

House Bill 2126

Sponsored by Representative MANNIX (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**.

Prohibits ballot title from being drafted for any state measure to be initiated that is 100 or fewer words. Requires that full text of measure be printed on ballot with required heading and statement following text. Requires full text of measure to be printed on signature gathering sheets.

A BILL FOR AN ACT

1
2 Relating to ballot measures; creating new provisions; and amending ORS 250.036, 250.045, 251.170,
3 251.185, 251.295, 254.085, 254.135, 254.145 and 254.175.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 250.**

6 **SECTION 2. Notwithstanding ORS 250.035, 250.036, 250.037, 250.038, 250.052, 250.062,
7 250.065, 250.067 or 254.135 or any other provision of law, if a state measure to be initiated,
8 or a prospective state measure to be initiated, is 100 words or fewer:**

9 (1) **A ballot title may not be provided.**

10 (2)(a) **If the state measure to be initiated qualifies to appear on the ballot, the full text
11 of the state measure shall appear on the ballot.**

12 (b) **If the state measure to be initiated amends the Oregon Constitution, the ballot shall:**

13 (A) **Include a heading before the full text of the measure that states "Constitutional
14 Amendment"; and**

15 (B) **Following the text of the measure include the statement "If you agree with the above
16 amendment to the Oregon Constitution, vote "Yes." If you do not agree with the above
17 amendment to the Oregon Constitution, vote "No.".**

18 (c) **If the state measure to be initiated creates new law, the ballot shall:**

19 (A) **Include a heading before the full text of the measure that states "New Statute"; and**

20 (B) **Following the text of the measure include the statement "If you agree with the above
21 statute, vote "Yes." If you do not agree with the above statute, vote "No.".**

22 (d) **If the state measure to be initiated amends existing law, the ballot shall:**

23 (A) **Include a heading before the full text of the measure that states "Amendment to
24 Existing Law"; and**

25 (B) **Following the text of the measure include the statement "If you agree with the above
26 amendments to statute, vote "Yes." If you do not agree with the above amendments to
27 statute, vote "No.".**

28 (e) **If the state measure to be initiated repeals existing law, the ballot shall:**

29 (A) **Include a heading before the full text of the measure that states "Repeal of Existing
30 Law"; and**

31 (B) **Following the text of the measure include the statement "If you agree with the above**

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 **statutory repeal, vote “Yes.” If you do not agree with the above statutory repeal, vote**
 2 **“No.”.**

3 **(f) The headings and statements following the text of a state measure to be initiated de-**
 4 **scribed in this subsection may not be counted for purposes of the 100-word limit.**

5 **(3) The Secretary of State may by rule establish new headings and statements following**
 6 **the text of a state measure to be initiated, if the heading or statement required to follow a**
 7 **state measure to be initiated described in subsection (2)(b) to (e) of this section does not**
 8 **accurately and completely describe the change in law suggested by the state measure to be**
 9 **initiated.**

10 **(4) The procedure for an elector dissatisfied with a ballot title described in ORS 250.085**
 11 **does not apply to a state measure to be initiated described in this section.**

12 **SECTION 3.** ORS 250.045 is amended to read:

13 250.045. (1)(a) Before circulating a petition to initiate or refer a state measure under Article IV,
 14 section 1, of the Oregon Constitution, the petitioner shall file with the Secretary of State a pro-
 15 spective petition.

16 (b) The prospective petition for a state measure to be initiated:

17 (A) Shall contain the signatures of at least 1,000 electors; and

18 (B) May not contain the signatures of more than 2,000 electors.

19 (c) The signature sheets for a state measure to be initiated must be attached to a full and cor-
 20 rect copy of the measure to be initiated.

21 (2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the
 22 chief petitioners shall file with the secretary a statement declaring whether one or more persons
 23 will be paid money or other valuable consideration for obtaining signatures of electors on the pro-
 24 spective petition. After a statement has been filed under this subsection, the chief petitioners shall
 25 notify the secretary not later than the 10th day after any of the chief petitioners first has knowledge
 26 or should have had knowledge that:

27 (a) Any person is being paid for obtaining signatures, when the statement filed under this sub-
 28 section declared that no such person would be paid.

29 (b) No person is being paid for obtaining signatures, when the statement filed under this sub-
 30 section declared that one or more such persons would be paid.

