

HOUSE AMENDMENTS TO HOUSE BILL 3310

By COMMITTEE ON RULES

May 16

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, after “ORS” insert “249.031, 249.720,”.

3 In line 5, after “334.750,” delete the rest of the line and delete lines 6 and 7 and insert “341.125,
4 341.175, 341.185, 341.326, 341.327, 341.331, 341.356, 341.357 and 341.577; and prescribing an effective
5 date.”.

6 Delete lines 9 through 26 and delete pages 2 through 24 and insert:

7 **“SECTION 1. Sections 2 to 6 of this 2019 Act are added to and made a part of ORS
8 chapter 255.**

9 **“SECTION 2. As used in sections 2 to 6 of this 2019 Act:**

10 **“(1)(a) Except as provided in paragraph (b) of this subsection, ‘board of a qualifying dis-
11 trict’ means:**

12 **“(A) A district school board as defined in ORS 332.002;**

13 **“(B) The board of directors of an education service district as defined in ORS 334.003; or**

14 **“(C) A board as defined in ORS 341.005.**

15 **“(b) ‘Board of a qualifying district’ does not include the board of directors of a pilot ed-
16 ucation service district described in ORS 334.108 to 334.115.**

17 **“(2) ‘Polarized voting’ means voting in which there is a difference in the choice of can-
18 didates or other electoral choices that are preferred by electors in a protected class, and in
19 the choice of candidates or electoral choices that are preferred by electors in the rest of the
20 electorate.**

21 **“(3) ‘Protected class’ means a class of electors who are distinguished by race or color
22 or are members of a language minority group, as the class of electors is referenced and de-
23 fined in the federal Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), as amended, or its
24 successors.**

25 **“(4)(a) Except as provided in paragraph (b) of this subsection, ‘qualifying district’ means:**

26 **“(A) A school district as defined in ORS 332.002;**

27 **“(B) An education service district as defined in ORS 334.003; or**

28 **“(C) A community college district as defined in ORS 341.005.**

29 **“(b) ‘Qualifying district’ does not include a pilot education service district described in
30 ORS 334.108 to 334.115.**

31 **“(5) ‘Qualifying district election’ means the nomination and election of members of the
32 board of a qualifying district.**

33 **“SECTION 3. (1) Notwithstanding ORS chapter 332, 334 or 341 or any other provision of
34 law:**

35 **“(a) A qualifying district election may not be conducted in a manner that impairs the**

1 ability of members of a protected class to have an equal opportunity to elect candidates of
2 their choice or an equal opportunity to influence the outcome of an election as a result of
3 the dilution or abridgment of the rights of electors who are members of that protected class;
4 and

5 “(b) The board of a qualifying district, in consultation with the county clerk that ad-
6 ministers the electoral system of the qualifying district, may authorize a change to the
7 electoral system used by the qualifying district in order to comply with sections 2 to 6 of this
8 2019 Act. Prior to authorizing a change under this paragraph, the board must take into
9 consideration any recommendations made by the county clerk that administers the electoral
10 system of the qualifying district.

11 “(2) The Secretary of State shall include information regarding sections 2 to 6 of this 2019
12 Act both in any manuals that provide a summary of all election law in this state that are
13 compiled by the secretary and made publicly available on the secretary’s Internet website
14 and in any other publications the secretary considers appropriate. In addition, the secretary
15 shall develop and make publicly available on the secretary’s Internet website a guide de-
16 scribing:

17 “(a) The process for an elector to notify the board of a qualifying district and bring an
18 action alleging that a qualifying district’s electoral system fails to comply with this section;
19 and

20 “(b) The options and applicable timelines available to a board and qualifying district that
21 receive a notice described in paragraph (a) of this subsection.

22 “SECTION 4. (1) A qualifying district is in violation of section 3 of this 2019 Act if it is
23 shown that:

24 “(a) Electors in the qualifying district exhibit polarized voting; and

25 “(b) Members of a protected class do not have an equal opportunity to elect candidates
26 of their choice or an equal opportunity to influence the outcome of an election as a result
27 of the dilution or abridgment of the rights of electors who are members of that protected
28 class.

29 “(2) Subject to section 6 of this 2019 Act, a violation of section 3 of this 2019 Act may be
30 alleged by the filing of an action in either the circuit court of Marion County or the circuit
31 court of any county in which the qualifying district is located by an individual who:

32 “(a) Is an elector;

33 “(b) Is a member of a protected class; and

34 “(c) Resides within the boundaries of the qualifying district.

35 “(3) An action filed under this section:

36 “(a) Is subject to the filing fee described in ORS 21.145; and

37 “(b) Must be tried and decided by a judge.

38 “(4) The fact that members of a protected class are not geographically compact or con-
39 centrated to constitute a majority in a proposed or existing qualifying district may not pre-
40 clude a judge from finding a violation of section 3 of this 2019 Act but may be a factor in
41 determining an appropriate remedy.

42 “(5) In determining whether polarized voting exists, a court shall analyze qualifying dis-
43 trict elections in which at least one candidate is a member of a protected class or in which
44 other electoral choices would affect the rights and privileges of members of a protected
45 class. Elections conducted prior to the filing of an action under this section are more

1 probative to establishing the existence of polarized voting than elections conducted after the
2 filing of an action.

3 “(6) Proof of intent on the part of electors, elected officials or a board of a qualifying
4 district to discriminate against a protected class is not required for a judge to find a violation
5 of section 3 of this 2019 Act.

6 “(7) Factors that are probative to establishing a violation of section 3 of this 2019 Act,
7 but that are not necessary to establish a violation, include:

8 “(a) A history of discrimination;

9 “(b) The use of voting practices or procedures that may enhance dilutive effects in
10 elections;

11 “(c) The denial of access to the processes that determine which groups of candidates
12 receive financial support in an election;

13 “(d) The extent to which members of a protected class bear the effects of past discrimi-
14 nation in areas of education, employment and health in a manner that hinders the ability of
15 members of the protected class to participate effectively in the political process; and

16 “(e) The use of overt or subtle racial appeals in political campaigns.

17 “(8)(a) If a judge finds that a qualifying district has violated section 3 of this 2019 Act, a
18 court may order any remedy the court determines is necessary to cure the violation, in-
19 cluding but not limited to requiring the board of the qualifying district to adopt a new elec-
20 toral system that is tailored to remedy the violation, in compliance with section 3 (1)(b) of
21 this 2019 Act.

22 “(b) A court order requiring the board of a qualifying district to adopt a new electoral
23 system:

24 “(A) May not apply to the first qualifying district election held after the court order; and

25 “(B) Shall, unless otherwise ordered by the court, apply to qualifying district elections
26 held after the election described in subparagraph (A) of this paragraph.

27 “(9) The court shall award any individual who prevails in an action brought under this
28 section reasonable attorney fees, costs and expenses. A qualifying district that prevails in
29 an action brought under this section is not entitled to costs or expenses and may be awarded
30 reasonable attorney fees only if a judge finds that the action was brought in bad faith or for
31 purposes of harassment.

