

Requested by Representative HERNANDEZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 3310**

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
4 7 and insert “341.125, 341.175, 341.185, 341.326, 341.327, 341.331, 341.356,
5 341.357 and 341.577; and prescribing an effective 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
8 a part of ORS 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
11 of a qualifying district’ 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 de-
14 fined in ORS 334.003; or**

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

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

19 **“(2) ‘Polarized voting’ means voting in which there is a difference
20 in the choice of candidates or other electoral choices that are pre-
21 ferred by electors in a protected class, and in the choice of candidates**

1 or electoral choices that are preferred by electors in the rest of the
2 electorate.

3 “(3) ‘Protected class’ means a class of electors who are distin-
4 guished by race or color or are members of a language minority group,
5 as the class of electors is referenced and defined in the federal Voting
6 Rights Act of 1965 (52 U.S.C. 10301 et seq.), as amended, or its succes-
7 sors.

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

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

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

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

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

15 “(5) ‘Qualifying district election’ means the nomination and
16 election of members of the board of a qualifying district.

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

19 “(a) A qualifying district election may not be conducted in a man-
20 ner that impairs the ability of members of a protected class to have
21 an equal opportunity to elect candidates of their choice or an equal
22 opportunity to influence the outcome of an election as a result of the
23 dilution or abridgment of the rights of electors who are members of
24 that protected class; and

25 “(b) The board of a qualifying district, in consultation with the
26 county clerk that administers the electoral system of the qualifying
27 district, may authorize a change to the electoral system used by the
28 qualifying district in order to comply with sections 2 to 6 of this 2019
29 Act. Prior to authorizing a change under this paragraph, the board
30 must take into consideration any recommendations made by the

1 county clerk that administers the electoral system of the qualifying
2 district.

3 “(2) The Secretary of State shall include information regarding
4 sections 2 to 6 of this 2019 Act both in any manuals that provide a
5 summary of all election law in this state that are compiled by the
6 secretary and made publicly available on the secretary’s Internet
7 website and in any other publications the secretary considers appro-
8 priate. In addition, the secretary shall develop and make publicly
9 available on the secretary’s Internet website a guide describing:

10 “(a) The process for an elector to notify the board of a qualifying
11 district and bring an action alleging that a qualifying district’s elec-
12 toral system fails to comply with this section; and

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

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

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

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

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

27 “(a) Is an elector;

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

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

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

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

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

3 “(4) The fact that members of a protected class are not geograph-
4 ically compact or concentrated to constitute a majority in a proposed
5 or existing qualifying district may not preclude a judge from finding
6 a violation of section 3 of this 2019 Act but may be a factor in deter-
7 mining an appropriate remedy.

8 “(5) In determining whether polarized voting exists, a court shall
9 analyze qualifying district elections in which at least one candidate is
10 a member of a protected class or in which other electoral choices
11 would affect the rights and privileges of members of a protected class.
12 Elections conducted prior to the filing of an action under this section
13 are more probative to establishing the existence of polarized voting
14 than elections conducted after the filing of an action.

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

19 “(7) Factors that are probative to establishing a violation of section
20 3 of this 2019 Act, but that are not necessary to establish a violation,
21 include:

22 “(a) A history of discrimination;

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

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

27 “(d) The extent to which members of a protected class bear the ef-
28 fects of past discrimination in areas of education, employment and
29 health in a manner that hinders the ability of members of the pro-
30 tected class to participate effectively in the political process; and

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

2 “(8)(a) If a judge finds that a qualifying district has violated section
3 3 of this 2019 Act, a court may order any remedy the court determines
4 is necessary to cure the violation, including but not limited to re-
5 quiring the board of the qualifying district to adopt a new electoral
6 system that is tailored to remedy the violation, in compliance with
7 section 3 (1)(b) of this 2019 Act.

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

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

12 “(B) Shall, unless otherwise ordered by the court, apply to qualify-
13 ing district elections held after the election described in subparagraph
14 (A) of this paragraph.

15 “(9) The court shall award any individual who prevails in an action
16 brought under this section reasonable attorney fees, costs and ex-
17 penses. A qualifying district that prevails in an action brought under
18 this section is not entitled to costs or expenses and may be awarded
19 reasonable attorney fees only if a judge finds that the action was
20 brought in bad faith or for purposes of harassment.

21 “SECTION 5. (1) The board of a qualifying district that intends to
22 change the electoral system of the qualifying district in order to rem-
23 edy a potential violation of section 3 of this 2019 Act, or in order to
24 comply with a court order requiring the board of a qualifying district
25 to remedy a violation of section 3 of this 2019 Act, shall, prior to voting
26 on whether to adopt the proposed new electoral system:

27 “(a) Provide public notice to residents of the qualifying district
28 about the proposed remedy to a violation or potential violation of
29 section 3 of this 2019 Act.

