

Senate Bill 374

Sponsored by Senator BOQUIST (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires all material facts provided as part of candidate's statement for voters' pamphlet to be true. Punishes knowingly providing false statements as part of candidate's statement by maximum of five years' imprisonment, \$125,000 fine, or both.

Replaces explanatory statement committee for statewide ballot measures with proponent committee and opponent committee that must be formed for each statewide ballot measure. Designates processes and composition for committees.

Requires Citizens' Initiative Review Commission to form committee for each statewide ballot measure.

Replaces ability of person supporting or opposing statewide ballot measure to pay \$1,200 to submit statement or argument to voters' pamphlet with ability of person to pay \$100 to be included in list of persons supporting or opposing statewide ballot measure. Prohibits political committees and petition committees from being included in lists.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 250.137, 250.139, 250.141, 251.046, 251.049, 251.085, 251.125,
3 251.145, 251.185, 251.205, 251.215, 251.245, 251.255 and 251.295; and repealing ORS 251.225,
4 251.230, 251.235, 251.260 and 251.265.

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

6 **SECTION 1.** ORS 251.085 is amended to read:

7 251.085. (1) The candidate's statement shall begin with a summary of the following: Occupation,
8 educational and occupational background, and prior governmental experience.

9 (2) **The candidate's statement shall, in a manner prescribed by the Secretary of State by**
10 **rule, contain a signature of the candidate stating that all material facts provided as part of**
11 **the candidate's statement are accurate.**

12 (3) **Knowingly providing false statements of material fact within the candidate's state-**
13 **ment is a violation of ORS 260.715 (1).**

14 **SECTION 2.** ORS 251.205 is amended to read:

15 251.205. [(1) *As used in this section, "proponents" means:*]

16 [(a) *With respect to any state measure initiated or referred by petition, the chief petitioners; or]*

17 [(b) *With respect to a measure referred by the Legislative Assembly, the President of the Senate,*
18 *who shall appoint a Senator, and the Speaker of the House of Representatives, who shall appoint a*
19 *Representative.*]

20 [(2)] (1)(a) For each state measure to be submitted to the people at a special election held on
21 the date of a primary election or any general election, a **proponent committee and an opponent**
22 **committee** [*of five citizens*] shall be selected to prepare **arguments for and against the measure**
23 [*the explanatory statement*] under ORS 251.215.

24 (b) **The proponent committee shall prepare an argument in favor of the measure. Not**
25 **later than the 120th day before the election, the following members of the proponent com-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **mittee shall be appointed:**

2 (A) **One Senator appointed by the President of the Senate;**

3 (B) **One Senator appointed by the Senate Minority Leader;**

4 (C) **One Representative appointed by the Speaker of the House of Representatives;**

5 (D) **One Representative appointed by the House Minority Leader; and**

6 (E) **One member appointed by the third largest political party in this state.**

7 (c) **The opponent committee shall prepare an argument against the measure. Not later**
8 **than the 120th day before the election, the following members of the opponent committee**
9 **shall be appointed:**

10 (A) **One Senator appointed by the President of the Senate;**

11 (B) **One Senator appointed by the Senate Minority Leader;**

12 (C) **One Representative appointed by the Speaker of the House of Representatives;**

13 (D) **One Representative appointed by the House Minority Leader; and**

14 (E) **One member appointed by the third largest political party in this state.**

15 (d) **In addition to the members appointed under paragraphs (b) and (c) of this subsection,**
16 **not later than the 120th day before the election:**

17 (A) **For each state measure initiated by petition, the chief petitioners shall appoint one**
18 **member of the proponent committee; and**

19 (B) **For each state measure referred by petition, the chief petitioners shall appoint one**
20 **member of the opponent committee;**

21 (2) **Not later than the 118th day before the election, the Secretary of State shall:**

22 (a) **Appoint two members of the proponent committee from among electors who have**
23 **identified themselves to the secretary, in a manner prescribed by the secretary by rule, as**
24 **supporters of the measure; and**

