

SB 368 STAFF MEASURE SUMMARY

Senate Committee On Rules

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 2/11

WHAT THE MEASURE DOES:

Directs county clerk to determine, within five business days of receipt, whether petition seeking to amend county charter violates statutory "separate vote" requirement. Provides for judicial review in circuit court. Allows counties to adopt different procedures by law.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 250.168 directs county clerks to determine, within five business days of receipt, whether a prospective initiative measure "meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution." The former provision imposes a "single subject" requirement on initiative petitions, while also requiring that petitions set forth their text in full. The latter provision addresses county "home rule" and, among other requirements, directs the Legislative Assembly to provide a method by which county electors may alter their charter. An elector who is dissatisfied with either of the county clerk's determinations may seek judicial review by filing a petition in circuit court.

Senate Bill 368 would make two changes to this scheme. First, the bill includes in the process an additional determination made by the county clerk: whether a petition seeking to amend a county charter violates the "separate vote" requirement found in ORS 203.725 (2). Second, the bill allows counties to adopt a different procedure to govern compliance with this statutory "separate vote" requirement, as well as a distinct "single subject" requirement found in ORS 203.725 (1). Senate Bill 368 becomes effective January 1, 2020.