32 “SECTION 5. (1) The board of a qualifying district that intends to change the electoral
33 system of the qualifying district in order to remedy a potential violation of section 3 of this
34 2019 Act, or in order to comply with a court order requiring the board of a qualifying district
35 to remedy a violation of section 3 of this 2019 Act, shall, prior to voting on whether to adopt
36 the proposed new electoral system:

37 “(a) Provide public notice to residents of the qualifying district about the proposed rem-
38 edy to a violation or potential violation of section 3 of this 2019 Act.

39 “(b)(A) Hold at least two public hearings over a period of not more than 60 calendar days
40 in which the public is invited to provide input regarding the composition of the qualifying
41 district or the board of the qualifying district. Before conducting these hearings, the board
42 of the qualifying district may conduct outreach to the public, including to non-English-
43 speaking communities, to explain the proposed electoral system and encourage public par-
44 ticipation.

45 “(B) The public hearings conducted under this paragraph must be conducted before a

1 draft map or draft maps of the proposed qualifying district boundaries is drawn.

2 “(c) Make publicly available:

3 “(A) The draft map or draft maps of the proposed qualifying district boundaries;

4 “(B) The methodology used to establish the draft map or draft maps of the qualifying
5 district boundaries; and

6 “(C) The potential sequence of elections if terms of office for members of the board of
7 the qualifying district are staggered.

8 “(d) Hold at least two public hearings over a period of not more than 60 calendar days in
9 which the public is invited to provide input regarding the content of the draft map or draft
10 maps and, if applicable, the proposed sequence of elections.

11 “(e)(A) Make publicly available the final version of the map or maps to be voted on by
12 the board of the qualifying district and the methodologies used to establish the final version
13 of the map or maps. The materials described in this subparagraph must be made publicly
14 available no later than seven days before the map or maps will be considered by the board
15 of the qualifying district.

16 “(B) If a map made publicly available under subparagraph (A) of this paragraph is sub-
17 sequently altered, the revised map and methodologies used to establish the revised map shall
18 be made publicly available for at least seven days before the revised map will be considered
19 by the board of the qualifying district.

20 “(2) If the board of a qualifying district votes to change the electoral system of the
21 qualifying district under this section, the new electoral system:

22 “(a) May not apply to the first qualifying district election held after the vote by the board
23 of a qualifying district; and

24 “(b) Shall apply to qualifying district elections held after the election described in para-
25 graph (a) of this subsection.

26 “(3) In carrying out the actions described in subsection (1) of this section, the board of
27 a qualifying district shall consult with the county clerk that administers the electoral system
28 of the qualifying district and take into consideration any recommendations made by the
29 county clerk.

30 “**SECTION 6.** (1) An individual who meets the qualifications set forth in section 4 (2) of
31 this 2019 Act and who intends to file an action alleging a qualifying district’s electoral system
32 fails to comply with section 3 of this 2019 Act shall first notify the board of the qualifying
33 district by certified mail. The notice shall:

34 “(a) Be in writing;

35 “(b) Identify and provide contact information for the individual who intends to file the
36 action;

37 “(c) Identify the protected class whose members do not have an equal opportunity to
38 elect candidates of their choice or an equal opportunity to influence the outcome of an
39 election because of alleged vote dilution or abridgement or polarized voting; and

40 “(d) Include a proposed remedy to cure the alleged violation of section 3 of this 2019 Act.

41 “(2) An individual who sends notice under subsection (1) of this section may not com-
42 mence an action under section 4 of this 2019 Act to enforce compliance with section 3 of this
43 2019 Act within 90 days of the receipt of the notice by the board of the qualifying district.

44 “(3) Within 90 days of receiving a notice sent under subsection (1) of this section, the
45 board of a qualifying district may pass a resolution outlining its intention to alter its elec-

1 toral system in order to ensure compliance with section 3 of this 2019 Act. A resolution
2 passed under this subsection shall set forth:

3 “(a) The specific steps the board of a qualifying district will take to comply with section
4 3 of this 2019 Act; and

5 “(b) The time frame for accomplishing the steps set forth in paragraph (a) of this sub-
6 section.

7 “(4) If the board of a qualifying district passes a resolution under subsection (3) of this
8 section within 90 days of receiving a notice sent under subsection (1) of this section, the in-
9 dividual who sent the notice under subsection (1) of this section may not commence an
10 action to enforce compliance with section 3 of this 2019 Act within 90 days of passage of the
11 resolution.

12 “(5)(a) If, following receipt of a notice sent under subsection (1) of this section, the board
13 of a qualifying district passes a resolution establishing a new electoral system in order to
14 comply with section 3 of this 2019 Act, the individual who sent the notice may make a de-
15 mand for reimbursement of the costs incurred by the individual in conducting the research
16 necessary to file the action. A demand made under this subsection must:

17 “(A) Be in writing;

18 “(B) Be received by the board of a qualifying district within 30 days of the board passing
19 the resolution; and

20 “(C) Include financial documentation, such as a detailed invoice for demographic services,
21 that support the demand.

22 “(b) The board of a qualifying district may request additional documentation if the doc-
23 umentation provided under paragraph (a) of this subsection is insufficient for the board to
24 corroborate the claimed costs.

25 “(6)(a) In response to a demand for reimbursement made under subsection (5) of this
26 section, the board of a qualifying district shall, within 60 days of receiving the demand:

27 “(A) Reimburse the reasonable costs of the individual who sent the notice; or

28 “(B) Reimburse the individual who sent the notice in an amount mutually agreed to by
29 the parties.

30 “(b) If more than one individual files a demand for reimbursement under subsection (5)
31 of this section, the board of a qualifying district shall, within 60 days of receiving each de-
32 mand:

33 “(A) Reimburse the reasonable costs of each individual who sent the notice; or

34 “(B) Reimburse each individual who sent the notice in an amount mutually agreed to by
35 the parties.

36 “(c)(A) Except as provided in subparagraph (B) of this paragraph, the total amount of
37 moneys that the board of a qualifying district shall reimburse pursuant to demands for re-
38 imbursement made under subsection (5) of this section may not exceed \$30,000.

39 “(B) The total amount of moneys that the board of a qualifying district shall reimburse
40 pursuant to demands for reimbursement made under subsection (5) of this section may not
41 exceed \$5,000 if the qualifying district is a school district, as defined in ORS 332.002, that has
42 500 or fewer students.

43 “SECTION 7. ORS 249.031 is amended to read:

44 “249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or dec-
45 laration of candidacy shall contain:

1 “(a) The name by which the candidate is commonly known. A candidate may use a nickname in
2 parentheses in connection with the candidate’s full name.

3 “(b) Address information as required by the Secretary of State by rule.

4 “(c) The office and department or position number, if any, for which the candidate seeks nomi-
5 nation.

6 “(d) If the candidate is seeking the nomination of a major political party, the name of the major
7 political party of which the candidate will have been a member, subject to the exceptions stated in
8 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-
9 ration of candidacy.

10 “(e) A statement that the candidate is willing to accept the nomination or election or, regarding
11 a candidate for precinct committeeperson, that the candidate accepts the office if elected.

12 “(f) A statement that the candidate will qualify if elected.

13 “(g) If the candidate is seeking the nomination of a major political party, a statement that the
14 candidate, if not nominated, will not accept the nomination or endorsement of any political party
15 other than the one of which the candidate is a member on the date the petition or declaration is
16 filed.