31 (3) The secretary by rule shall establish procedures for verifying whether a prospective petition
 32 for a state measure to be initiated contains the required number of signatures of electors.

33 (4) The secretary shall date and time stamp the prospective petition and specify the form on
 34 which the initiative or referendum petition shall be printed for circulation as provided in ORS
 35 250.052. The secretary shall retain the prospective petition.

36 (5) The chief petitioner may amend the state measure to be initiated that has been filed with the
 37 secretary without filing another prospective petition, if:

38 (a) The Attorney General certifies to the secretary that the proposed amendment will not sub-
 39 stantially change the substance of the measure; and

40 (b) The deadline for submitting written comments on the draft title has not passed.

41 (6)(a) The cover of an initiative or referendum petition shall designate the name and city and
 42 state of residence of not more than three persons as chief petitioners and shall contain instructions
 43 for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the
 44 secretary by rule.

45 (b) The cover of a referendum petition shall contain the final measure summary described in

1 ORS 250.065 (1).

2 (c)(A) If a petition seeking a different ballot title is not filed with the Supreme Court by the
 3 deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall contain the
 4 latest ballot title certified by the Attorney General under ORS 250.067 (2).

5 (B) If a petition seeking a different ballot title is filed with the Supreme Court by the deadline
 6 for filing a petition under ORS 250.085:

7 (i) The secretary may not issue an official template of the cover and signature sheets of the in-
 8 initiative petition until the Supreme Court has certified a final ballot title; and

9 (ii) The cover of the initiative petition shall contain the final ballot title certified by the court.

10 **(C) For a state measure to be initiated described in section 2 of this 2023 Act, the cover**
 11 **of the initiative petition shall include the full text of the initiative petition.**

12 (7) The chief petitioners shall include with the prospective petition a statement declaring
 13 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 14 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 15 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 16 petitioners first has knowledge or should have had knowledge that:

17 (a) Any person is being paid for obtaining signatures, when the statement included with the
 18 prospective petition declared that no such person would be paid.

19 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 20 spective petition declared that one or more such persons would be paid.

21 (8)(a)(A) **Except as provided in subparagraph (B) of this paragraph**, each sheet of signatures
 22 on an initiative petition shall contain the caption of the final certified ballot title. Each sheet of
 23 signatures on a referendum petition shall contain the subject expressed in the title of the Act to be
 24 referred.

25 **(B) Each sheet of signatures on an initiative petition described in section 2 of this 2023**
 26 **Act shall contain the full text of the initiative petition.**

27 (b) Each sheet of signatures on an initiative or referendum petition shall:

28 (A) Contain a notice describing the meaning of the color of the signature sheet in accordance
 29 with ORS 250.052; and

30 (B) If one or more persons will be paid for obtaining signatures of electors on the petition,
 31 contain a notice stating: “Some Circulators For This Petition Are Being Paid.” The notice shall be
 32 in boldfaced type and shall be prominently displayed on the sheet.

33 (c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of
 34 referendum petitions containing the same subject reference and being circulated during the same
 35 period.

36 (9) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 37 taining signatures on the initiative or referendum petition.

38 (10) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 39 may be counted. The circulator shall certify on each signature sheet of the initiative or referendum
 40 petition that the circulator:

41 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 42 the signature sheet; and

43 (b) Believes each individual is an elector.

44 (11) The person obtaining signatures on the petition shall carry at least one full and correct
 45 copy of the measure to be initiated or referred and shall allow any person to review a copy upon

1 request of the person.

2 **SECTION 4.** ORS 251.170 is amended to read:

3 251.170. (1) The translation of a state voters' pamphlet or county voters' pamphlet required un-
4 der ORS 251.167 shall be made in the manner described in this section.

5 (2) For each state voters' pamphlet and county voters' pamphlet mailed to residents of a county,
6 the Secretary of State shall have the following portions of the voters' pamphlet professionally
7 translated into each language for which a translation is required under ORS 251.167:

8 (a) Any official statement or communication made by the Secretary of State, county clerk, filing
9 office or other public elections official, including any information described in ORS 251.026 or
10 251.315 (1)(a) to (d) and (g) and any other information regarding services offered by elections offices,
11 how to cast a ballot and key dates for the election;

12 (b) The ballot title for each measure;

13 **(c) The full text of each state measure to be initiated described in section 2 of this 2023**
14 **Act;**

15 [(c)] (d) The explanatory statement for each measure;

16 [(d)] (e) The financial estimate for each measure and any statement prepared for a measure
17 under ORS 250.125;

18 [(e)] (f) Any racial and ethnic impact statement prepared for a measure under ORS 137.685;

19 [(f)] (g) Any statement submitted for a measure by a citizen panel under ORS 250.141; and

20 [(g)] (h) Except an argument for a measure prepared by the Legislative Assembly under ORS
21 251.245, any other statement for a measure created by a public body as defined in ORS 174.109.

