

# Senate Bill 998

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules)

## 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**.

Modifies date by which Secretary of State must submit report to Legislative Assembly regarding cross-nomination system for candidates for public office.

Conforms certain laws relating to double majority voting requirements in property tax elections to Oregon Constitution so that double majority requirement does not apply to local property tax measures submitted to electors in elections held in May or November of any year.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 198.815, 221.050, 222.050 and 258.290  
3 and section 3, chapter 798, Oregon Laws 2009; and prescribing an effective date.

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

5 **SECTION 1.** Section 3, chapter 798, Oregon Laws 2009, is amended to read:

6 **Sec. 3.** The Secretary of State shall conduct a general review of the adoption of a cross-  
7 nomination system for candidates for public office in Oregon. The secretary may assess similar laws  
8 in other states. The secretary shall report conclusions of the secretary's review and any recom-  
9 mended legislation to the Legislative Assembly not later than [*October 1, 2010*] **March 31, 2011**.

10 **SECTION 2.** ORS 198.815 is amended to read:

11 198.815. (1) If the required number of written requests for an election are filed with the county  
12 board on or before the date of the final hearing or if the petition for formation includes a permanent  
13 rate limit for operating taxes for the proposed district, the board shall provide by order for the  
14 holding of an election to submit to the electors the question of forming the district. The board shall  
15 cause notice of the election to be published by two insertions. If requests for an election are filed  
16 by less than the required number of persons and no permanent rate limit for operating taxes is in-  
17 cluded in the petition, the county board shall dismiss the requests and enter an order creating the  
18 district.

19 (2) The order calling an election shall fix the date of the election on the next available election  
20 date in ORS 255.345 for which the filing deadline can be met. However, when the proposal for for-  
21 mation includes a permanent rate limit for operating taxes for the proposed district, the election  
22 shall be held on the date of the next primary election or general election for which the filing  
23 deadline can be met. The order shall also state that at such election members of the district board  
24 will be voted for. Candidates to be voted for as members of the first board of a district shall be  
25 nominated as provided by ORS chapter 255 and the principal Act of a district.

26 (3) The order calling the election shall require the county official in charge of elections to in-  
27 clude with the ballot for the election a map or other description of the boundaries of the proposed  
28 district using streets and other generally recognized features and a statement of the permanent rate,

**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 if any, proposed for the district in the petition for formation under ORS 198.750 (1)(g). Such state-  
 2 ment shall comply with the requirements of ORS 250.035. The map or other description and state-  
 3 ment required by this subsection shall be supplied by the county board.

4 (4)(a) When the proposal for formation includes a permanent rate limit for operating taxes for  
 5 the proposed district, the ballot title shall clearly indicate that a single question is being proposed  
 6 which is:

7 (A) Whether the proposed district shall be formed; and

8 (B) Whether the permanent rate limit specified in the ballot title shall be adopted as the maxi-  
 9 mum rate of operating taxes for that district.

10 (b) The ballot title for the election shall be in compliance with ORS 250.036.

11 (5) When the proposal for formation includes a permanent rate limit for the proposed district,  
 12 the district shall be authorized to impose operating taxes not in excess of the permanent rate limit  
 13 if the proposal is approved by a majority of the votes cast and:

14 (a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or

15 (b) The election is [*a general election in an even-numbered year*] **held in May or November of**  
 16 **any year.**

17 (6) If a proposed county service district is subject to dissolution unless a determination of public  
 18 need for continued existence is made, the ballot title shall include the fiscal year in which dissol-  
 19 ution will occur and statement that the district will dissolve unless the board of directors deter-  
 20 mines that there is a public need for continued existence.

21 **SECTION 3.** ORS 221.050 is amended to read:

22 221.050. (1) The county court shall submit the proposition for incorporation determined as pro-  
 23 vided in ORS 221.040 to the electors registered in the area proposed to be incorporated. At the same  
 24 election, five city council members for the proposed city shall be elected.

25 (2) ORS chapters 246 to 260 govern the conduct of an election under this section, including the  
 26 nomination and election of the first city council, except as follows:

27 (a) A nominating or primary election for the purpose of nominating candidates for the city  
 28 council shall not be held.

29 (b) Notwithstanding ORS 249.037, a nominating petition or declaration of candidacy must be filed  
 30 with the county clerk not sooner than the 100th day and not later than the 70th day before the date  
 31 of the election.

32 (c) At the time of filing a declaration of candidacy, a candidate for the first city council shall  
 33 pay to the officer with whom the declaration is filed a fee of \$25.