17 “(h) The signature of the candidate.

18 “(i) A statement of the candidate’s occupation, educational and occupational background and
19 prior governmental experience.

20 “(2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct
21 committeeperson.

22 “**(3) The Secretary of State shall ensure that the templates for a nominating petition or
23 declaration of candidacy provide the candidate with the option to provide the candidate’s race
24 and ethnicity.**

25 “[3] (4) A declaration of candidacy shall include a statement that the required fee is included
26 with the declaration.

27 “[4] (5) If required by the national rules of the major political party, the declaration of a
28 candidate for election as a precinct committeeperson shall include the name of the individual the
29 candidate supports for President of the United States or ‘uncommitted’ or ‘no preference.’

30 “**SECTION 8.** ORS 249.720 is amended to read:

31 “249.720. (1) A certificate of nomination shall contain:

32 “(a) The name by which the candidate is commonly known. A candidate may use a nickname in
33 parentheses in connection with the full name.

34 “(b) Address information as required by the Secretary of State by rule.

35 “(c) The office, and department or position number if any, for which the candidate is nominated.

36 “(d) The name of the minor political party, if any, that nominated the candidate.

37 “(e) If the candidate is nominated for a partisan office by an assembly of electors or individual
38 electors, the word ‘nonaffiliated’ and a statement that the candidate has not been a member of a
39 major or minor political party during at least 180 days before the deadline for filing the certificate
40 of nomination.

41 “(f) A statement that the candidate will qualify if elected.

42 “(g) The signature of the candidate.

43 “(h) A statement of the candidate’s occupation, educational and occupational background and
44 prior governmental experience.

45 “**(2) The Secretary of State shall ensure that the template for a certificate of nomination**

1 **provides the candidate with the option to provide the candidate's race and ethnicity.**

2 “[2] (3) For certificates of nomination of candidates for electors of President and Vice Presi-
3 dent of the United States, the names of the candidates for President and Vice President the candi-
4 dates represent may be added to the name of the minor political party or the word ‘nonaffiliated,’
5 as the case may be. The names of all the candidates of a minor political party, or nonaffiliated
6 candidates, for electors of President and Vice President may be upon the same certificate of nomi-
7 nation.

8 “[3] (4) A certificate of nomination made by an assembly of electors shall be signed by the
9 presiding officer and secretary of the nominating convention of the assembly. A certificate of nomi-
10 nation made by a minor political party shall be signed by an officer of the party. An affidavit shall
11 be made on the certificate by the presiding officer and secretary of the nominating convention of
12 the assembly or by the officer of the minor political party and signed and acknowledged by them
13 before a notary public. The affidavit shall be that the statements in the certificate of nomination
14 and related documents are true. With respect to an assembly of electors, the affidavit shall state
15 that the assembly satisfied the requirements of ORS 249.735.

16 **“SECTION 9.** ORS 255.235 is amended to read:

17 **“255.235. Except as provided in sections 2 to 6 of this 2019 Act:**

18 “(1) A candidate for election as a member of a district board shall be nominated by filing with
19 the elections officer either:

20 “(a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, re-
21 siding in the election district for the office, whichever number is less; or

22 “(b) A declaration of candidacy accompanied by a filing fee of \$10.

23 “(2) A petition for nomination or a declaration of candidacy shall be filed with the elections
24 officer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this
25 subsection and:

26 “(a) Not later than the 61st day before the date of the district election if the election is a reg-
27 ular district election or the first election at which members of the district board are elected.

28 “(b) Not later than the 70th day before the date of the district election if the election is held
29 on the date of a primary election or general election.

30 “(3) A nominating petition or declaration of candidacy shall contain the information specified
31 in ORS 249.031.

32 **“(4) The Secretary of State shall ensure that the templates for a nominating petition or**
33 **declaration of candidacy provide the candidate with the option to provide the candidate's race**
34 **and ethnicity.**

35 “[4] (5) In a district in which a position or zone number is assigned to each office on the dis-
36 trict board, each petition for nomination or declaration of candidacy for election to the district
37 board shall state the position or zone number of the office to which the candidate seeks election.

38 “[5] (6) The provisions of ORS 249.009 (1)(b) and 249.061 do not apply to nominating petitions
39 filed under this section.

40 “[6] (7) A nominee for election to the district board may withdraw the nomination not later
41 than 5 p.m. of the last day specified for filing a petition or declaration under this section by filing
42 with the elections officer a written withdrawal of candidacy. The withdrawal shall be signed by the
43 nominee and state the reasons for withdrawal.

44 **“SECTION 10.** ORS 332.118 is amended to read:

45 **“332.118. Except as provided in sections 2 to 6 of this 2019 Act:**

1 “(1) Unless specifically provided otherwise, ORS chapter 255 governs the following:
2 “(a) The nomination and election of school directors.
3 “(b) The conduct of all school district elections.
4 “(2) ORS 249.865 to 249.877 govern the recall of school board members.
5 “(3) The Secretary of State has supervising authority over all elections conducted by school
6 districts and over elections conducted by a district boundary board.
7 “(4) A petition for a proposed change or merger under ORS 330.095, a remonstrance petition
8 under ORS 330.101, a petition for zoning under ORS 332.128 or a petition to lengthen the course of
9 study under ORS 335.495 may not be circulated for signatures until the prospective petition has been
10 filed with the county clerk. The prospective petition must designate the names and residence ad-
11 dresses of not more than three persons as chief petitioner. The authority of the Secretary of State
12 and the application of the election laws commence when the prospective petition is filed with the
13 county clerk. The filing of the prospective petition is to be treated like a prospective petition for
14 an initiative, referendum or recall. Except as otherwise provided in ORS 330.080 to 330.113, ORS
15 chapter 255 applies to the procedures applicable to petitions described in this subsection and the
16 elections held on the petitions.
17 “**SECTION 11.** ORS 332.122 is amended to read:
18 “332.122. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, in common school dis-
19 tricts and union high school districts the directors may be nominated in one of the following meth-
20 ods or a combination thereof:
21 “(a) At large by position number by the electors of the district.
22 “(b) By zone by electors of zones, if zoning is approved by the electors under ORS 332.128.
23 “(2) A person shall be nominated as a candidate for director by filing a petition for nomination
24 or a declaration of candidacy under ORS 255.235.
25 “(3) If a candidate is nominated by petition, the petition:
26 “(a) If the candidate is nominated from a zone, must be signed by the electors of the zone.
27 “(b) If the candidate is nominated at large, must be signed by the electors of the district.
28 “(4) **Except as provided in sections 2 to 6 of this 2019 Act**, a candidate for school director
29 must be an elector registered in the district. If the district is zoned and the candidate seeks nomi-
30 nation from a zone, the candidate also must be a resident of that zone.
31 “**SECTION 12.** ORS 332.124 is amended to read:
32 “332.124. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, all candidates shall be
33 elected at large in the district unless the district school board provides for election from zones un-
34 der ORS 332.126.
35 “(2) In a district in which directors are elected from zones:
36 “(a) The candidate for the office of director in each zone who receives the plurality of the votes
37 shall be elected.
38 “(b) At the expiration of each director’s term of office, a successor shall be elected from the
39 same zone.
40 “(3) **Except as provided in sections 2 to 6 of this 2019 Act**, in the event that no person from
41 the same zone is nominated under ORS 332.122 as a candidate for the vacant office of director by
42 the school district election filing deadline or is elected as a write-in candidate at the subsequent
43 school district election, or in the event that an office of director becomes vacant at midterm, the
44 district school board shall fill the vacancy as follows:
45 “(a) The board shall advertise the vacancy for a 20-day period in an attempt to find an eligible

1 resident from the same zone to fill the vacancy. If one or more eligible residents declare interest in
2 the vacant office, the school district board shall appoint one of the eligible residents to fill the va-
3 cant office until June 30 following the next regular school district election.

