251.255 is amended to read:

45 251.255. (1) Not later than the 70th day before a general election or the 68th day before a special

1 election held on the date of any primary election at which a state measure is to be voted upon, any
 2 person may file with the Secretary of State a printed or typewritten argument supporting or oppos-
 3 ing the measure.

4 (2) A person filing an argument under this section shall pay a fee of [\$500] **\$1,200** to the Secre-
 5 tary of State when the argument is filed or may submit a petition in a form prescribed by the Sec-
 6 retary of State containing the signatures of [1,000] **500** electors [*eligible to vote on the measure*]. Each
 7 person signing the petition shall subscribe to a statement that the person has read and agrees with
 8 the argument. The signatures on each petition shall be certified by the county clerk in the manner
 9 provided in ORS 249.008. The petition shall be filed with the Secretary of State.

10 (3) The Secretary of State by rule shall establish the size and length of arguments permitted
 11 under ORS 251.245 and this section[. *The size and*], **except that the** length of an argument may not
 12 exceed [*30 square inches or*] 325 words. The size and length limitations shall be the same for argu-
 13 ments submitted under ORS 251.245 or this section.

14 **SECTION 4.** ORS 251.285 is amended to read:

15 251.285. (1) If any county measure or any measure of a metropolitan service district organized
 16 under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the
 17 measure, are to be included by the Secretary of State in the state voters' pamphlet as provided in
 18 ORS 251.067, the requirements of this section shall be satisfied.

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

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

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

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

27 (d) The county or metropolitan service district adopts and complies with an ordinance that
 28 provides for acceptance of typewritten arguments relating to the measure **not to exceed 325 words**
 29 to be printed [*on 30 square inches of*] **in** the voters' pamphlet; and

30 (e) The county or metropolitan service district does not require of a person filing an argument
 31 a payment of more than \$300, or a petition containing more than a number of signatures equal to
 32 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever
 33 is less.

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

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

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

43 (b) The chief petitioners of the initiative or referendum with regard to a county or district
 44 measure initiated or referred by the people. The chief petitioners shall indicate their decision in a
 45 statement signed by all of the chief petitioners and filed with the county clerk or, for a district

1 measure, with the executive officer of the metropolitan service district; or

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

6 (5) The county or metropolitan service district shall file the measure, ballot title, explanatory
7 statement and arguments with the Secretary of State not later than the 70th day before the general
8 election or the 68th day before a special election held on the date of any primary election. The
9 county or district shall pay to the Secretary of State the cost of including the county or district
10 material in the pamphlet as determined by the secretary. The Secretary of State shall not have this
11 material printed in the pamphlet unless:

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

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

16 **SECTION 5. The amendments to ORS 251.095, 251.115, 251.255 and 251.285 by sections 1**
17 **to 4 of this 2009 Act apply to space in voters' pamphlets prepared on or after the effective**
18 **date of this 2009 Act.**