30 “(b)(A) Hold at least two public hearings over a period of not more

1 than 60 calendar days in which the public is invited to provide input
2 regarding the composition of the qualifying district or the board of the
3 qualifying district. Before conducting these hearings, the board of the
4 qualifying district may conduct outreach to the public, including to
5 non-English-speaking communities, to explain the proposed electoral
6 system and encourage public participation.

7 “(B) The public hearings conducted under this paragraph must be
8 conducted before a draft map or draft maps of the proposed qualifying
9 district boundaries is drawn.

10 “(c) Make publicly available:

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

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

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

17 “(d) Hold at least two public hearings over a period of not more
18 than 60 calendar days in which the public is invited to provide input
19 regarding the content of the draft map or draft maps and, if applica-
20 ble, the proposed sequence of elections.

21 “(e)(A) Make publicly available the final version of the map or maps
22 to be voted on by the board of the qualifying district and the meth-
23 odologies used to establish the final version of the map or maps. The
24 materials described in this subparagraph must be made publicly
25 available no later than seven days before the map or maps will be
26 considered by the board of the qualifying district.

27 “(B) If a map made publicly available under subparagraph (A) of
28 this paragraph is subsequently altered, the revised map and method-
29 ologies used to establish the revised map shall be made publicly
30 available for at least seven days before the revised map will be con-

1 **sidered by the board of the qualifying district.**

2 **“(2) If the board of a qualifying district votes to change the elec-**
3 **toral system of the qualifying district under this section, the new**
4 **electoral system:**

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

7 **“(b) Shall apply to qualifying district elections held after the**
8 **election described in paragraph (a) of this subsection.**

9 **“(3) In carrying out the actions described in subsection (1) of this**
10 **section, the board of a qualifying district shall consult with the county**
11 **clerk that administers the electoral system of the qualifying district**
12 **and take into consideration any recommendations made by the county**
13 **clerk.**

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

19 **“(a) Be in writing;**

20 **“(b) Identify and provide contact information for the individual who**
21 **intends to file the action;**

22 **“(c) Identify the protected class whose members do not have an**
23 **equal opportunity to elect candidates of their choice or an equal op-**
24 **portunity to influence the outcome of an election because of alleged**
25 **vote dilution or abridgement or polarized voting; and**

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

28 **“(2) An individual who sends notice under subsection (1) of this**
29 **section may not commence an action under section 4 of this 2019 Act**
30 **to enforce compliance with section 3 of this 2019 Act within 90 days**

1 of the receipt of the notice by the board of the qualifying district.

2 “(3) Within 90 days of receiving a notice sent under subsection (1)
3 of this section, the board of a qualifying district may pass a resolution
4 outlining its intention to alter its electoral system in order to ensure
5 compliance with section 3 of this 2019 Act. A resolution passed under
6 this subsection shall set forth:

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

9 “(b) The time frame for accomplishing the steps set forth in para-
10 graph (a) of this subsection.

11 “(4) If the board of a qualifying district passes a resolution under
12 subsection (3) of this section within 90 days of receiving a notice sent
13 under subsection (1) of this section, the individual who sent the notice
14 under subsection (1) of this section may not commence an action to
15 enforce compliance with section 3 of this 2019 Act within 90 days of
16 passage of the resolution.

17 “(5)(a) If, following receipt of a notice sent under subsection (1) of
18 this section, the board of a qualifying district passes a resolution es-
19 tablishing a new electoral system in order to comply with section 3 of
20 this 2019 Act, the individual who sent the notice may make a demand
21 for reimbursement of the costs incurred by the individual in conduct-
22 ing the research necessary to file the action. A demand made under
23 this subsection must:

24 “(A) Be in writing;

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

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

29 “(b) The board of a qualifying district may request additional doc-
30 umentation if the documentation provided under paragraph (a) of this

1 subsection is insufficient for the board to corroborate the claimed
2 costs.

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

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

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

10 “(b) If more than one individual files a demand for reimbursement
11 under subsection (5) of this section, the board of a qualifying district
12 shall, within 60 days of receiving each demand:

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

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

17 “(c)(A) Except as provided in subparagraph (B) of this paragraph,
18 the total amount of moneys that the board of a qualifying district
19 shall reimburse pursuant to demands for reimbursement made under
20 subsection (5) of this section may not exceed \$30,000.

21 “(B) The total amount of moneys that the board of a qualifying
22 district shall reimburse pursuant to demands for reimbursement made
23 under subsection (5) of this section may not exceed \$5,000 if the qual-
24 ifying district is a school district, as defined in ORS 332.002, that has
25 500 or fewer students.

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

27 “249.031. (1) Except as provided in subsection (2) of this section, a nomi-
28 nating petition or declaration of candidacy shall contain:

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

1 name.