4 “(b) If, after 20 days of advertising the vacancy, no eligible resident from the same zone declares
5 interest in the vacant office, the school district board shall appoint one of the eligible residents from
6 the district at large to fill the vacant office until June 30 following the next regular school district
7 election.

8 “(c) Offices filled in the manner described in paragraphs (a) and (b) of this subsection shall be-
9 come vacant on June 30 following the next regular school district election. Nomination of candidates
10 for vacant offices shall occur as provided under ORS 332.122.

11 “**SECTION 13.** ORS 332.126 is amended to read:

12 “332.126. **Except as provided in sections 2 to 6 of this 2019 Act:**

13 “(1) If a majority of the district school board of a zoned common school district or a zoned union
14 high school district so decides, the board may provide that directors of the district school board
15 who are nominated from zones also shall be elected from the zones from which they are nominated.

16 “(2) At any time after a district school board decides that directors shall be elected by zone:

17 “(a) The district school board may rescind the decision and provide that the directors who are
18 nominated by zone shall be elected at large.

19 “(b) Zones may be abolished pursuant to ORS 332.128.

20 “**SECTION 14.** ORS 332.128 is amended to read:

21 “332.128. (1) **Except as provided in sections 2 to 6 of this 2019 Act,** in common school dis-
22 tricts and union high school districts, directors may be nominated from zones by resolution of the
23 district school board or if the question of zoning is approved by the electors of the district at the
24 regular district election as provided in this section.

25 “(2) The district school board:

26 “(a) May submit the question on its own resolution; or

27 “(b) Shall submit the question when a petition is filed as provided in this section.

28 “(3) The requirements for preparing, circulating and filing a petition under this section are
29 subject to ORS 332.118 and shall be as provided for an initiative petition in ORS 255.135 to 255.205.

30 “(4) If the proposal to create zones in a district includes a combination of nomination of candi-
31 dates from and by zones and of nomination of candidates at large, the number of candidates to be
32 nominated in each manner shall be specified in the petition or the order of the board.

33 “(5) **Except as provided in sections 2 to 6 of this 2019 Act,** a district that has been zoned
34 under this section may abolish zones in the same manner as they were established.

35 “**SECTION 15.** ORS 332.132 is amended to read:

36 “332.132. **Except as provided in sections 2 to 6 of this 2019 Act,** if a common school district
37 or union high school district is zoned, the school board of the district shall divide the district into
38 the necessary number of zones as nearly equal in population, as shown by the latest federal census,
39 as practicable, taking into account attendance areas where possible. The board shall readjust zone
40 boundaries if necessary to comply with this section, upon any change in the boundaries of the dis-
41 trict.

42 “**SECTION 16.** ORS 332.134 is amended to read:

43 “332.134. **Except as provided in sections 2 to 6 of this 2019 Act:**

44 “(1) A school board director shall be eligible for reelection in an election subsequent to zoning
45 under ORS 332.128 only if the director resides in a zone which is not otherwise represented on the

1 board.

2 “(2) Any vacancy occurring on a school board before all zones are represented thereon shall be
3 filled from among residents in an unrepresented zone, the zone to be determined by the board by lot.

4 “**SECTION 17.** ORS 332.138 is amended to read:

5 “332.138. **Except as provided in sections 2 to 6 of this 2019 Act,** at each regular district
6 election described in ORS 255.335, school directors shall be elected for a term of four years to suc-
7 ceed the directors whose terms of office expire on June 30 of that year. All such elections of school
8 directors shall be held as provided by ORS chapter 255.

9 “**SECTION 18.** ORS 334.025 is amended to read:

10 “334.025. **Except as provided in sections 2 to 6 of this 2019 Act:**

11 “(1) The board of directors of an education service district shall consist of seven, nine or 11
12 members.

13 “(2) In education service districts, not fewer than five of the directors shall be elected, one from
14 each of the zones established under ORS 334.032. At the discretion of the board of directors, one
15 or two board members may be elected from the district at large.

16 “(3) On the petition of two component school districts, the board shall establish local advisory
17 committees to represent the interests of areas within the petitioning districts. The local advisory
18 committees shall advise the board on matters of concern within the advisory committee’s area. Local
19 advisory committees shall represent two or more component school districts.

20 “(4) The board of directors may by resolution increase or decrease the number of members of
21 the board. The board’s resolution shall be entered with sufficient time for the board to give the re-
22 quired information to the elections officer under ORS 255.069, and the board’s resolution shall have
23 no effect on the terms of any current board members.

24 “**SECTION 19.** ORS 334.032 is amended to read:

25 “334.032. **Except as provided in sections 2 to 6 of this 2019 Act:**

26 “(1) The board of directors of an education service district shall divide the education service
27 district into not more than 11 zones as nearly equal in census population as may be practicable,
28 measured along common school district boundary lines except that zones may be established using
29 voting precinct boundaries in order to achieve greater equality of population. If possible, the board
30 shall establish the zones so that each county within the education service district, the majority of
31 the land area of which lies within the boundaries of the education service district, has at least one
32 member on the board.

33 “(2) Each county within the education service district, the majority of the land area of which
34 lies within the boundaries of the education service district, shall have at least one member on the
35 board or shall have at least one member on the budget committee of the education service district.

36 “(3) The board may readjust the boundaries of the zones once each year and shall readjust the
37 boundaries of the zones immediately upon any change of the boundaries of the education service
38 district.

39 “**SECTION 20.** ORS 334.035 is amended to read:

40 “334.035. **Except as provided in sections 2 to 6 of this 2019 Act:**

41 “(1) In education service districts having a population of less than 550,000 according to the
42 latest federal census, a candidate for the district board shall be nominated in accordance with ORS
43 255.235 except as provided in this section. When a candidate is nominated from a zone by a nomi-
44 nating petition, the nominating petition must be signed by electors registered in the zone in which
45 the candidate is a resident and who are qualified to vote in their respective component school dis-

1 tricts. When a candidate is nominated at large by a nominating petition, the nominating petition
2 must be signed by electors of the district. A candidate for education service district board member
3 must be qualified to vote in the election in which the individual is a candidate.

4 “(2) In education service districts having a population of 550,000 or more according to the latest
5 federal census, the name of any qualified person nominated as provided by ORS 255.235 shall be
6 placed on the ballot as a candidate for the office of director of the education service district.