22 (3) In addition to the materials that the Secretary of State is required to have professionally
23 translated under subsection (2) of this section, the Secretary of State shall allow to be included in
24 the translated version of each state voters' pamphlet that is made available on the website of the
25 Secretary of State or of a county under ORS 251.167:

26 (a) Translations of a candidate statement submitted under ORS 251.065, provided that:

27 (A) The candidate is a candidate for federal or statewide office;

28 (B) The translation is filed by a candidate or the principal campaign committee of a candidate
29 described in subparagraph (A) of this paragraph;

30 (C) Neither the translation nor the candidate statement submitted under ORS 251.065 is rejected
31 under ORS 251.055;

32 (D) The candidate statement meets the requirements of a candidate statement set forth in this
33 chapter; and

34 (E) Any translation filed under this paragraph is in one of the five most commonly spoken lan-
35 guages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

36 (b) Translations of an argument in support of or in opposition to a state measure filed under
37 ORS 251.255, provided that:

38 (A) The translation is filed by the person who filed the argument in support of or in opposition
39 to a state measure under ORS 251.255;

40 (B) Neither the translation nor the argument in support of or in opposition to a state measure
41 filed under ORS 251.255 is rejected under ORS 251.055;

42 (C) The statement in support of or in opposition to a state measure meets the requirements of
43 a statement in support of or in opposition to a state measure set forth in this chapter; and

44 (D) Any translation filed under this paragraph is in one of the five most commonly spoken lan-
45 guages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

1 (c) Translations of any argument for a measure prepared by the Legislative Assembly under ORS
2 251.245 submitted by the Legislative Assembly, provided that any translation filed under this para-
3 graph is in one of the five most commonly spoken languages in this state, other than English, as
4 listed by the Secretary of State under ORS 251.167.

5 (4)(a) A translation that is permitted or required under this section is not required to be iden-
6 tical in words to the original version but must be consistent with the meaning of the original ver-
7 sion.

8 (b) A translation is not subject to any limitations on the number of words allowed set forth in
9 this chapter.

10 (5) A county may at its own expense make or accept for publication on the county's website,
11 as part of a translated voters' pamphlet required under ORS 251.167, any portion of a state or
12 county voters' pamphlet that is not described in this section.

13 (6) The Secretary of State:

14 (a) May adopt any rules necessary to implement this section; and

15 (b) Except as provided in subsection (5) of this section, is responsible for all costs necessary to
16 comply with this section.

17 (7) As used in this section, "statewide office" means Governor, Secretary of State, State Treas-
18 urer, Attorney General, Commissioner of the Bureau of Labor and Industries, or judge on the
19 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

20 **SECTION 5.** ORS 251.185 is amended to read:

21 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general
22 election or any special election a copy of the title and text of each state measure to be submitted
23 to the people at the election for which the pamphlet was prepared. The pamphlet must include the
24 procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet
25 with:

26 (a) The number and ballot title, **if any**, of the measure;

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

28 (c) The explanatory statement prepared for the measure;

29 (d) Arguments relating to the measure and filed with the Secretary of State;

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

31 (f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

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

37 (3) As used in this section, "community college district" has the meaning given that term in ORS
38 341.005.

39 **SECTION 6.** ORS 251.295 is amended to read:

40 251.295. The Secretary of State, pursuant to ORS 193.310 to 193.360, may supplement the special
41 or general election voters' pamphlet by causing to have broadcast by radio or television, material
42 specified in this section at times the secretary determines suitable during the four weeks imme-
43 diately preceding the election at which state measures are to be submitted to the people. The ma-
44 terial provided by broadcast shall include only the following:

45 (1) The ballot title, **if any**, or popular name of each state measure.

(2) The full text of a measure to be initiated described in section 2 of this 2023 Act.

