

House Bill 2713

Sponsored by Representative RAYFIELD; Representatives EVANS, NOSSE, Senator TAYLOR (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**.

Requires Secretary of State or county clerk, rather than filer, to designate argument filed for publication in voters' pamphlet as either supporting or opposing ballot measure.

A BILL FOR AN ACT

1
2 Relating to designation of ballot measure arguments; creating new provisions; and amending ORS
3 251.255, 251.260 and 251.355.

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

5 **SECTION 1.** ORS 251.260 is amended to read:

6 251.260. (1) Not later than three business days following the deadline for filing an argument
7 supporting or opposing a state measure under ORS 251.255, the Secretary of State shall review each
8 argument to determine whether the person filing the argument made an error in[:]

9 [(a)] identifying the measure number to which the argument relates.[: or]

10 [(b) *Designating that the argument supports or opposes the measure.*]

11 (2) If the Secretary of State determines that the person filing the argument may have made an
12 error described in subsection (1) of this section, the secretary shall attempt to contact the person
13 not later than the fifth business day following the deadline for filing the argument. A person con-
14 tacted by the secretary under this section may file a change to the identification of the measure
15 number [*or the designation of the argument*] not later than the seventh business day following the
16 deadline for filing the argument.

17 **(3) Not later than the seventh business day following the deadline for filing an argument**
18 **supporting or opposing a state measure under ORS 251.255, the secretary shall review each**
19 **argument and designate the argument as either supporting or opposing the measure, based**
20 **on the secretary's determination of whether a reasonable person would consider the argu-**
21 **ment to be an argument in support of the measure or an argument in opposition to the**
22 **measure.**

23 [(3)] (4) If the Secretary of State is required to attempt to contact a person under subsection (2)
24 of this section, the secretary shall attempt to contact the person by telephone, electronic mail,
25 electronic facsimile transmission or other method designated by the secretary by rule.

26 [(4)] (5) If a person files a change to an argument under subsection (2) of this section, the ar-
27 gument shall be printed in the voters' pamphlet as changed under subsection (2) of this section. If
28 the Secretary of State is unable to contact a person under subsection (2) of this section or if the
29 secretary contacts the person and the person does not file a change to the argument, the argument
30 shall be printed in the voters' pamphlet as originally filed.

31 **SECTION 2.** ORS 251.255 is amended to read:

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.

1 251.255. (1) Not sooner than the 120th day and not later than the 70th day before a general
 2 election or the 68th day before a special election held on the date of any primary election at which
 3 a state measure is to be voted upon, any person may file with the Secretary of State an argument
 4 supporting or opposing the measure. **The designation of an argument as supporting or opposing**
 5 **the measure shall be made by the secretary in the manner set forth in ORS 251.260.**

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

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

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

14 (3) An argument filed under this section must be filed using the electronic filing system adopted
 15 by the Secretary of State under ORS 251.014.

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

20 **SECTION 3.** ORS 251.355 is amended to read:

21 251.355. (1) Not later than the date specified by the Secretary of State by rule, in a county that
 22 prepares a county voters' pamphlet, any person may file with the county clerk a typewritten argu-
 23 ment supporting or opposing any measure to be submitted to the voters on the ballot. The county
 24 clerk may not accept any arguments that are not accompanied by the fee established by the Secre-
 25 tary of State or a petition in a form prescribed by the Secretary of State. A petition shall contain
 26 the signatures of at least four percent of the electors in the county eligible to vote on the measure
 27 to which the argument refers, or the signatures of 1,000 electors in the county eligible to vote on
 28 the measure to which the argument refers, whichever is less. The number of registered electors in
 29 an electoral district, for the purposes of this section, shall be calculated on January 1 of each year.
 30 Each person signing the petition shall subscribe to a statement that the person has read and agrees
 31 with the argument. The signatures on each petition shall be certified by the county clerk in the
 32 manner provided in ORS 249.008. The petition shall be filed with the county clerk.

33 (2) The county clerk shall include in the county voters' pamphlet, on the page of the printed
 34 argument, the name of the person who submitted the argument, the name of the organization the
 35 person represents, if any, whether the argument supports or opposes the measure and a disclaimer
 36 that the argument does not constitute an endorsement by the county and that the county does not
 37 warrant the accuracy or truth of any statement made in the argument.

38 (3) **The designation of an argument as supporting or opposing the measure shall be made**
 39 **by the county clerk, based on the county clerk's determination of whether a reasonable**
 40 **person would consider the argument to be an argument in support of the measure or an**
 41 **argument in opposition to the measure.**

42 **SECTION 4.** The amendments to ORS 251.255, 251.260 and 251.355 by sections 1 to 3 of this
 43 **2019 Act apply to arguments supporting or opposing ballot measures that are filed on or after**
 44 **the effective date of this 2019 Act.**