

Enrolled Senate Bill 776

Sponsored by COMMITTEE ON RULES

CHAPTER

AN ACT

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

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

SECTION 1. ORS 251.095 is amended to read:

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

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

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

(1) For space in the voters' pamphlet:

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

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

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

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

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

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

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

SECTION 2. ORS 251.115 is amended to read:

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

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

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

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

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

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

SECTION 3. ORS 251.255 is amended to read:

251.255. (1) Not later than the 70th day before a general election or the 68th day before a special election held on the date of any primary election at which a state measure is to be voted upon, any person may file with the Secretary of State a printed or typewritten argument supporting or opposing the measure.

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

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

SECTION 4. ORS 251.285 is amended to read:

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

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

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

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

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

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

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

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

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

(a) The county governing body with regard to any county measure or the council of the metropolitan service district with regard to any district measure;

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

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

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

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

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

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

Passed by Senate June 27, 2009

.....
Secretary of Senate

.....
President of Senate

Passed by House June 29, 2009

.....
Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

.....
Secretary of State