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

3 “(c) The office and department or position number, if any, for which the
4 candidate seeks nomination.

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

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

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

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

18 “(h) The signature of the candidate.

19 “(i) A statement of the candidate’s occupation, educational and occupa-
20 tional background and prior governmental experience.

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

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

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

28 “[4] (5) If required by the national rules of the major political party, the
29 declaration of a candidate for election as a precinct committeeperson shall
30 include the name of the individual the candidate supports for President of

1 the United States or ‘uncommitted’ or ‘no preference.’

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

3 “249.720. (1) A certificate of nomination shall contain:

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

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

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

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

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

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

17 “(g) The signature of the candidate.

18 “(h) A statement of the candidate’s occupation, educational and occupa-
19 tional background and prior governmental experience.

20 **“(2) The Secretary of State shall ensure that the template for a
21 certificate of nomination provides the candidate with the option to
22 provide the candidate’s race and ethnicity.**

23 “[2] (3) For certificates of nomination of candidates for electors of
24 President and Vice President of the United States, the names of the candi-
25 dates for President and Vice President the candidates represent may be added
26 to the name of the minor political party or the word ‘nonaffiliated,’ as the
27 case may be. The names of all the candidates of a minor political party, or
28 nonaffiliated candidates, for electors of President and Vice President may
29 be upon the same certificate of nomination.

30 “[3] (4) A certificate of nomination made by an assembly of electors

1 shall be signed by the presiding officer and secretary of the nominating
2 convention of the assembly. A certificate of nomination made by a minor
3 political party shall be signed by an officer of the party. An affidavit shall
4 be made on the certificate by the presiding officer and secretary of the
5 nominating convention of the assembly or by the officer of the minor poli-
6 tical party and signed and acknowledged by them before a notary public. The
7 affidavit shall be that the statements in the certificate of nomination and
8 related documents are true. With respect to an assembly of electors, the af-
9 fidavit shall state that the assembly satisfied the requirements of ORS
10 249.735.

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

12 **“255.235. Except as provided in sections 2 to 6 of this 2019 Act:**

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

15 **“(a)** A petition for nomination signed by at least 25 electors, or 10 percent
16 of the electors, residing in the election district for the office, whichever
17 number is less; or

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

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

22 **“(a)** Not later than the 61st day before the date of the district election if
23 the election is a regular district election or the first election at which
24 members of the district board are elected.

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

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

29 **“(4) The Secretary of State shall ensure that the templates for a**
30 **nominating petition or declaration of candidacy provide the candidate**

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

2 “[4] (5) In a district in which a position or zone number is assigned to
3 each office on the district board, each petition for nomination or declaration
4 of candidacy for election to the district board shall state the position or zone
5 number of the office to which the candidate seeks election.

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

8 “[6] (7) A nominee for election to the district board may withdraw the
9 nomination not later than 5 p.m. of the last day specified for filing a petition
10 or declaration under this section by filing with the elections officer a written
11 withdrawal of candidacy. The withdrawal shall be signed by the nominee and
12 state the reasons for withdrawal.

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

14 **“332.118. Except as provided in sections 2 to 6 of this 2019 Act:**

15 “(1) Unless specifically provided otherwise, ORS chapter 255 governs the
16 following:

17 “(a) The nomination and election of school directors.

18 “(b) The conduct of all school district elections.

19 “(2) ORS 249.865 to 249.877 govern the recall of school board members.

20 “(3) The Secretary of State has supervising authority over all elections
21 conducted by school districts and over elections conducted by a district
22 boundary board.

23 “(4) A petition for a proposed change or merger under ORS 330.095, a
24 remonstrance petition under ORS 330.101, a petition for zoning under ORS
25 332.128 or a petition to lengthen the course of study under ORS 335.495 may
26 not be circulated for signatures until the prospective petition has been filed
27 with the county clerk. The prospective petition must designate the names
28 and residence addresses of not more than three persons as chief petitioner.
29 The authority of the Secretary of State and the application of the election
30 laws commence when the prospective petition is filed with the county clerk.

1 The filing of the prospective petition is to be treated like a prospective pe-
2 tition for an initiative, referendum or recall. Except as otherwise provided
3 in ORS 330.080 to 330.113, ORS chapter 255 applies to the procedures appli-
4 cable to petitions described in this subsection and the elections held on the
5 petitions.

6 **“SECTION 11.** ORS 332.122 is amended to read:

7 **“332.122. (1) Except as provided in sections 2 to 6 of this 2019 Act,** in
8 common school districts and union high school districts the directors may
9 be nominated in one of the following methods or a combination thereof:

10 “(a) At large by position number by the electors of the district.

11 “(b) By zone by electors of zones, if zoning is approved by the electors
12 under ORS 332.128.

13 “(2) A person shall be nominated as a candidate for director by filing a
14 petition for nomination or a declaration of candidacy under ORS 255.235.

