

D R A F T

SUMMARY

Creates joint legislative committee to prepare ballot title and explanatory statement for certain measures referred to people for approval or rejection.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to elections; and declaring an emergency.

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

SECTION 1. (1) As used in sections 1 to 4 of this 2020 Act, “measure” means all or part of:

(a) If referred to the people for their approval or rejection under Article IV, section 1 (3)(c), of the Oregon Constitution:

(A) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 312);

(B) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 313);

(C) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 314);

(D) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 317); or

(b) If referred to the people for their approval or rejection under Article XVII, section 1, of the Oregon Constitution, _____ Joint Resolution _____ (2020) (LC 316).

(2) Except as otherwise provided in subsection (3) or (4) of this section, ORS chapters 250, 251 and 254 apply to an election held on a

1 measure described in subsection (1) of this section.

2 (3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the
3 ballot title for a measure described in subsection (1) of this section
4 shall be prepared and filed with the Secretary of State by the joint
5 legislative committee created under section 4 of this 2020 Act. The
6 word limits described in ORS 250.035 (2) do not apply to a ballot title
7 prepared by the joint legislative committee under this subsection.
8 Unless modified under section 2 of this 2020 Act, the ballot title pre-
9 pared by the committee under this subsection shall be the ballot title
10 printed in the voters' pamphlet and printed on, or included with, the
11 ballot.

12 (4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235,
13 the explanatory statement to be printed in the voters' pamphlet for a
14 measure described in subsection (1) of this section shall be prepared
15 and filed with the Secretary of State by the joint legislative committee
16 created under section 4 of this 2020 Act. Unless modified under section
17 3 of this 2020 Act, the explanatory statement prepared by the com-
18 mittee under this subsection shall be the explanatory statement
19 printed in the voters' pamphlet.

20 (5) The committee may begin preparation of the ballot title or ex-
21 planatory statement on the date that a measure described in sub-
22 section (1) of this section is filed with the Secretary of State.

23 (6)(a) Arguments relating to a measure described in subsection (1)
24 of this section may be filed with the Secretary of State under ORS
25 251.245 and 251.255.

26 (b) Notwithstanding ORS 192.311 to 192.478 relating to public re-
27 cords, an argument filed under this subsection is exempt from public
28 inspection until the fourth business day after the deadline for filing
29 the argument.

30 (7) The financial estimate committee created under ORS 250.125
31 shall prepare and file with the Secretary of State the estimates de-

1 scribed in ORS 250.125 and, if the committee considers it necessary, a
2 statement explaining the financial effects of the measure as described
3 in ORS 250.125. The financial estimate committee may begin prepara-
4 tion of the estimate or statement on the date that a measure described
5 in subsection (1) of this section is filed with the Secretary of State.

6 **SECTION 2. Notwithstanding ORS 250.085:**

7 (1) Any elector dissatisfied with the ballot title for a measure de-
8 scribed in section 1 of this 2020 Act may petition the Supreme Court
9 seeking a different ballot title. The petition shall state the reasons
10 that the ballot title filed with the Secretary of State does not sub-
11 stantially comply with the requirements of ORS 250.035 and section 1
12 of this 2020 Act.

13 (2) The petition shall name the Attorney General as the respondent
14 and must be filed not later than the fifth business day after the Leg-
15 islative Assembly files the ballot title with the Secretary of State.

16 (3) An elector filing a petition under this section shall notify the
17 Secretary of State in writing that the petition has been filed. The no-
18 tice must be received in the office of the Secretary of State not later
19 than 5 p.m. on the next business day following the day the petition is
20 filed.

21 (4) The Supreme Court shall review the ballot title for substantial
22 compliance with the requirements of ORS 250.035 and section 1 of this
23 2020 Act.

24 (5) The review by the Supreme Court shall be conducted expe-
25 ditiously to ensure the orderly and timely conduct of the election at
26 which the measure is to be submitted to the electors.

27 (6) If the Supreme Court determines that the ballot title prepared
28 by the joint legislative committee substantially complies with the re-
29 quirements of ORS 250.035 and section 1 of this 2020 Act, the court
30 shall certify the ballot title to the Secretary of State. If the Supreme
31 Court determines that the ballot title does not substantially comply

1 with the requirements of ORS 250.035 and section 1 of this 2020 Act,
2 the court shall modify the ballot title and certify the ballot title to the
3 Secretary of State or refer the ballot title to the Attorney General for
4 modification.

5 (7) Not later than five business days after the Supreme Court refers
6 a ballot title to the Attorney General for modification under this sec-
7 tion, the Attorney General shall certify a modified ballot title to the
8 Secretary of State. The modified ballot title is not subject to judicial
9 review.

10 **SECTION 3. Notwithstanding ORS 251.235:**

11 (1) Any person dissatisfied with the explanatory statement for a
12 measure described in section 1 of this 2020 Act may petition the Su-
13 preme Court seeking a different explanatory statement and stating the
14 reasons the explanatory statement filed with the court is insufficient
15 or unclear.

16 (2) The court shall review the explanatory statement and certify an
17 explanatory statement to the Secretary of State if the petition is filed
18 and served as required in subsection (4) of this section not later than
19 the fifth business day after the joint legislative committee files the
20 explanatory statement with the Secretary of State.

21 (3) Failure to file and serve the petition within the time prescribed
22 in subsection (2) of this section precludes Supreme Court review and
23 certification of an explanatory statement. If the court considers the
24 petition, the court may allow oral argument. The review by the Su-
25 preme Court shall be conducted expeditiously to ensure the orderly
26 and timely conduct of the election at which the measure is to be sub-
27 mitted to the electors. The explanatory statement certified by the
28 court shall be the explanatory statement printed in the voters' pam-
29 phlet.

30 (4) At the time a person petitions the Supreme Court under sub-
31 section (1) of this section, the person also shall serve a copy of the

1 **petition on:**

2 **(a) The Attorney General; and**

3 **(b) The Legislative Assembly.**

4 **SECTION 4. (1) For each measure described in section 1 of this 2020**
5 **Act, a joint legislative committee consisting of three Senators and**
6 **three Representatives shall be appointed to prepare and file with the**
7 **Secretary of State the ballot title and the explanatory statement for**
8 **the measure.**

9 **(2)(a) The President of the Senate shall appoint three members of**
10 **the committee from among members of the Senate, including two**
11 **from the majority party and one from the minority party.**

12 **(b) The Speaker of the House of Representatives shall appoint three**
13 **members of the committee from among members of the House of**
14 **Representatives, including two from the majority party and one from**
15 **the minority party.**

16 **SECTION 5. This 2020 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2020 Act takes effect on its passage.**

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