7 “**SECTION 21.** ORS 334.045 is amended to read:

8 “334.045. **Except as provided in sections 2 to 6 of this 2019 Act:**

9 “(1) In education service districts, members of the board shall be elected at the time of the
10 regular district election described in ORS 255.335 for the term commencing July 1 as provided in
11 ORS 334.090. For this purpose, a district election shall be held in such districts in those zones from
12 which a member or members of the board are to be elected, and in the district as a whole if a
13 member or members at large are to be elected. The registrar of elections of the county in which
14 such district is located shall be the elections officer for such elections.

15 “(2) The education service district shall pay the actual cost of printing ballots and tally sheets
16 for each election under this section, and the cost of checking signatures on certificates of nomi-
17 nation, together with such proportionate part of the general expenses of such election as provided
18 in ORS 255.305.

19 “(3) All elections of members of the board shall be held as provided in ORS chapter 255.

20 “**SECTION 22.** ORS 334.090 is amended to read:

21 “334.090. **Except as provided in sections 2 to 6 of this 2019 Act:**

22 “(1) The term of office of director of an education service district shall be four years.

23 “(2) The term of office of each director of an education service district shall begin on July 1
24 next following the date of election. A director shall serve until June 30 next following the election
25 of a successor.

26 “(3) A director of an education service district must qualify by taking an oath of office before
27 assuming the duties of office.

28 “(4) A newly appointed director of an education service district shall take office at the meeting
29 of the education service district board next following the appointment.

30 “(5) A person is not eligible to serve as a director of an education service district unless the
31 person is an elector of the district and has resided therein for a period of one year immediately
32 preceding the election or appointment.

33 “(6) No employee of an education service district is eligible to serve as a director of the edu-
34 cation service district by which the employee is employed.

35 “(7) A regular district election shall be held in a district to fill any vacancy and to elect a
36 successor for any director whose term expires June 30 next following the election. A successor shall
37 be elected as follows:

38 “(a) If the director was elected from a zone established under ORS 334.032, a successor from the
39 same zone shall be elected by the electors of the zone.

40 “(b) If the director was elected at large a successor shall be elected at large by the electors of
41 the district.

42 “(8) Notwithstanding subsection (7) of this section, in any district having a population of 550,000
43 or more according to the latest federal census that becomes zoned according to ORS 334.032, the
44 board shall determine prior to the nomination of school directors which positions shall be from zones
45 and which positions shall be at large.

1 “(9) Any vacancy on the board from any zone shall be filled by the remaining directors from
2 among the qualified persons in that zone. Any such vacancy from the district at large shall be filled
3 by the remaining directors from among the qualified persons in the district. However, if vacancies
4 occur in a majority of the positions on the board, the State Board of Education shall fill the va-
5 cancies from among the qualified persons of the zones, if any, or from among other persons who are
6 qualified to serve. The period of service of an appointee under this subsection expires June 30 next
7 following the next regular district election at which a successor is elected. The successor shall be
8 elected to serve the remainder, if any, of the term for which the appointment was made. If the term
9 for which the appointment was made expires June 30 after the election of the successor, the suc-
10 cessor shall be elected to a full term. In either case, the successor shall take office July 1 next
11 following the election.

12 “**SECTION 23.** ORS 334.095 is amended to read:

13 “334.095. **Except as provided in sections 2 to 6 of this 2019 Act:**

14 “(1) The education service district board shall declare the office of a director vacant when the
15 incumbent:

16 “(a) Dies or resigns;

17 “(b) Is removed from office or a court declares the election for the office void;

18 “(c) Ceases to be a resident of a school district that is located within the territory of the edu-
19 cation service district;

20 “(d) Subject to subsection (3) of this section, ceases to be a resident of the zone from which
21 nominated;

22 “(e) Ceases to discharge the duties of office for two consecutive months unless prevented from
23 discharging the duties by sickness or other unavoidable cause; or

24 “(f) Is recalled.

25 “(2) The education service district board may not declare the office of a director vacant if the
26 director is a resident of a school district that withdraws from the education service district as pro-
27 vided by ORS 334.015 unless:

28 “(a) The director’s term expires; or

29 “(b) The education service district board declares the office vacant for a reason described in
30 subsection (1) of this section.

31 “(3) A director nominated from a zone who changes permanent residence from one zone to an-
32 other zone in which another director resides shall continue to serve as director until the next reg-
33 ular election when a successor shall be elected to serve for the remainder of the unexpired term.

34 “(4) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding,
35 may be removed from office by a court of competent jurisdiction.

36 “(5) Members may be recalled in the manner provided in ORS 249.865 to 249.877. If the member
37 was elected by a zone, the recall petition shall be signed by electors from that zone and electors
38 from the zone are the only electors eligible to vote in the recall election. If the member was elected
39 at large, the recall petition shall be signed by electors from the district and electors from the dis-
40 trict are eligible to vote in the recall election.

41 “**SECTION 24.** ORS 341.326 is amended to read:

42 “341.326. **Except as provided in sections 2 to 6 of this 2019 Act:**

43 “(1) At each regular district election, board members shall be elected for a term of four years
44 to succeed the board members whose terms of office expire on June 30 of that year.

45 “(2) A person shall be qualified to be a candidate for election to the board if the person is an

1 elector who resides in the district. If the district is zoned and the position sought is one elected or
2 nominated by zone, the person also must reside in the zone from which the person is nominated.

3 “(3) Members of a board shall be nominated and elected at large or by zones according to a
4 method described in ORS 341.327 and determined under ORS 341.025 or 341.331.

5 “(4) A board member must qualify for office by taking an oath of office.

6 “**SECTION 25.** ORS 341.327 is amended to read:

7 “341.327. **Except as provided in sections 2 to 6 of this 2019 Act:**

8 “(1) The board members may be elected in one of the following methods or a combination
9 thereof:

10 “(a) Elected by electors of zones as nearly equal in population as possible according to the latest
11 federal census.

12 “(b) Elected at large by position number by the electors of the district.

13 “(2) Candidates for election from zones shall be nominated by electors of the zones. Candidates
14 for election at large may be nominated by electors of zones or by electors of the district, as deter-
15 mined under subsection (3) of this section.

16 “(3) Where the method selected under subsection (2) of this section includes a combination of
17 nomination of candidates from and by zones and of nomination of candidates at large, the number
18 of candidates to be nominated in each manner shall be specified in the petition submitted under ORS
19 341.025 or under ORS 341.331.

20 “**SECTION 26.** ORS 341.331 is amended to read:

21 “341.331. **Except as provided in sections 2 to 6 of this 2019 Act:**

22 “(1) This section establishes the procedure for determining whether the method adopted in a
23 district for nominating and electing board members should be changed to another method described
24 in ORS 341.327. The question shall be decided by election. The district board shall order an election
25 on the question when a petition is filed as provided in this section.

26 “(2) Except as otherwise provided in this section, the requirements for preparing, circulating and
27 filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to
28 255.205.

29 “(3) If the question proposes creation of zones or a change in the number of existing zones, the
30 following requirements shall apply:

31 “(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall
32 be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

33 “(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect
34 in the ballot title shall not exceed 150 words. The statement:

35 “(A) Shall specify the method of nomination and election of board members from among the
36 methods described in ORS 341.327. The statement also shall specify whether, in filling each position
37 on the board, an elector of the district may sign a petition of nomination or vote for a candidate
38 from any zone or only for a candidate from the zone in which the elector resides.