15 “(3) If a candidate is nominated by petition, the petition:

16 “(a) If the candidate is nominated from a zone, must be signed by the
17 electors of the zone.

18 “(b) If the candidate is nominated at large, must be signed by the electors
19 of the district.

20 **“(4) Except as provided in sections 2 to 6 of this 2019 Act,** a candidate
21 for school director must be an elector registered in the district. If the district
22 is zoned and the candidate seeks nomination from a zone, the candidate also
23 must be a resident of that zone.

24 **“SECTION 12.** ORS 332.124 is amended to read:

25 **“332.124. (1) Except as provided in sections 2 to 6 of this 2019 Act,** all
26 candidates shall be elected at large in the district unless the district school
27 board provides for election from zones under ORS 332.126.

28 “(2) In a district in which directors are elected from zones:

29 “(a) The candidate for the office of director in each zone who receives the
30 plurality of the votes shall be elected.

1 “(b) At the expiration of each director’s term of office, a successor shall
2 be elected from the same zone.

3 “(3) **Except as provided in sections 2 to 6 of this 2019 Act**, in the event
4 that no person from the same zone is nominated under ORS 332.122 as a
5 candidate for the vacant office of director by the school district election
6 filing deadline or is elected as a write-in candidate at the subsequent school
7 district election, or in the event that an office of director becomes vacant
8 at midterm, the district school board shall fill the vacancy as follows:

9 “(a) The board shall advertise the vacancy for a 20-day period in an at-
10 tempt to find an eligible resident from the same zone to fill the vacancy. If
11 one or more eligible residents declare interest in the vacant office, the school
12 district board shall appoint one of the eligible residents to fill the vacant
13 office until June 30 following the next regular school district election.

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

19 “(c) Offices filled in the manner described in paragraphs (a) and (b) of this
20 subsection shall become vacant on June 30 following the next regular school
21 district election. Nomination of candidates for vacant offices shall occur as
22 provided under ORS 332.122.

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

24 **“332.126. Except as provided in sections 2 to 6 of this 2019 Act:**

25 “(1) If a majority of the district school board of a zoned common school
26 district or a zoned union high school district so decides, the board may pro-
27 vide that directors of the district school board who are nominated from zones
28 also shall be elected from the zones from which they are nominated.

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

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

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

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

5 “332.128. (1) **Except as provided in sections 2 to 6 of this 2019 Act**, in
6 common school districts and union high school districts, directors may be
7 nominated from zones by resolution of the district school board or if the
8 question of zoning is approved by the electors of the district at the regular
9 district election as provided in this section.

10 “(2) The district school board:

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

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

14 “(3) The requirements for preparing, circulating and filing a petition un-
15 der this section are subject to ORS 332.118 and shall be as provided for an
16 initiative petition in ORS 255.135 to 255.205.

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

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

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

25 “332.132. **Except as provided in sections 2 to 6 of this 2019 Act**, if a
26 common school district or union high school district is zoned, the school
27 board of the district shall divide the district into the necessary number of
28 zones as nearly equal in population, as shown by the latest federal census,
29 as practicable, taking into account attendance areas where possible. The
30 board shall readjust zone boundaries if necessary to comply with this section,

1 upon any change in the boundaries of the district.

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

3 **“332.134. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

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

11 **“332.138. Except as provided in sections 2 to 6 of this 2019 Act,** at each
12 regular district election described in ORS 255.335, school directors shall be
13 elected for a term of four years to succeed the directors whose terms of office
14 expire on June 30 of that year. All such elections of school directors shall
15 be held as provided by ORS chapter 255.

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

17 **“334.025. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

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

29 “(4) The board of directors may by resolution increase or decrease the
30 number of members of the board. The board’s resolution shall be entered with

1 sufficient time for the board to give the required information to the elections
2 officer under ORS 255.069, and the board's resolution shall have no effect on
3 the terms of any current board members.

4 **SECTION 19.** ORS 334.032 is amended to read:

5 **"334.032. Except as provided in sections 2 to 6 of this 2019 Act:**

6 "(1) The board of directors of an education service district shall divide
7 the education service district into not more than 11 zones as nearly equal
8 in census population as may be practicable, measured along common school
9 district boundary lines except that zones may be established using voting
10 precinct boundaries in order to achieve greater equality of population. If
11 possible, the board shall establish the zones so that each county within the
12 education service district, the majority of the land area of which lies within
13 the boundaries of the education service district, has at least one member on
14 the board.

15 "(2) Each county within the education service district, the majority of the
16 land area of which lies within the boundaries of the education service dis-
17 trict, shall have at least one member on the board or shall have at least one
18 member on the budget committee of the education service district.

19 "(3) The board may readjust the boundaries of the zones once each year
20 and shall readjust the boundaries of the zones immediately upon any change
21 of the boundaries of the education service district.