25 (b) **Appoint two members of the opponent committee from among electors who have**
26 **identified themselves to the secretary, in a manner prescribed by the secretary by rule, as**
27 **opponents of the measure.**

28 [(3) *Not later than the 120th day before the election, the proponents of the measure shall appoint*
29 *two members to the committee and notify the Secretary of State in writing of the selections. If the pro-*
30 *ponents do not appoint two members, the Secretary of State shall appoint two members of the committee*
31 *from among supporters, if any, of the measure not later than the 118th day before the election.]*

32 [(4) *Not later than the 118th day before the election, the Secretary of State shall appoint two*
33 *members of the committee from among the opponents, if any, of the measure.]*

34 [(5) *The four appointed members of the committee shall select the fifth member and notify the Sec-*
35 *retary of State in writing of the selection. If the four members have not selected the fifth member by the*
36 *111th day before the election, the fifth member shall be appointed by the Secretary of State not later*
37 *than the 109th day before the election.]*

38 [(6)] (3) **A vacancy shall be filled not later than two business days after the vacancy occurs by**
39 **the person who made the original appointment. Unless the Secretary of State fills a vacancy, the**
40 **person filling the vacancy shall notify the secretary [of State] in writing of the selection.**

41 [(7)] (4) **[With respect to a measure referred by the Legislative Assembly,] A Senator or Repre-**
42 **sentative appointed under subsection (1) of this section may disclose whether the Senator or Rep-**
43 **resentative supports or opposes the state measure. The Secretary of State shall print the disclosure**
44 **in the voters' pamphlet following the arguments of the proponent committee and opponent**
45 **committee [explanatory statement].**

1 [(8)] (5) The Legislative Policy and Research Committee shall provide any administrative staff
 2 assistance required by the [*explanatory statement*] **proponent committee and opponent** committee
 3 to facilitate the work of the [*explanatory statement committee*] **committees** under this section or ORS
 4 251.215.

5 [(9)] (6) For purposes of this section, “measure” includes an initiative petition relating to a state
 6 measure that has been filed with the Secretary of State for the purpose of verifying signatures under
 7 ORS 250.105. The requirements of this section shall not apply to the petition if the secretary deter-
 8 mines that the petition contains less than the required number of signatures of electors.

9 **SECTION 3.** ORS 251.215 is amended to read:

10 251.215. (1) Not later than the 99th day before a special election held on the date of a primary
 11 election or any general election at which any state measure is to be submitted to the people[,]:

12 (a) The **proponent** committee appointed under ORS 251.205 shall prepare and electronically file
 13 with the Secretary of State[,] an [*impartial, simple and understandable statement explaining*] **argu-**
 14 **ment in favor of** the measure. The statement [*shall*] **may** not exceed 500 words **and must be based**
 15 **on an accurate understanding of the effect of the measure.**

16 (b) The **opponent committee appointed under ORS 251.205 shall prepare and electronically**
 17 **file with the Secretary of State an argument against the measure. The statement may not**
 18 **exceed 500 words and must be based on an accurate understanding of the effect of the**
 19 **measure.**

20 (2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing
 21 in Salem upon reasonable statewide notice to receive [*suggested changes or other information relating*
 22 *to any explanatory statement*] **comments on the arguments in favor of or against the measure,**
 23 **including allegations that an argument incorrectly interprets the effects of a measure.** At the
 24 hearing any person may submit suggested changes or other information orally or in writing. Written
 25 suggestions or other information also may be submitted at any time before the hearing.

26 (3) The **proponent committee and opponent** committee for each measure shall consider sug-
 27 gestions and any other information submitted under subsection (2) of this section, and may file a
 28 revised statement **and a rebuttal to the argument of the opposing side** with the Secretary of
 29 State not later than the 90th day before the election. **A rebuttal filed under this subsection may**
 30 **not exceed 250 words.**

31 (4) The original statement, **the rebuttal** and any revised statement must be approved by at least
 32 three members of the committee. If a member does not concur, the statement shall show only that
 33 the member dissents.