39 “(B) Shall include a general description of the proposed boundaries of the zones, using streets
40 and other generally recognized features.

41 “(c) The order calling the election shall contain a map and a metes and bounds or legal de-
42 scription of the proposed zone boundaries. The map and description shall be prepared by the county
43 surveyor or county assessor and shall reflect any adjustment made in the boundaries under sub-
44 section (6) of this section.

45 “(4) The map to be contained in the petition under subsection (3) of this section shall be pre-

1 pared by the county surveyor or county assessor. The chief petitioners shall pay the county for the
2 cost of preparing the map, as determined by the county surveyor or county assessor. The county
3 clerk shall not accept the prospective petition for filing until the chief petitioners have paid the
4 amount due.

5 “(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

6 “(6) Before submitting to election a question to which subsection (3) of this section applies, the
7 district board shall adjust the proposed boundaries of the zones to make them as nearly equal in
8 population as feasible according to the latest federal census. The district board shall amend the
9 ballot title as necessary to reflect its adjustment of the boundaries.

10 “(7) If the electors of the district approve the establishment of zones or a change in the number
11 of existing zones, board members shall continue to serve until their terms of office expire. As va-
12 cancies occur, positions to be filled by nomination or election by zone shall be filled by persons who
13 reside within zones which are not represented on the board. If more than one zone is not repres-
14 ented on the board when a vacancy occurs, the zone entitled to elect a board member shall be de-
15 cided by lot.

16 “**SECTION 27.** ORS 341.356 is amended to read:

17 “341.356. **Except as provided in sections 2 to 6 of this 2019 Act:**

18 “(1) ORS chapter 255 governs the following:

19 “(a) The nomination and election of board members.

20 “(b) The conduct of district elections.

21 “(2) The electors of a community college district may exercise the powers of the initiative and
22 referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

23 “(3) ORS 249.865 to 249.877 govern the recall of board members.

24 “**SECTION 28.** ORS 341.357 is amended to read:

25 “341.357. (1) Except as provided by ORS chapter 255 and ORS 294.448 (Local Budget Law) and
26 341.670 **and sections 2 to 6 of this 2019 Act**, notice of community college district organization and
27 merger, community college district budgets and community college district purchasing shall be given
28 only as provided in this section.

29 “(2) Whenever notice is required, the board shall cause the notice to be published in one or
30 more of the newspapers published in the district and having a general circulation in the district.
31 If no newspaper is published in the district, the notice shall be published in some newspaper desig-
32 nated by the board and having circulation throughout the district. The notice shall be published in
33 at least two issues of each designated newspaper.

34 “(3) The board may also cause broadcasting of any notice required to be published in the manner
35 provided in ORS 193.310 to 193.360.

36 “(4) The board shall cause the time and place of publishing each of the notices required by
37 subsection (1) of this section and the content of such notices to be recorded in the minutes of the
38 board.

39 “**SECTION 29.** ORS 332.012 is amended to read:

40 “332.012. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, a district school board
41 may increase the number of board members from five members to seven members on its own motion,
42 or the district school board:

43 “(a) May submit the question to the electors of the school district; or

44 “(b) Shall submit the question to the electors of the school district when a petition is filed as
45 provided in this section.

1 “(2) Subject to ORS 332.118, a petition filed under this section shall be prepared, circulated and
2 filed as provided for an initiative petition in ORS 255.135 to 255.205.

3 “**SECTION 30.** ORS 332.018 is amended to read:

4 “332.018. **Except as provided in sections 2 to 6 of this 2019 Act:**

5 “(1) The term of office of director is four years.

6 “(2) No person shall be eligible to serve as director unless the person is an elector of the district
7 and has resided therein for the period of one year immediately preceding the election or appoint-
8 ment.

9 “(3) No director shall receive any compensation for services as director other than reimburse-
10 ment for reasonable and necessary expenses actually incurred on school business.

11 “**SECTION 31.** ORS 332.030 is amended to read:

12 “332.030. **Except as provided in sections 2 to 6 of this 2019 Act:**

13 “(1) The district school board shall declare the office of a director vacant upon the happening
14 of any of the following:

15 “(a) The death or resignation of the incumbent.

16 “(b) When an incumbent is removed from office or the election of the incumbent thereto has
17 been declared void by the judgment of any court.

18 “(c) Subject to the provisions of subsections (2) and (3) of this section, when an incumbent
19 ceases to be a resident of the district or zone from which nominated.

20 “(d) When an incumbent ceases to discharge the duties of office for two consecutive months
21 unless prevented therefrom by sickness or other unavoidable cause.

22 “(e) When an incumbent ceases to discharge the duties of office for four consecutive months for
23 any reason.

24 “(f) When an incumbent is recalled.

25 “(2) A director of a union high school board who changes the director’s permanent residence
26 from one component common school district to another component common school district in which
27 another director resides shall continue to serve as director to June 30 next following the next reg-
28 ular district election. At that election, a successor shall be elected to serve the remainder, if any,
29 of the unexpired term to which the director was elected. If the term to which the director was
30 elected expires June 30 next following the election of the successor, the successor shall be elected
31 to a full term. In either case, the successor shall take office July 1 next following the election.

32 “(3) A director of a common school district nominated from a zone who changes the director’s
33 permanent residence from one zone to another zone in which another director resides shall continue
34 to serve as director to June 30 next following the next regular district election. At that election, a
35 successor shall be elected to serve the remainder, if any, of the unexpired term to which the director
36 was elected. If the term to which the director was elected expires June 30 next following the
37 election of the successor, the successor shall be elected to a full term. In either case, the successor
38 shall take office July 1 next following the election.

39 “(4) When a vacancy is declared under subsection (1)(a), (b) or (d) to (f) of this section, the re-
40 maining member or members of the board shall meet and appoint a person to fill the vacancy. The
41 person must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, re-
42 side in the zone in which the vacancy occurs. A director appointed under this subsection shall serve
43 to June 30 next following the next regular district election. At that election, a successor shall be
44 elected to serve the remainder, if any, of the unexpired term to which the director was appointed.
45 If the term to which the director was appointed expires June 30 next following the election of the

1 successor, the successor shall be elected to a full term. In any case, the successor shall take office
2 July 1 next following the election.

3 “(5) If the offices of a majority of the directors of any district are vacant at the same time, the
4 education service district board, or if there is none, the governing body of the county shall appoint
5 persons to fill the vacancies. The persons must satisfy the eligibility requirements under ORS
6 332.018 and, if the district is zoned, reside in the zones in which the vacancies occur. If the vacan-
7 cies occur in a joint district that is not included in an education service district, the governing body
8 of the county containing the greater portion of the pupils in average daily membership shall appoint
9 the directors. Each director appointed under this subsection shall serve to June 30 next following
10 the next regular district election. At that election, a successor shall be elected to serve the re-
11 mainder, if any, of the unexpired term to which the director was appointed. If the term to which the
12 director was appointed expires June 30 next following the election of the successor, the successor
13 shall be elected to a full term. In any case, the successor shall take office July 1 next following the
14 election.