22 **SECTION 20.** ORS 334.035 is amended to read:

23 **"334.035. Except as provided in sections 2 to 6 of this 2019 Act:**

24 "(1) In education service districts having a population of less than 550,000
25 according to the latest federal census, a candidate for the district board shall
26 be nominated in accordance with ORS 255.235 except as provided in this
27 section. When a candidate is nominated from a zone by a nominating peti-
28 tion, the nominating petition must be signed by electors registered in the
29 zone in which the candidate is a resident and who are qualified to vote in
30 their respective component school districts. When a candidate is nominated

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

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

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

10 **“334.045. Except as provided in sections 2 to 6 of this 2019 Act:**

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

19 “(2) The education service district shall pay the actual cost of printing
20 ballots and tally sheets for each election under this section, and the cost of
21 checking signatures on certificates of nomination, together with such
22 proportionate part of the general expenses of such election as provided in
23 ORS 255.305.

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

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

27 **“334.090. Except as provided in sections 2 to 6 of this 2019 Act:**

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

30 “(2) The term of office of each director of an education service district

1 shall begin on July 1 next following the date of election. A director shall
2 serve until June 30 next following the election of a successor.

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

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

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

11 “(6) No employee of an education service district is eligible to serve as
12 a director of the education service district by which the employee is em-
13 ployed.

14 “(7) A regular district election shall be held in a district to fill any va-
15 cancy and to elect a successor for any director whose term expires June 30
16 next following the election. A successor shall be elected as follows:

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

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

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

26 “(9) Any vacancy on the board from any zone shall be filled by the re-
27 maining directors from among the qualified persons in that zone. Any such
28 vacancy from the district at large shall be filled by the remaining directors
29 from among the qualified persons in the district. However, if vacancies occur
30 in a majority of the positions on the board, the State Board of Education

1 shall fill the vacancies from among the qualified persons of the zones, if any,
2 or from among other persons who are qualified to serve. The period of ser-
3 vice of an appointee under this subsection expires June 30 next following the
4 next regular district election at which a successor is elected. The successor
5 shall be elected to serve the remainder, if any, of the term for which the
6 appointment was made. If the term for which the appointment was made ex-
7 pires June 30 after the election of the successor, the successor shall be
8 elected to a full term. In either case, the successor shall take office July 1
9 next following the election.

10 **SECTION 23.** ORS 334.095 is amended to read:

11 **“334.095. Except as provided in sections 2 to 6 of this 2019 Act:**

12 **“(1) The education service district board shall declare the office of a di-**
13 **rector vacant when the incumbent:**

14 **“(a) Dies or resigns;**

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

17 **“(c) Ceases to be a resident of a school district that is located within the**
18 **territory of the education service district;**

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

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

24 **“(f) Is recalled.**

25 **“(2) The education service district board may not declare the office of a**
26 **director vacant if the director is a resident of a school district that with-**
27 **draws from the education service district as provided 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**
30 **reason described in subsection (1) of this section.**

1 “(3) A director nominated from a zone who changes permanent residence
2 from one zone to another zone in which another director resides shall con-
3 tinue to serve as director until the next regular election when a successor
4 shall be elected to serve for the remainder of the unexpired term.

5 “(4) A director guilty of misfeasance or malfeasance in office, by the ap-
6 propriate proceeding, may be removed from office by a court of competent
7 jurisdiction.

8 “(5) Members may be recalled in the manner provided in ORS 249.865 to
9 249.877. If the member was elected by a zone, the recall petition shall be
10 signed by electors from that zone and electors from the zone are the only
11 electors eligible to vote in the recall election. If the member was elected at
12 large, the recall petition shall be signed by electors from the district and
13 electors from the district are eligible to vote in the recall election.

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

15 **“341.326. Except as provided in sections 2 to 6 of this 2019 Act:**

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

19 “(2) A person shall be qualified to be a candidate for election to the board
20 if the person is an elector who resides in the district. If the district is zoned
21 and the position sought is one elected or nominated by zone, the person also
22 must reside in the zone from which the person is nominated.

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

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

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

28 **“341.327. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

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

4 “(2) Candidates for election from zones shall be nominated by electors of
5 the zones. Candidates for election at large may be nominated by electors of
6 zones or by electors of the district, as determined under subsection (3) of this
7 section.

8 “(3) Where the method selected under subsection (2) of this section in-
9 cludes a combination of nomination of candidates from and by zones and of
10 nomination of candidates at large, the number of candidates to be nominated
11 in each manner shall be specified in the petition submitted under ORS
12 341.025 or under ORS 341.331.