[(2)] (3) The number and form in which the ballot title, **if any**, of the state measures will be printed on the official ballot.

[(3)] (4) A summary of the explanatory statements filed relating to each state measure.

SECTION 7. ORS 254.085 is amended to read:

254.085. (1) The Secretary of State, not later than the 61st day before the date of a primary or general election, shall file with each county clerk a statement of the federal and state offices to be filled or for which candidates are to be nominated in the county at the election, information concerning all candidates for the offices, and the state measures to be voted on.

(2) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon Tax Court and circuit court shall include a designation of incumbent for each candidate who is the regularly elected or appointed judge of the court to which the candidate seeks election. If a candidate was regularly elected or appointed to a specific position or department on the court, the candidate shall be designated as the incumbent only if the person is a candidate for that position or department.

(3) Included with each state measure shall be the measure number, the latest ballot title, **if any**, certified by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the title under ORS 250.085, the title certified by the court and the financial estimates under ORS 250.125. The Secretary of State shall keep a copy of the statement.

SECTION 8. ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and shall state:

(a) The name of the county for which it is intended.

(b) The date of the election.

(c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot may not contain the name of any other person.

(d)(A) **Except as provided in subparagraph (B) of this paragraph**, the number, ballot title and financial estimates under ORS 250.125 of any measure to be voted on at the election.

(B) For a state measure to be initiated described in section 2 of this 2023 Act to be voted on at the election, the number, heading of the measure, full text of the measure and statement following the measure described in section 2 of this 2023 Act and financial estimates under ORS 250.125.

(2) The names of candidates for President and Vice President of the United States shall be printed in groups together, with their political party designations. The names of the electors may not be printed on the general election ballot. A vote for the candidates for President and Vice President is a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

(3)(a) The name of each candidate nominated shall be printed on the ballot in but one place, without regard to how many times the candidate may have been nominated, except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013. The name of a political party, or names of political parties, shall be printed with the name of a candidate for other than nonpartisan office according to the following rules:

1 (A) For a candidate not affiliated with a political party who is nominated by a minor political
 2 party, the name of the minor political party shall be printed with the name of the candidate;

3 (B) For a candidate not affiliated with a political party who is nominated by more than one
 4 minor political party, the names of not more than three minor political parties selected by the candi-
 5 dicate shall be printed with the name of the candidate;

6 (C) For a candidate who is a member of a political party who is nominated by a political party
 7 of which the candidate is not a member, the name of the political party that nominated the candi-
 8 date shall be printed with the name of the candidate;

9 (D) For a candidate who is a member of a political party who is nominated by more than one
 10 political party of which the candidate is not a member, the names of not more than three political
 11 parties selected by the candidate shall be printed with the name of the candidate;

12 (E) For a candidate who is nominated only by a political party of which the candidate is a
 13 member, the name of the political party of which the candidate is a member shall be printed with
 14 the name of the candidate; and

15 (F) For a candidate who is nominated by a political party of which the candidate is a member
 16 and by any political party or parties of which the candidate is not a member, the name of the poli-
 17 tical party of which the candidate is a member and the names of not more than two other political
 18 parties selected by the candidate shall be printed with the name of the candidate.

19 (b) If a candidate is required to select the name of a political party to be printed on the ballot
 20 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection
 21 not later than the 61st day before the day of the election.

22 (c) The word “incumbent” shall be printed with the name of each candidate for the Supreme
 23 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the
 24 Secretary of State under ORS 254.085.

25 (d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affil-
 26 iated with a political party and who is nominated by an assembly of electors or individual electors.

27 (e) If two or more candidates for the same office have the same or similar surnames, the location
 28 of their places of residence shall be printed with their names to distinguish one from another.

29 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more
 30 than one district office that is to be filled at the same election shall be separately printed upon the
 31 ballot for each district office for which the candidate is nominated.

32 **SECTION 9.** ORS 254.145 is amended to read:

33 254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates
 34 for nomination for or election to each office shall be arranged on the ballot in the order determined
 35 under ORS 254.155.

36 (b) The names of candidates for the offices of President and Vice President of the United States
 37 shall be arranged in groups.

38 (2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the
 39 candidate, including any title or designation, other than the candidate’s name, may appear on the
 40 ballot.

41 (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may
 42 write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be
 43 provided on the ballot, or on separate material delivered to the elector with the ballot, in which the
 44 elector may write or enter the names of persons for any offices appearing on the ballot.