34 (d) A nominating petition shall contain at least 25 signatures of electors in the area proposed  
 35 to be incorporated or a number of signatures of electors equal to at least 10 percent of the number  
 36 of electors in the area proposed to be incorporated as of the date the election is ordered under ORS  
 37 221.040, whichever is less.

38 (3) The proposed ballot title for an election under this section shall be in compliance with ORS  
 39 250.036.

40 (4) Not later than the 30th day after an election called under ORS 221.040 the county court  
 41 calling the election shall proclaim whether the results of the election favor incorporation. The  
 42 county court also shall proclaim which candidates for city council are elected, if the results of the  
 43 election favor incorporation. The results of the election favor incorporation if a majority of the  
 44 votes cast on the proposition favors incorporation and:

45 (a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or

1 (b) The election is [*a general election in an even-numbered year*] **held in May or November of**  
 2 **any year.**

3 (5) If the results of the election favor incorporation:

4 (a) The area described in the notice of election is incorporated as a city from the date of the  
 5 election;

6 (b) The proposed rate limit for operating taxes submitted to and approved by the electors at the  
 7 election shall be the permanent rate limit for operating taxes for the new city; and

8 (c) The five council members elected under subsection (2) of this section shall take office not  
 9 later than the 10th day next following the proclamation on the proposition and council election.

10 **SECTION 4.** ORS 222.050 is amended to read:

11 222.050. (1) This section applies if a consolidation or merger proposes to consolidate or merge  
 12 two or more cities and at least one of the cities has not previously imposed ad valorem property  
 13 taxes.

14 (2) The question of the consolidation or merger that is submitted to the electors of the city that  
 15 has not previously imposed ad valorem property taxes may also propose a permanent rate limit on  
 16 operating taxes as described in section 11 (3)(c), Article XI of the Oregon Constitution.

17 (3) The permanent rate limit proposed under subsection (2) of this section shall be taken into  
 18 account in determining the permanent rate limit for the city following consolidation or merger as  
 19 provided in section 11 (3)(d), Article XI of the Oregon Constitution.

20 (4) The question of the consolidation or merger that is submitted to the electors of the city that  
 21 has not previously approved operating taxes shall be considered approved by such electors if a ma-  
 22 jority of the votes cast are in favor of the consolidation or merger and:

23 (a) At least 50 percent of registered voters eligible to vote in the election cast a ballot; or

24 (b) The election is [*a general election in an even-numbered year*] **held in May or November of**  
 25 **any year.**

26 (5) ORS 250.036 applies to a ballot title for an election described in this section.

27 (6) Notwithstanding that a majority of all electors voting on the question of consolidation or  
 28 merger approve the consolidation or merger, the consolidation or merger shall not be considered  
 29 approved if the voting participation requirements in subsection (4) of this section have not been met  
 30 in the city to which this section applies.

31 (7) If the city to which this section applies approves the consolidation or merger but the con-  
 32 solidation or merger is not approved by the other electors voting on the question or for some other  
 33 reason does not occur, no permanent rate limit for operating taxes shall be established for the city  
 34 as a result of the election.

35 **SECTION 5.** ORS 258.290 is amended to read:

36 258.290. (1) If the official canvass of votes of an election reveals that the difference in the  
 37 number of votes cast for or against any measure is not more than one-fifth of one percent of the  
 38 total votes cast for and against the measure, the Secretary of State, in the case of a measure for  
 39 which the Secretary of State is the filing officer, and the county clerk who conducted the election  
 40 in the case of any other measure shall order a full recount of all votes cast for the measure.

41 (2) The cost of a full recount conducted under this section shall be paid by the state, county,  
 42 city or special district for which the measure was proposed.

43 (3) This section does not apply if the election on the measure is an election at which at least  
 44 50 percent of registered voters eligible to vote in the election must cast a ballot under [*section 11*]  
 45 **sections 11 and 11k**, Article XI, Oregon Constitution, and less than 50 percent of registered voters

1 eligible to vote in the election cast ballots.

2 **SECTION 6.** The amendments to ORS 198.815, 221.050, 222.050 and 258.290 by sections 2  
3 to 5 of this 2010 Act apply to elections held on or after the third Tuesday in May 2010, re-  
4 gardless of when the election results are declared or proclaimed.

5 **SECTION 7.** This 2010 Act takes effect on the 91st day after the date on which the special  
6 session of the Seventy-fifth Legislative Assembly adjourns sine die.

7

---