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

14 **“341.331. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

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

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

28 “(b) Notwithstanding ORS 250.035, the statement summarizing the meas-
29 ure and its major effect in the ballot title shall not exceed 150 words. The
30 statement:

1 “(A) Shall specify the method of nomination and election of board mem-
2 bers from among the methods described in ORS 341.327. The statement also
3 shall specify whether, in filling each position on the board, an elector of the
4 district may sign a petition of nomination or vote for a candidate from any
5 zone or only for a candidate from the zone in which the elector resides.

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

8 “(c) The order calling the election shall contain a map and a metes and
9 bounds or legal description of the proposed zone boundaries. The map and
10 description shall be prepared by the county surveyor or county assessor and
11 shall reflect any adjustment made in the boundaries under subsection (6) of
12 this section.

13 “(4) The map to be contained in the petition under subsection (3) of this
14 section shall be prepared by the county surveyor or county assessor. The
15 chief petitioners shall pay the county for the cost of preparing the map, as
16 determined by the county surveyor or county assessor. The county clerk shall
17 not accept the prospective petition for filing until the chief petitioners have
18 paid the amount due.

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

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

26 “(7) If the electors of the district approve the establishment of zones or
27 a change in the number of existing zones, board members shall continue to
28 serve until their terms of office expire. As vacancies occur, positions to be
29 filled by nomination or election by zone shall be filled by persons who reside
30 within zones which are not represented on the board. If more than one zone

1 is not represented on the board when a vacancy occurs, the zone entitled to
2 elect a board member shall be decided by lot.

3 **SECTION 27.** ORS 341.356 is amended to read:

4 **“341.356. Except as provided in sections 2 to 6 of this 2019 Act:**

5 **“(1)** ORS chapter 255 governs the following:

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

7 **“(b)** The conduct of district elections.

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

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

12 **SECTION 28.** ORS 341.357 is amended to read:

13 **“341.357. (1)** Except as provided by ORS chapter 255 and ORS 294.448
14 (Local Budget Law) and 341.670 **and sections 2 to 6 of this 2019 Act**, notice
15 of community college district organization and merger, community college
16 district budgets and community college district purchasing shall be given
17 only as provided in this section.

18 **“(2)** Whenever notice is required, the board shall cause the notice to be
19 published in one or more of the newspapers published in the district and
20 having a general circulation in the district. If no newspaper is published in
21 the district, the notice shall be published in some newspaper designated by
22 the board and having circulation throughout the district. The notice shall
23 be published in at least two issues of each designated newspaper.

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

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

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

30 **“332.012. (1) Except as provided in sections 2 to 6 of this 2019 Act, a**

1 district school board may increase the number of board members from five
2 members to seven members on its own motion, or the district school board:

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

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

6 “(2) Subject to ORS 332.118, a petition filed under this section shall be
7 prepared, circulated and filed as provided for an initiative petition in ORS
8 255.135 to 255.205.

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

10 **“332.018. Except as provided in sections 2 to 6 of this 2019 Act:**

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

12 “(2) No person shall be eligible to serve as director unless the person is
13 an elector of the district and has resided therein for the period of one year
14 immediately preceding the election or appointment.

15 “(3) No director shall receive any compensation for services as director
16 other than reimbursement for reasonable and necessary expenses actually
17 incurred on school business.

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

19 **“332.030. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

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

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

28 “(d) When an incumbent ceases to discharge the duties of office for two
29 consecutive months unless prevented therefrom by sickness or other una-
30 voidable cause.

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

3 “(f) When an incumbent is recalled.

4 “(2) A director of a union high school board who changes the director’s
5 permanent residence from one component common school district to another
6 component common school district in which another director resides shall
7 continue to serve as director to June 30 next following the next regular
8 district election. At that election, a successor shall be elected to serve the
9 remainder, if any, of the unexpired term to which the director was elected.
10 If the term to which the director was elected expires June 30 next following
11 the election of the successor, the successor shall be elected to a full term.
12 In either case, the successor shall take office July 1 next following the
13 election.

14 “(3) A director of a common school district nominated from a zone who
15 changes the director’s permanent residence from one zone to another zone
16 in which another director resides shall continue to serve as director to June
17 30 next following the next regular district election. At that election, a suc-
18 cessor shall be elected to serve the remainder, if any, of the unexpired term
19 to which the director was elected. If the term to which the director was
20 elected expires June 30 next following the election of the successor, the
21 successor shall be elected to a full term. In either case, the successor shall
22 take office July 1 next following the election.

23 “(4) When a vacancy is declared under subsection (1)(a), (b) or (d) to (f)
24 of this section, the remaining member or members of the board shall meet
25 and appoint a person to fill the vacancy. The person must satisfy the eligi-
26 bility requirements under ORS 332.018 and, if the district is zoned, reside in
27 the zone in which the vacancy occurs. A director appointed under this sub-
28 section shall serve to June 30 next following the next regular district
29 election. At that election, a successor shall be elected to serve the remainder,
30 if any, of the unexpired term to which the director was appointed. If the term

1 to which the director was appointed expires June 30 next following the
2 election of the successor, the successor shall be elected to a full term. In any
3 case, the successor shall take office July 1 next following the election.