45 (4) On the left margin of the ballot, the name of each group or candidate may be numbered. The

1 blank spaces may not be numbered. A particular number may not be used to designate more than
 2 one candidate at any election.

3 (5) The names of all candidates for the same office shall be listed in the same column on the
 4 ballot. If more than one column is needed to list names of all candidates for that office, the names
 5 may be arranged in one or more columns in block form. The block shall be set apart by rulings
 6 under the title of the office. If a blank space follows the list of candidates, the space shall be in the
 7 same column as the names of candidates for that office. If blocks of columns are used, blank spaces
 8 shall be included within the ruled block.

9 (6) The ballot shall be clearly marked to indicate when names of candidates for the office are
 10 continued on the following page.

11 (7)(a) When a measure **other than a state measure to be initiated described in section 2**
 12 **of this 2023 Act** is submitted to the people, the number, ballot title and financial estimates under
 13 ORS 250.125 of each measure shall be printed after the list of candidates.

14 (b) **When a state measure to be initiated described in section 2 of this 2023 Act is sub-**
 15 **mitted to the people, the number, heading of the measure, full text of the measure and**
 16 **statement following the measure described in section 2 of this 2023 Act and financial esti-**
 17 **mates under ORS 250.125 shall be printed after the list of candidates.**

18 (c) A measure referred by the Legislative Assembly shall be designated “Referred to the People
 19 by the Legislative Assembly.” A state measure referred by petition shall be designated “Referendum
 20 Order by Petition of the People.” A state measure proposed by initiative petition shall be designated
 21 “Proposed by Initiative Petition.”

22 (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector’s
 23 choice for candidates and approval or rejection of measures submitted. If a voting machine is not
 24 used, the elector shall indicate a preference by making a cross or check mark inside a voting square
 25 corresponding to the candidate or answer for which the elector wishes to vote. A voting square may
 26 be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark
 27 in the voting square corresponding to a name written in a blank space. Words shall be printed on
 28 the ballot to aid the elector, such as “Vote for one,” “Vote for three,” and regarding measures,
 29 “Yes” and “No.”

30 **SECTION 10.** ORS 254.175 is amended to read:

31 254.175. (1) In lieu of printing the complete ballot title of any measure, other than a state
 32 measure, the county clerk may print the caption and the question of the ballot title and the measure
 33 number on the ballot.

34 (2) In lieu of printing the complete ballot title, **if any**, and financial estimates of any state
 35 measure to be initiated or referred, the county clerk may print the caption of the ballot title, the
 36 statements described in ORS 250.035 (2)(b) and (c) and the measure number on the ballot.

37 (3) In the case of a recall election, the following shall be printed on the ballot:

38 (a) The statements described in section 18, Article II of the Oregon Constitution, and ORS
 39 249.877; and

40 (b) The question “Do you vote to recall _____ from the office of _____?”, with the
 41 name of the person against whom a recall petition has been filed printed in the first blank space
 42 and the public office held by the person printed in the second blank space.

43 (4) The complete text of each ballot title and any financial estimates shall be included with each
 44 official ballot.

45 **SECTION 11.** ORS 250.036 is amended to read:

1 250.036. (1) Notwithstanding any other provision of law **except for section 2 of this 2023 Act**,
2 all ballot titles subject to section 11 (8), Article XI of the Oregon Constitution, shall include the
3 following statement as the first statement of the ballot title summary:

4 _____
5
6 This measure may be passed only at an election with at least a 50 percent voter turnout.
7 _____

8
9 (2) As used in this section, “at least a 50 percent voter turnout” means a voter turnout that
10 meets the requirements of section 11 (8), Article XI of the Oregon Constitution.

11 (3) The statement required by this section shall not be counted in determining the word count
12 requirements of ORS 250.035.

13 (4) Subsection (1) of this section does not apply to the ballot title of a measure subject to section
14 11k, Article XI of the Oregon Constitution.

15 **SECTION 12. Section 2 of this 2023 Act and the amendments to ORS 250.036, 250.045,**
16 **251.170, 251.185, 251.295, 254.085, 254.135, 254.145 and 254.175 by sections 3 to 11 of this 2023**
17 **Act first apply to state measures to be initiated seeking to qualify for the 2026 general**
18 **election ballot.**