

Secretary of State  
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**TEMPORARY ADMINISTRATIVE RULES**  
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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the

Secretary of State, Elections Division

165

Agency and Division

Administrative Rules Chapter Number

Brenda Bayes

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Rules Coordinator

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To become effective 08/25/2017 through 01/23/2018.

**RULE CAPTION**

Timelines for a January 23, 2018, Special Election, if necessary

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

165-007-2018

**AMEND:**

**SUSPEND:**

**Statutory Authority:**

ORS 246.150 and SB 229 (2017)

**Other Authority:**

**Statutes Implemented:**

SB 229 (2017)

**RULE SUMMARY**

This rule adopts timelines, as directed by SB 229 (2017), necessary to conduct a possible special election on January 23, 2018. The rule addresses timelines for the filing of the ballot title, explanatory and fiscal impact statements. It also provides a process for the public to comment on the ballot title drafted by the legislative committee.

Brenda Bayes

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Rules Coordinator Name

Email Address

Secretary of State  
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Administrative Rules Chapter Number

Timelines for a January 23, 2018, Special Election, if necessary

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporary adoption of OAR 165-007-2018

**Statutory Authority:**

ORS 246.150 and SB 229 (2017)

**Other Authority:**

**Statutes Implemented:**

SB 229 (2017)

**Need for the Temporary Rule(s):**

The 79th Legislative Assembly adopted SB 229 (2017) which provided for a special election on January 23, 2018, should referendum petitions be filed referring all or part of HB 2391. The Secretary of State is responsible for maintaining uniformity in the operation of the election laws. In order to provide timelines for preparation of the ballot titles and explanatory statements the Secretary is adopting this rule in advance.

**Documents Relied Upon, and where they are available:**

SB 229 (2017). This bill is available on the Oregon Legislature's website (OLIS): <https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/SB229>.

**Justification of Temporary Rule(s):**

The compressed time-frame for this special election makes it necessary to adopt the timelines by temporary rule. There is not sufficient time to adopt this rule through the permanent rulemaking procedures. A permanent rule is not necessary because the timelines are only needed through January 23, 2018. Failure to adopt this temporary rule would prejudice the public interest because the rule is needed for the orderly conduct of the special election.

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## **165-007-2018**

### **Timelines for the January 23, 2018, Special Election**

(1) This rule adopts timelines to conduct a special state election for Referendum Petition #301 on January 23, 2018. SB 229 directs the Secretary of State to conduct a special election on that date if all or parts of HB 2391 is referred to the people by petition pursuant to Article IV, section 1(3)(b) of the Oregon Constitution.

(2) When a document is to be filed with the Secretary of State, Elections Division under this rule, the document must be delivered to and actually received, in its entirety, in the office of the Secretary of State, Elections Division not later than 5:00 p.m. on the designated filing deadline date.

(3) The following timeline is adopted for a statewide special election on January 23, 2018, as directed in SB 229 sections 55 through 61:

(a) September 8, 2017: Last day for financial estimate committee to submit to the Secretary a draft financial estimate and estimate of fiscal effects.

(b) September 22, 2017:

(A) Last day for joint legislative committee to file final ballot title and explanatory statement with the Secretary.

(B) Last day for financial estimate committee to file financial estimates and estimate of fiscal effects, if necessary, as provided in ORS 250.125.

(c) September 29, 2017: Last day for an elector dissatisfied with the ballot title, explanatory statement, or financial estimate and estimate of fiscal effects to petition the Oregon Supreme Court for a different ballot title, explanatory statement, or financial estimate and estimate of fiscal effects.

(d) November 6, 2017: Last day for court ordered changes to ballot title, explanatory statement, or financial estimate and estimate of fiscal effects to be filed with the Secretary.

(e) November 13, 2017:

(A) Last day to file measure arguments to be included in the state voters' pamphlet.

(B) Last day for Legislative Assembly to submit arguments in support of the measure, as provided in ORS 251.245.

(f) November 17, 2017:

(A) Measure arguments become available for public inspection (ORS 251.145).

(B) Last day for court ordered changes to explanatory statement and financial estimates and estimate of fiscal effects to be filed with the Secretary.

(g) November 20, 2017: Secretary of State certifies the ballot to the county election officials.

(h) December 9, 2017: Last day for county election officials to mail ballots to military and overseas electors.

(i) December 26, 2017: First day for county election officials to mail out-of-state ballots.

(j) December 27-29, 2017: Voters' pamphlet mailing.

(k) January 2, 2018: Voter registration deadline.

(l) January 3, 2018 to January 9, 2018: County election officials mail ballots to electors other than long-term and out-of-state absent electors.