34 (5) For purposes of this section, “measure” includes an initiative petition relating to a state
 35 measure that has been filed with the Secretary of State for the purpose of verifying signatures under
 36 ORS 250.105. The requirements of this section shall not apply to the petition if the secretary deter-
 37 mines that the petition contains less than the required number of signatures of electors.

38 **SECTION 4.** ORS 250.137 is amended to read:

39 250.137. (1) The Citizens’ Initiative Review Commission is established as a semi-independent
 40 state agency subject to ORS 182.456 to 182.472. The commission shall consist of 11 members. The
 41 members shall be appointed in the following manner:

42 (a) The Governor shall appoint three members [*who have at some time been selected by the four*
 43 *appointed members of an explanatory statement committee under ORS 251.205 (5) to prepare an ex-*
 44 *planatory statement,*] as follows:

45 (A) One member recommended by the leadership of the Democratic party in the Senate and one

1 member recommended by the leadership of the Republican party in the Senate.

2 (B) Except as provided in subparagraph (C) of this paragraph, one member recommended by the
3 leadership of the political party with the largest representation in the Senate that is not the same
4 party as the Governor.

5 (C) If more than two political parties are represented in the Senate, one member recommended
6 by the leadership of a third political party with the largest representation in the Senate.

7 (b) Two former moderators shall be appointed as members as described in ORS 250.143.

8 (c) Six electors who have served on a citizen panel shall be appointed as members as described
9 in ORS 250.143.

10 (2) The term of office of a member of the commission is four years, with the terms of no more
11 than six members expiring every two years. Vacancies shall be filled by the Governor for the un-
12 expired term, consistent with subsection (1) of this section.

13 (3) The commission shall:

14 (a) Ensure that the citizen panels are convened to review initiated measures in a fair and im-
15 partial manner.

16 (b) Adopt rules necessary to carry out the commission's duties under ORS 250.137 to 250.149.

17 **SECTION 5.** ORS 250.139 is amended to read:

18 250.139. (1) The Citizens' Initiative Review Commission shall [*select one or more state measures*
19 *proposed by initiative petition to be voted on at a general election and*] convene a separate citizen
20 panel to review each [*selected*] **state measure to be voted on at a general election or special**
21 **election held on the date of the primary election.**

22 [(2) *In selecting a measure to be reviewed by a citizen panel, the commission shall consider the*
23 *following criteria:*]

24 [(a) *The fiscal impact of a measure.*]

25 [(b) *Whether the measure amends the Oregon Constitution.*]

26 [(c) *The availability of funds to conduct reviews.*]

27 [(d) *Any other criteria established by the commission by rule.*]

28 [(3)] (2) Each citizen panel shall evaluate and write statements for the measure considered by
29 the panel.

30 [(4)(a)] (3)(a) The commission shall select citizens for each panel from a representative sample
31 of anonymous electors, using survey sampling methods that, to the extent practicable, give every
32 elector a similar chance of being selected. Each citizen panel shall consist of not fewer than 18 and
33 not more than 24 electors.

34 (b) The commission shall ensure, to the extent practicable and legally permissible, that the de-
35 mographic makeup of each panel fairly reflects the population of the electorate of this state as a
36 whole, with respect to the following characteristics, prioritized in the following order:

37 (A) The location of the elector's residence.

38 (B) The elector's party affiliation, if any.

39 (C) The elector's voting history.

40 (D) The elector's age.

41 (c) In addition to the criteria described in paragraph (b) of this subsection, the commission may
42 also consider:

43 (A) The elector's gender.

44 (B) The elector's ethnicity.

45 (C) Any other criteria.

1 [(5)] (4) The commission shall, from moneys in the account established under ORS 182.470:

2 (a) Compensate each elector for each day served on a panel in an amount established by the
3 commission by rule;

4 (b) Reimburse each elector who serves on a panel for travel expenses in accordance with re-
5 imbursement policies determined by the commission by rule;

6 (c) Provide for costs required to convene and conduct a citizen panel; and

7 (d) Transfer to the Secretary of State all moneys necessary to pay the costs of printing any
8 statements described in ORS 250.141 in the voters' pamphlet.