15 “**SECTION 32.** ORS 334.690 is amended to read:

16 “334.690. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, the State Board of Edu-
17 cation shall constitute the boundary board for education service districts. In examining any proposal
18 to reorganize education service districts, the state board shall consider whether the proposed dis-
19 trict would have the following characteristics:

20 “(a) A student population of at least 10,000 students or would have such a student population
21 in the foreseeable future;

22 “(b) The ability to support the staff necessary to provide a wide array of services;

23 “(c) Boundaries that reflect the area’s sense of community, and take into account topography,
24 climate and highway patterns so that there is reasonable access to all areas within the region;

25 “(d) A distance of no more than two and one-half hours’ driving time between the regional office
26 or suboffice and the most remote school; and

27 “(e) At least one publicly supported, post-secondary institution within the region.

28 “(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved
29 form with the county assessor and the Department of Revenue as provided in ORS 308.225.

30 “**SECTION 33.** ORS 334.710 is amended to read:

31 “334.710. **Except as provided in sections 2 to 6 of this 2019 Act:**

32 “(1) If two or more education service districts desire to join together for the purpose of forming
33 one education service district, a petition from each such district shall be presented to the State
34 Board of Education when:

35 “(a) Resolutions are presented to each of the education service district boards by the boards of
36 the component school districts that represent two-thirds of the component school districts that are
37 a part of each of the education service districts and that have at least a majority of the pupils in-
38 cluded in the average daily membership of the education service district, as determined by the re-
39 ports of such school districts for the preceding school year, enrolled in the schools of the districts;
40 or

41 “(b) The education service district boards mutually consent to the merger and a majority vote
42 of each board has approved a petition.

43 “(2) The State Board of Education shall review the petitions and within 15 days after the board
44 meeting at which the petitions are reviewed, shall notify the education service district boards of
45 each district designated by the petitions, fix the date of and be responsible for supervising the giving

1 of notices as provided in ORS 330.400 and conducting the public hearings in each proposing district
2 to discuss the proposal contained in the petitions.

3 **SECTION 34.** ORS 334.730 is amended to read:

4 **“334.730. Except as provided in sections 2 to 6 of this 2019 Act:**

5 **“(1)** Immediately after the order to join two or more education service districts together, the
6 boards of directors of all education service districts within the boundaries of the new district shall
7 meet together upon the call of the chairperson of the board of the most populous district.
8 Notwithstanding ORS 334.025 or ORS chapter 255, the joint board of directors shall divide the new
9 district into as many zones as the board considers necessary, but not fewer than seven nor more
10 than 11. The zones shall be as nearly equal in population as may be practicable. If possible, the joint
11 board shall establish the zones so that each county within the new education service district, the
12 majority of the land area of which lies within the boundaries of the education service district, has
13 at least one member on the board.

14 **“(2)** Within 90 days after the zones required in subsection (1) of this section are established, the
15 joint board of directors shall call a special election in the new district for the purpose of electing
16 directors, one of whom shall be elected from each zone established under subsection (1) of this sec-
17 tion by the electors of the zone.

18 **SECTION 35.** ORS 334.740 is amended to read:

19 **“334.740. Except as provided in sections 2 to 6 of this 2019 Act,** the nomination of a candi-
20 date to serve as a director of the new education service district from a zone, when made by a peti-
21 tion, shall be signed by electors registered in the zone in which the candidate is a resident. The
22 nomination of a candidate to serve as a director of the new education service district at large, when
23 made by a petition, shall be signed by electors of the district. A candidate must be qualified to vote
24 in the election in which the individual is a candidate and must be qualified to hold office as a di-
25 rector of an education service district.

26 **SECTION 36.** ORS 334.750 is amended to read:

27 **“334.750. Except as provided in sections 2 to 6 of this 2019 Act:**

28 **“(1)** The board of directors of the new education service district shall take office on July 1 of
29 the year following its election.

30 **“(2)** The minority of directors of the new education service district shall serve terms expiring
31 June 30 next following the first regular district election and the majority of directors shall serve
32 terms expiring June 30 next following the second regular district election.

33 **“(3)** The directors first elected shall determine by lot the length of term each shall hold office.

34 **“(4)** Notwithstanding any other provisions of law, the term of office of boards of directors of
35 preexisting education service districts shall terminate on the date in which the new education ser-
36 vice district comes into existence and its new board of directors qualifies to hold office.

37 **SECTION 37.** ORS 341.125 is amended to read:

38 **“341.125. Except as provided in sections 2 to 6 of this 2019 Act:**

39 **“(1)** The first board of education of a district shall be elected at the same election as the
40 election at which votes are cast for the formation of the district. Nominations for the board of ed-
41 ucation positions to be filled by nomination and election at-large shall be made by petition request-
42 ing that such person’s name be placed on the ballot and signed with the signatures of at least 50
43 electors registered in the proposed district. If the district has been zoned and the position is to be
44 filled by nomination or election by zone, the petition shall be signed by at least 25 electors regis-
45 tered in the zone. The petition shall be presented to the Higher Education Coordinating Commission

1 at least 70 days prior to the election. Upon receipt of petitions that comply with applicable law, the
2 commission shall cause the names of the nominees to be placed upon the ballot.

3 “(2) Seven members shall be elected to the first board, to serve terms of four and two years
4 respectively in accordance with the number of votes each receives with the three members receiving
5 the largest number of votes serving the four-year terms. The terms of office of the members of the
6 first board shall be computed from the date of June 30 subsequent to the date of their election, but
7 the members shall take office immediately following the election. If for any reason a district is not
8 formed, the election of board members for that proposed district is void.

9 “(3) If the district has been zoned, the commission shall designate the positions to be nominated
10 or elected by zone and shall specify the length of the term to be served by each member of the first
11 board elected by zone.

12 “(4) If the election is at large, the length of the term of office of members of the first board
13 elected shall be determined in accordance with the number of votes each receives in the election.
14 Those receiving the highest number of votes may serve the four-year terms, subject to any term
15 designations made by the commission under subsection (3) of this section.

16 “**SECTION 38.** ORS 341.175 is amended to read:

17 “341.175. **Except as provided in sections 2 to 6 of this 2019 Act,** the board shall adjust the
18 boundaries of zones established within a district as necessary to make them as nearly equal in
19 population as is feasible according to the latest federal census. The board also shall adjust bound-
20 aries of zones as necessary to reflect boundary changes of the district.

21 “**SECTION 39.** ORS 341.185 is amended to read:

22 “341.185. **Except as provided in sections 2 to 6 of this 2019 Act,** any elector of a district
23 aggrieved by the adjustment of or failure to adjust boundaries of a zone pursuant to ORS 341.175
24 on the basis that population is not as nearly equal as is feasible is entitled to appear before the
25 board at a public hearing to present the case. If the board refuses to make the requested adjustment
26 in the boundaries, the aggrieved elector may appeal from the decision of the board to the circuit
27 court. The appeal shall be by writ of review.

