

Senate Bill 776

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 **as introduced**.

Adjusts fees 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, 251.285 and 251.325.

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
7 or election to any of the following offices shall pay to the Secretary of State the following fee for
8 space in 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 (2) The space allotted to each candidate shall be used for materials filed under ORS 251.065,
13 including the portrait and statement of reasons the candidate should be nominated or elected and
14 the information required under ORS 251.085. If a portrait is not filed, the statement may cover the
15 entire allotted space. The length of the statement shall not exceed 325 words. [*All materials sub-*
16 *mitted by a candidate under ORS 251.065 shall fit within 30 square inches of space.*] All candidates
17 shall be allowed the same amount of space. **The Secretary of State by rule shall prescribe the**
18 **size of the space allotted to each candidate except that the space may not be smaller than**
19 **30 square inches.**

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

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

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

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

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

9 251.255. (1) Not later than the 70th day before a general election or the 68th day before a special
 10 election held on the date of any primary election at which a state measure is to be voted upon, any
 11 person may file with the Secretary of State a printed or typewritten argument supporting or oppos-
 12 ing the measure.

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

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

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

24 251.285. (1) If any county measure or any measure of a metropolitan service district organized
 25 under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the
 26 measure, are to be included by the Secretary of State in the state voters' pamphlet as provided in
 27 ORS 251.067, the requirements of this section shall be satisfied.

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

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

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

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

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

39 (e) The county or metropolitan service district does not require of a person filing an argument
 40 a payment of more than \$300, or a petition containing more than a number of signatures equal to
 41 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever
 42 is less.

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

1 in which the administrative office of the metropolitan service district is located.

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

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

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

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

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

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

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

25 **SECTION 5.** ORS 251.325 is amended to read:

26 251.325. (1) The Secretary of State by rule shall adopt a schedule and procedures for preparing,
 27 printing and distributing county voters' pamphlets. The schedule and procedures shall include but
 28 not be limited to deadlines for filing material for the voters' pamphlet, and except as otherwise
 29 provided by law, the format of material to be submitted and the size and other requirements appli-
 30 cable to candidate portraits.

31 (2) Except as provided in subsection (3) of this section, at the time materials are filed under ORS
 32 251.335, each candidate for nomination or election to the following offices shall pay to the county
 33 clerk the following fee for space in the county voters' pamphlet:

34 (a) An office to which a salary or other compensation beyond expenses is attached, [~~\$100~~]
 35 \$____.

36 (b) An office to which a salary or other compensation beyond expenses is not attached, [~~\$25~~]
 37 \$____.

38 (3) At the time materials are filed under ORS 251.335, each candidate for nomination or election
 39 to a city or county office at the primary or general election shall pay to the county clerk the fol-
 40 lowing fee for space in the county voters' pamphlet:

41 (a) If the number of active electors in the electoral district is less than 1,000, [~~\$25~~] \$____.

42 (b) If the number of active electors in the electoral district is 1,000 or more and less than 10,000,
 43 [~~\$50~~] \$____.

44 (c) If the number of active electors in the electoral district is 10,000 or more and less than
 45 50,000, [~~\$100~~] \$____.

1 (d) If the number of active electors in the electoral district is 50,000 or more, [\$300] \$_____.

2 (4) The Secretary of State by rule shall adopt a schedule of fees to be charged by the county
3 clerks for including arguments in the voters' pamphlet. The fees need not reflect the actual cost of
4 producing the voters' pamphlet.

5 (5) The county clerk shall refund a filing fee described in this section to any person who applies
6 for the refund not later than the last day for filing material for inclusion in the voters' pamphlet.
7 When a refund is made, the material for which the fee was paid may not be included in the pam-
8 phlet.

9 (6) As used in this section, "electoral district" means a county, the part of a city located within
10 the county or, if a candidate is elected by zone or subdistrict of the county or city, the zone or
11 subdistrict in which the candidate is nominated or elected.

12 **SECTION 6. The amendments to ORS 251.095, 251.115, 251.255, 251.285 and 251.325 by**
13 **sections 1 to 5 of this 2009 Act apply to space in voters' pamphlets prepared on or after the**
14 **effective date of this 2009 Act.**

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