9 [(6)(a)] (5)(a) Each panel shall meet to review the measure on not fewer than three and not more
10 than five consecutive days for a total of not less than 24 hours unless otherwise provided by com-
11 mission rule.

12 (b) Each panel shall conduct public hearings at which the panel shall receive testimony or other
13 information from both proponents and opponents of the measure. Unless otherwise determined by a
14 majority of the panelists, equal time shall be allotted to proponents and opponents of a measure.

15 (c) The chief petitioners of the measure shall designate two persons to provide information in
16 favor of the measure to the citizen panel. If the chief petitioners fail to timely designate two persons
17 to appear before the panel, the commission may designate two persons who support the measure to
18 provide information in favor of the measure.

19 (d) The commission shall designate two persons who oppose the measure to provide information
20 in opposition to the measure.

21 (e) The commission, by rule, may specify additional criteria regarding the public hearings.

22 [(7)] (6) The commission shall provide each panel with any complaints regarding the panel not
23 later than the third day the panel convenes.

24 [(8)] (7) The commission shall, by rule, establish qualifications for moderators for each citizen
25 panel. A moderator must have experience in mediation and shall complete a training course estab-
26 lished by the commission.

27 [(9)] (8) The commission shall contract with two moderators for each panel and shall compensate
28 each moderator for service.

29 **SECTION 6.** ORS 250.141 is amended to read:

30 250.141. (1) Not later than the date set by the Secretary of State by rule, each citizen panel shall
31 prepare and file with the secretary any of the following statements of not more than 250 words each:

32 (a) A statement in favor of the measure.

33 (b) A statement opposed to the measure.

34 (c) A statement that "No panelist took this position." if a panel is unanimous in either sup-
35 porting or opposing a measure.

36 (d) A statement of key findings that summarizes the citizen panel's findings in an impartial
37 manner and may include a tally of how many panelists agreed with the key findings.

38 (e) A statement of additional policy considerations that describes the subject matter of or any
39 fiscal considerations related to the measure. A statement submitted under this paragraph must be
40 supported by at least three-quarters of the panelists.

41 (2)(a) Before a statement is filed with the Secretary of State under subsection (1) of this section:

42 (A) A person designated under ORS 250.139 [(6)(c)] (5)(c) shall be allowed to review the state-
43 ment in favor of the measure by the citizen panel and provide feedback to the panel regarding the
44 statement.

45 (B) A person designated under ORS 250.139 [(6)(d)] (5)(d) shall be allowed to review the state-

1 ment opposed to the measure by the citizen panel and provide feedback to the panel regarding the
2 statement.

3 (C) A person designated under ORS 250.139 [(6)(c)] (5)(c) or (d) shall be allowed to review the
4 statement of key findings by the citizen panel and provide feedback to the panel regarding the
5 statement.

6 (b) A citizen panel may adjust any statement after receiving feedback as described in this sub-
7 section.

8 (3) The secretary shall prescribe the size and manner of placement of the statements submitted
9 by a citizen panel to be printed in the voters' pamphlet, except that the statements shall be clearly
10 differentiated from other arguments or statements in the voters' pamphlet and may include, but are
11 not limited to, the use of unique formatting and informative symbols.

12 (4) The secretary shall provide with any citizen panel statement a description of not more than
13 150 words of the citizen panel process described in ORS 250.137 to 250.149 and the following expla-
14 nation:

15
16
17 The opinions expressed in this statement are those of the members of a citizen panel and were
18 developed through the citizen review process. They are NOT official opinions or positions endorsed
19 by the State of Oregon or any government agency. A citizen panel is not a judge of the
20 constitutionality or legality of any ballot measure, and any statements about such matters are not
21 binding on a court of law.

22
23
24 (5) A statement described in subsection (1) of this section must be filed using the electronic fil-
25 ing system adopted by the Secretary of State under ORS 251.014.

26 (6) The secretary, by rule, shall set a date by which statements must be filed under this section.
27 The date may not be sooner than the 70th day before the date of the election.