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

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

20 “334.690. (1) **Except as provided in sections 2 to 6 of this 2019 Act,** the
21 State Board of Education shall constitute the boundary board for education
22 service districts. In examining any proposal to reorganize education service
23 districts, the state board shall consider whether the proposed district would
24 have the following characteristics:

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

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

29 “(c) Boundaries that reflect the area’s sense of community, and take into
30 account topography, climate and highway patterns so that there is reason-

1 able access to all areas within the region;

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

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

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

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

10 **“334.710. Except as provided in sections 2 to 6 of this 2019 Act:**

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

14 “(a) Resolutions are presented to each of the education service district
15 boards by the boards of the component school districts that represent two-
16 thirds of the component school districts that are a part of each of the edu-
17 cation service districts and that have at least a majority of the pupils
18 included in the average daily membership of the education service district,
19 as determined by the reports of such school districts for the preceding school
20 year, enrolled in the schools of the districts; or

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

23 “(2) The State Board of Education shall review the petitions and within
24 15 days after the board meeting at which the petitions are reviewed, shall
25 notify the education service district boards of each district designated by the
26 petitions, fix the date of and be responsible for supervising the giving of
27 notices as provided in ORS 330.400 and conducting the public hearings in
28 each proposing district to discuss the proposal contained in the petitions.

29 **“SECTION 34.** ORS 334.730 is amended to read:

30 **“334.730. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

17 **“SECTION 35.** ORS 334.740 is amended to read:

18 “334.740. **Except as provided in sections 2 to 6 of this 2019 Act,** the
19 nomination of a candidate to serve as a director of the new education service
20 district from a zone, when made by a petition, shall be signed by electors
21 registered in the zone in which the candidate is a resident. The nomination
22 of a candidate to serve as a director of the new education service district
23 at large, when made by a petition, shall be signed by electors of the district.
24 A candidate must be qualified to vote in the election in which the individual
25 is a candidate and must be qualified to hold office as a director of an edu-
26 cation service district.

27 **“SECTION 36.** ORS 334.750 is amended to read:

28 “334.750. **Except as provided in sections 2 to 6 of this 2019 Act:**

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

1 “(2) The minority of directors of the new education service district shall
2 serve terms expiring June 30 next following the first regular district election
3 and the majority of directors shall serve terms expiring June 30 next fol-
4 lowing the second regular district election.

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

7 “(4) Notwithstanding any other provisions of law, the term of office of
8 boards of directors of preexisting education service districts shall terminate
9 on the date in which the new education service district comes into existence
10 and its new board of directors qualifies to hold office.

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

12 **“341.125. Except as provided in sections 2 to 6 of this 2019 Act:**

13 “(1) The first board of education of a district shall be elected at the same
14 election as the election at which votes are cast for the formation of the
15 district. Nominations for the board of education positions to be filled by
16 nomination and election at-large shall be made by petition requesting that
17 such person’s name be placed on the ballot and signed with the signatures
18 of at least 50 electors registered in the proposed district. If the district has
19 been zoned and the position is to be filled by nomination or election by zone,
20 the petition shall be signed by at least 25 electors registered in the zone. The
21 petition shall be presented to the Higher Education Coordinating Commis-
22 sion at least 70 days prior to the election. Upon receipt of petitions that
23 comply with applicable law, the commission shall cause the names of the
24 nominees to be placed upon the ballot.

25 “(2) Seven members shall be elected to the first board, to serve terms of
26 four and two years respectively in accordance with the number of votes each
27 receives with the three members receiving the largest number of votes serv-
28 ing the four-year terms. The terms of office of the members of the first board
29 shall be computed from the date of June 30 subsequent to the date of their
30 election, but the members shall take office immediately following the

1 election. If for any reason a district is not formed, the election of board
2 members for that proposed district is void.

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

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

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

12 “341.175. **Except as provided in sections 2 to 6 of this 2019 Act,** the
13 board shall adjust the boundaries of zones established within a district as
14 necessary to make them as nearly equal in population as is feasible accord-
15 ing to the latest federal census. The board also shall adjust boundaries of
16 zones as necessary to reflect boundary changes of the district.

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

18 “341.185. **Except as provided in sections 2 to 6 of this 2019 Act,** any
19 elector of a district aggrieved by the adjustment of or failure to adjust
20 boundaries of a zone pursuant to ORS 341.175 on the basis that population
21 is not as nearly equal as is feasible is entitled to appear before the board
22 at a public hearing to present the case. If the board refuses to make the re-
23 quested adjustment in the boundaries, the aggrieved elector may appeal from
24 the decision of the board to the circuit court. The appeal shall be by writ
25 of review.