28 “**SECTION 40.** ORS 341.577 is amended to read:

29 “341.577. **Except as provided in sections 2 to 6 of this 2019 Act:**

30 “(1) Notwithstanding any other provision of this chapter, when the new territory annexed to an
31 existing community college district is greater in population than the original territory, based upon
32 the latest federal census, the provisions of this section shall govern the community college district
33 for a period of not less than 10 years after the effective date of the boundary change.

34 “(2) Program access and facilities for students shall be maintained in the original territory for
35 a period of not less than 20 years while programs and facilities for students are developed in the
36 new territory.

37 “(3)(a) After the approval by the electors of both the original territory and the new territory
38 of the boundary change, the mode of election of board members shall be changed as provided in this
39 subsection. The term of office of a board member shall be four years. Electors of each of the seven
40 zones shall elect a board member.

41 “(b) No later than the 90th day after the boundary change election under ORS 341.579 (1), five
42 zones for the new territory shall be established by the Higher Education Coordinating Commission.

43 “(c) No later than June 30, two zones for the original territory shall be established by the
44 commission before the election of the first director to either zone as provided in this subsection.

45 “(d) Zones shall be established with the boundaries exclusively within the original territory or

1 exclusively within the new territory, and with the zones as nearly equal in population as is feasible
2 according to the latest federal census.

3 “(e) An elector may sign a petition of nomination and may vote only for a candidate from the
4 zone in which the elector resides.

5 “(f) The four-year terms of office pertaining to the five numbered zones of the original territory
6 shall continue until the regularly scheduled June 30 termination date of each expires. A board
7 member shall be nominated and elected in the same numbered zone in the new territory at the
8 regular district election immediately preceding the June 30 date, and the director from that zone
9 shall take office on the July 1 following the date of election.

10 “(g) Board members nominated and elected to office by zone in the original territory, and any
11 person elected or appointed to fill any vacancy in such office, shall continue to hold office until the
12 expiration of the board member’s term.

13 “(h)(A) The two at-large board positions in the original territory shall become the two zoned
14 positions of the original territory after that June 30 on which the last zone of the original territory
15 no longer is in effect.

16 “(B) At that time, the directors in office in the two at-large board positions in the original ter-
17 ritory shall each be assigned that zone in which each resides, if both reside in separate zones.

18 “(C) If the two directors reside in the same zone, then that director elected by the greater
19 number of votes between the two directors at large shall hold the board position for the territory
20 of the zone in which the director resided at the date of election, and the other director shall hold
21 the board position of the other zone.

22 “(D) The board members shall continue in office until their respective terms of at-large election
23 expire, provided any vacancy occurring in a board member’s office before the expiration of such
24 term shall be filled until expiration by appointment by the board of a resident of the board member’s
25 zone.

26 “(4) The board shall appoint an advisory committee of seven members, including three from the
27 original territory and three from the new territory. The board shall appoint a seventh, at-large
28 member from a list of persons nominated by the advisory committee. The at-large member shall be
29 the chairperson. The advisory committee members shall be appointed, and may be reappointed, for
30 terms of three years, and the terms shall be staggered so that approximately one-third of the terms
31 of the members end each year. The board shall give deliberative consideration to all recommen-
32 dations of the advisory committee concerning policy related to district organization, educational
33 services and facilities in regard to both the original territory and the new territory.

34 “(5) Subject to ORS 294.414, members of the advisory committee shall be appointed to the com-
35 munity college district budget committee. The community college district budget committee shall
36 review and recommend budgets established and delineated by territory based on revenues and re-
37 sources available.

38 “(6) The chief administrative officer of the district shall maintain the administrative office of the
39 district in the original territory.

40 “(7) Collective bargaining shall be maintained uniformly across the original territory and new
41 territory.

42 “(8) After receiving any recommendation of the advisory committee, the board may continue one
43 or more of the provisions of subsections (1) and (3) to (7) of this section in effect for an indefinite
44 period after the expiration of the 10-year period referred to in subsection (1) of this section.

45 “(9) The original territory shall remain liable for the existing debt of the community college

1 district payable from ad valorem property taxes levied specifically for the payment of such indebt-
2 edness.

3 **“SECTION 41.** ORS 255.055 is amended to read:

4 **“255.055. Except as provided in sections 2 to 6 of this 2019 Act,** the elections officer may
5 delegate to the district elections authority at the request of the district elections authority any re-
6 sponsibility to conduct the district election, in whole or in part, if the elections officer determines
7 that:

8 **“(1)** The election will be conducted in accordance with this chapter; and

9 **“(2)** No inconvenience for electors of the district will result.

10 **“SECTION 42.** ORS 255.245 is amended to read:

11 **“255.245. Except as provided in sections 2 to 6 of this 2019 Act,** if a vacancy occurs in the
12 office of district board member after the deadline for notice in ORS 255.069 (2) and on or before the
13 62nd day before the regular district election, the Secretary of State by rule shall provide a nomi-
14 nating schedule when practicable so that candidates’ names may be printed on the regular election
15 ballot. With regard to this vacancy, requirements of publication of notice and sample ballots may
16 be waived. The rule shall require notice of the vacancy and nominating procedure to the district
17 electors by the most reasonable and expeditious means practicable under the circumstances, in-
18 cluding but not limited to single publication in a newspaper of general circulation in the district.

19 **“SECTION 43.** ORS 255.325 is amended to read:

20 **“255.325. Except as provided in sections 2 to 6 of this 2019 Act,** the Secretary of State by
21 rule shall require the districts that are not in compliance with ORS 255.335 to so comply. For this
22 purpose, the rule may require adjusting or staggering terms of board members.

23 **“SECTION 44.** ORS 255.335 is amended to read:

24 **“255.335. Except as provided in sections 2 to 6 of this 2019 Act:**

25 **“(1)** The regular district election shall be held by each district for the purpose of electing
26 members of the district board to succeed a member whose term expires the following June 30 and
27 to elect members to fill any vacancy which then may exist. The election shall be held in each such
28 district in each odd-numbered year on the third Tuesday in May.

29 **“(2)** A district shall not conduct more than one election of board members in any year.

30 **“(3)** The first regular district election in a district shall be held on the regular district election
31 date next following the year in which the first members of the district board were elected or ap-
32 pointed.

33 **“(4)** The term of a board member elected at the regular district election shall commence on the
34 first day of July next following the election and shall expire June 30 next following the regular
35 district election at which a successor is elected.

36 **“(5)** Each district board shall hold a regular organizational meeting following the regular dis-
37 trict election and not later than the last day of July of that year.

38 **“SECTION 45. (1) Sections 2 to 6 of this 2019 Act and the amendments to statutes by**
39 **sections 7 to 44 of this 2019 Act become operative on January 1, 2020.**

40 **“(2) The Secretary of State may take any action before the operative date specified in**
41 **subsection (1) of this section that is necessary for the Secretary of State to exercise, on and**
42 **after the operative date specified in subsection (1) of this section, all of the duties, functions**
43 **and powers conferred on the Secretary of State by sections 2 to 6 of this 2019 Act and the**
44 **amendments to statutes by sections 7 to 44 of this 2019 Act.**

45 **“SECTION 46. This 2019 Act takes effect on the 91st day after the date on which the 2019**

1 **regular session of the Eightieth Legislative Assembly adjourns sine die.”.**

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