28 **SECTION 7.** ORS 251.255 is amended to read:

29 251.255. (1)(a) Not sooner than the 120th day and not later than the 70th day before a general
30 election or the 68th day before a special election held on the date of any primary election at which
31 a state measure is to be voted upon, any *[person]* **individual or organization that is registered**
32 **to operate in this state** may file with the Secretary of State **a request to be included on a list**
33 **of persons** *[an argument]* supporting or opposing the measure.

34 **(b) A political committee or petition committee may not submit a request or be included**
35 **on any list established under this section.**

36 (2)(a) A person filing *[an argument]* **a request** under this section shall pay a fee of ~~[\$1,200]~~ **\$100**
37 to the Secretary of State when the *[argument]* **request** is filed *[or may submit a petition in a form*
38 *prescribed by the Secretary of State containing the signatures of 500 active electors. Each person*
39 *signing the petition shall subscribe to a statement that the person has read and agrees with the argu-*
40 *ment].*

41 *[(b) The signatures on each petition shall be verified by the county clerk or the Secretary of*
42 *State.]*

43 *[(c) The Secretary of State by rule shall establish procedures for verifying whether a petition sub-*
44 *mitted under this subsection contains the required number of signatures of active electors.]*

45 *[(3) An argument filed under this section must be filed using the electronic filing system adopted*

1 by the Secretary of State under ORS 251.014.]

2 [(4)] (3) The Secretary of State by rule shall establish the size, **design and placement in the**
 3 **voters' pamphlet of lists of persons supporting and opposing a measure that are created**
 4 **under this section** [length of arguments permitted under ORS 251.245 and this section, except that
 5 the length of an argument may not exceed 325 words. The size and length limitations shall be the same
 6 for arguments submitted under ORS 251.245 or this section].

7 **SECTION 8.** ORS 251.185 is amended to read:

8 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general
 9 election or any special election a copy of the title and text of each state measure to be submitted
 10 to the people at the election for which the pamphlet was prepared. The pamphlet must include the
 11 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet
 12 with:

13 (a) The number and ballot title of the measure;

14 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;

15 [(c) The explanatory statement prepared for the measure;]

16 [(d) Arguments relating to the measure and filed with the Secretary of State;]

17 (c) **The argument in favor of the measure and the argument against the measure pre-**
 18 **pared for the measure under ORS 251.215;**

19 (d) **The lists of persons supporting or opposing the measure that are created by the**
 20 **Secretary of State under ORS 251.255;**

21 (e) Any racial and ethnic impact statement prepared for the measure under ORS 137.685; and

22 (f) [Any] **The** statement submitted for the measure by a citizen panel under ORS 250.141.

23 (2) A community college district measure relating to bonding, a county measure or a measure
 24 of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory
 25 statement and arguments relating to the measure, filed by the county, metropolitan service district
 26 or community college district under ORS 251.285 shall be included in the voters' pamphlet described
 27 in subsection (1) of this section if required under ORS 251.067.

28 (3) As used in this section, "community college district" has the meaning given that term in ORS
 29 341.005.

30 **SECTION 9.** ORS 251.245 is amended to read:

31 251.245. (1) For any measure referred to the electors by the Legislative Assembly, an argument
 32 prepared by the Legislative Assembly in support of the measure may be printed in the voters' pam-
 33 phlet. [The size and length of an argument under this section shall be determined as specified in ORS
 34 251.255.] **The Secretary of State by rule shall establish the size and length of arguments**
 35 **permitted under this section, except that the length of an argument may not exceed 325**
 36 **words.**

37 (2) A joint committee consisting of one Senator, to be appointed by the President of the Senate,
 38 and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be
 39 appointed to prepare the argument. The committee shall electronically file the argument with the
 40 Secretary of State not later than the 70th day before a general election or the 68th day before a
 41 special election held on the date of any primary election. There shall be no fee for including an
 42 argument submitted under this section in the voters' pamphlet.