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

27 “341.577. **Except as provided in sections 2 to 6 of this 2019 Act:**

28 “(1) Notwithstanding any other provision of this chapter, when the new
29 territory annexed to an existing community college district is greater in
30 population than the original territory, based upon the latest federal census,

1 the provisions of this section shall govern the community college district for
2 a period of not less than 10 years after the effective date of the boundary
3 change.

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

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

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

15 “(c) No later than June 30, two zones for the original territory shall be
16 established by the commission before the election of the first director to ei-
17 ther zone as provided in this subsection.

18 “(d) Zones shall be established with the boundaries exclusively within the
19 original territory or exclusively within the new territory, and with the zones
20 as nearly equal in population as is feasible according to the latest federal
21 census.

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

24 “(f) The four-year terms of office pertaining to the five numbered zones
25 of the original territory shall continue until the regularly scheduled June
26 30 termination date of each expires. A board member shall be nominated and
27 elected in the same numbered zone in the new territory at the regular dis-
28 trict election immediately preceding the June 30 date, and the director from
29 that zone shall take office on the July 1 following the date of election.

30 “(g) Board members nominated and elected to office by zone in the ori-

1 ginal territory, and any person elected or appointed to fill any vacancy in
2 such office, shall continue to hold office until the expiration of the board
3 member's term.

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

7 “(B) At that time, the directors in office in the two at-large board posi-
8 tions in the original territory shall each be assigned that zone in which each
9 resides, if both reside in separate zones.

10 “(C) If the two directors reside in the same zone, then that director
11 elected by the greater number of votes between the two directors at large
12 shall hold the board position for the territory of the zone in which the di-
13 rector resided at the date of election, and the other director shall hold the
14 board position of the other zone.

15 “(D) The board members shall continue in office until their respective
16 terms of at-large election expire, provided any vacancy occurring in a board
17 member's office before the expiration of such term shall be filled until expi-
18 ration by appointment by the board of a resident of the board member's zone.

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

30 “(5) Subject to ORS 294.414, members of the advisory committee shall be

1 appointed to the community college district budget committee. The commu-
2 nity college district budget committee shall review and recommend budgets
3 established and delineated by territory based on revenues and resources
4 available.

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

7 “(7) Collective bargaining shall be maintained uniformly across the ori-
8 ginal territory and new territory.

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

13 “(9) The original territory shall remain liable for the existing debt of the
14 community college district payable from ad valorem property taxes levied
15 specifically for the payment of such indebtedness.

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

17 “255.055. **Except as provided in sections 2 to 6 of this 2019 Act,** the
18 elections officer may delegate to the district elections authority at the re-
19 quest of the district elections authority any responsibility to conduct the
20 district election, in whole or in part, if the elections officer determines that:

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

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

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

24 “255.245. **Except as provided in sections 2 to 6 of this 2019 Act,** if a
25 vacancy occurs in the office of district board member after the deadline for
26 notice in ORS 255.069 (2) and on or before the 62nd day before the regular
27 district election, the Secretary of State by rule shall provide a nominating
28 schedule when practicable so that candidates’ names may be printed on the
29 regular election ballot. With regard to this vacancy, requirements of publi-
30 cation of notice and sample ballots may be waived. The rule shall require

1 notice of the vacancy and nominating procedure to the district electors by
2 the most reasonable and expeditious means practicable under the circum-
3 stances, including but not limited to single publication in a newspaper of
4 general circulation in the district.

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

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

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

11 **“255.335. Except as provided in sections 2 to 6 of this 2019 Act:**

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

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

19 **“(3)** The first regular district election in a district shall be held on the
20 regular district election date next following the year in which the first
21 members of the district board were elected or appointed.

22 **“(4)** The term of a board member elected at the regular district election
23 shall commence on the first day of July next following the election and shall
24 expire June 30 next following the regular district election at which a suc-
25 cessor is elected.

26 **“(5)** Each district board shall hold a regular organizational meeting fol-
27 lowing the regular district election and not later than the last day of July
28 of that year.

29 **“SECTION 45. (1) Sections 2 to 6 of this 2019 Act and the amend-**
30 **ments to statutes by sections 7 to 44 of this 2019 Act become operative**

1 on January 1, 2020.

2 “(2) The Secretary of State may take any action before the opera-
3 tive date specified in subsection (1) of this section that is necessary for
4 the Secretary of State to exercise, on and after the operative date
5 specified in subsection (1) of this section, all of the duties, functions
6 and powers conferred on the Secretary of State by sections 2 to 6 of
7 this 2019 Act and the amendments to statutes by sections 7 to 44 of this
8 2019 Act.

9 “SECTION 46. This 2019 Act takes effect on the 91st day after the
10 date on which the 2019 regular session of the Eightieth Legislative
11 Assembly adjourns sine die.”.

12