43 **SECTION 10.** ORS 251.295 is amended to read:

44 251.295. The Secretary of State, pursuant to ORS 193.310 to 193.360, may supplement the special
 45 or general election voters' pamphlet by causing to have broadcast by radio or television, material

1 specified in this section at times the secretary determines suitable during the four weeks imme-
 2 diately preceding the election at which state measures are to be submitted to the people. The ma-
 3 terial provided by broadcast shall include only the following:

4 (1) The ballot title or popular name of each state measure.

5 (2) The number and form in which the ballot title of the state measures will be printed on the
 6 official ballot.

7 (3) A summary of the [*explanatory statements*] **argument in favor of the measure and the**
 8 **argument against the measure** filed relating to each state measure **under ORS 251.215.**

9 **SECTION 11.** ORS 251.046 is amended to read:

10 251.046. (1) Statements [*and arguments*] submitted for inclusion in a voters' pamphlet by a can-
 11 didate, political party or assembly of electors[, *or a person supporting or opposing a measure*] shall
 12 consist only of words or numbers.

13 (2) The Secretary of State shall specify on any instructions for filing a statement[, *argument*] or
 14 other material in the voters' pamphlet that the statement[, *argument*] or material may be excluded
 15 under ORS 251.055.

16 **SECTION 12.** ORS 251.049 is amended to read:

17 251.049. (1) Except as provided in subsection (2) of this section, the Secretary of State may not
 18 print the name or title of a person or the name of an organization in [*an argument supporting or*
 19 *opposing any measure or*] a statement of any candidate, political party or assembly of electors filed
 20 for inclusion in the voters' pamphlet, if the name or title of the person or the name of the organ-
 21 ization is cited as supporting or endorsing the [*argument or*] statement.

22 (2) The Secretary of State may print the name or title of a person or the name of an organiza-
 23 tion in [*an argument or*] a statement submitted for inclusion in the voters' pamphlet as supporting
 24 or endorsing the [*argument or*] statement if:

25 (a) Not later than the deadline for filing [*an argument or*] a statement with the Secretary of
 26 State, the secretary receives a statement signed by the person, or by an authorized person on behalf
 27 of an organization, stating that the person consents to the use of the name or title of the person
 28 or the name of the organization; or

29 (b) The name or title of a person or the name of an organization is used with a quotation made
 30 by the person or by an authorized person on behalf of an organization, the quotation was dissem-
 31 inated to the public prior to its inclusion in the [*argument or*] statement and the quotation is iden-
 32 tified by its source and date.

33 (3) A person may not:

34 (a) Submit a false signature under subsection (2) of this section; or

35 (b) Alter the manner in which a person signing a statement of consent described in subsection
 36 (2) of this section designates the person's name or title or the name of the organization the person
 37 represents to appear in the argument or statement. This paragraph does not prohibit revisions al-
 38 lowed or required under ORS 251.055 or 251.087.

39 **SECTION 13.** ORS 251.125 is amended to read:

40 251.125. (1) In a section of the voters' pamphlet that provides general information, the Secretary
 41 of State shall include a disclaimer in boldfaced type in substantially the following form:

42
 43
 44 Information provided in statements [*or arguments*] submitted by a candidate, a political party[,] **or**
 45 an assembly of electors [*or a person supporting or opposing a measure*] have not been verified for

1 accuracy by the State of Oregon.

2 _____
3
4 (2) At the bottom of each allotted space of the voters' pamphlet containing a portrait or state-
5 ment filed by a candidate, political party or assembly of electors, the Secretary of State shall include
6 a statement identifying the person who furnished the portrait or statement.

7 **SECTION 14.** ORS 251.145 is amended to read:

8 251.145. Notwithstanding ORS 192.311 to 192.478 relating to public records, materials filed by a
9 political party, assembly of electors or candidate for inclusion in a voters' pamphlet [*and arguments*
10 *supporting or opposing a measure filed by any person for inclusion in a voters' pamphlet*] are exempt
11 from public inspection until the fourth business day after the final date for filing the materials.

12 **SECTION 15. ORS 251.225, 251.230, 251.235, 251.260 and 251.265 are repealed.**
13 _____