

B-Engrossed Senate Bill 28

Ordered by the House June 23
Including Senate Amendments dated June 20 and House Amendments
dated June 23

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 and Executive Appointments)

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.

Prescribes method for creating ballot title and explanatory statement for **any amendment to Oregon Constitution or statutory Act that passes both houses of Legislative Assembly during 2023 session and is referred to people by Legislative Assembly** [*Senate Joint Resolution 34, if resolution is referred to people*].

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; and declaring an emergency.

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

4 **SECTION 1. (1) If an amendment to the Oregon Constitution is referred to the people by**
5 **the Eighty-second Legislative Assembly during its 2023 regular session under Article XVII,**
6 **section 1, of the Oregon Constitution, or if an Act of the Eighty-second Legislative Assembly**
7 **that passes both houses of the Legislative Assembly during its 2023 regular session is re-**
8 **ferred to the people by the Legislative Assembly under Article IV, section 1 (3)(c), of the**
9 **Oregon Constitution:**

10 (a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a
11 measure described in this subsection shall be prepared by the joint legislative committee
12 appointed under section 6 of this 2023 Act and filed with the Secretary of State not later than
13 the date set by the Secretary of State by rule. The word limits described in ORS 250.035 (2)
14 do not apply to a ballot title for a measure described in this subsection that is prepared by
15 the joint legislative committee under this subsection. Unless modified under section 4 of this
16 2023 Act, the ballot title prepared by the committee under this subsection shall be the ballot
17 title printed in the voters' pamphlet and printed on, or included with, the ballot.

18 (b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
19 statement to be printed in the voters' pamphlet for a measure described in this subsection
20 shall be prepared by the joint legislative committee appointed under section 6 of this 2023
21 Act and filed with the Secretary of State not later than the date set by the Secretary of State
22 by rule. Unless modified under section 5 of this 2023 Act, the explanatory statement pre-
23 pared by the committee under this subsection shall be the explanatory statement printed in
24 the voters' pamphlet.

25 (2) The joint legislative committee may begin preparation of the ballot title or explana-

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 tory statement on the date the measure is filed with the Secretary of State.

2 (3) Except as otherwise provided in sections 1 to 7 of this 2023 Act, ORS chapters 250,
3 251 and 254 apply to an election held on a measure described in subsection (1) of this section.

4 (4) As used in sections 1 to 7 of this 2023 Act, “measure” has the meaning given that
5 term in ORS 250.005.

6 **SECTION 2.** (1) The Secretary of State shall cause to be printed in the voters’ pamphlet
7 the number, ballot title and text of a measure described in section 1 of this 2023 Act and the
8 financial estimate, explanatory statement and arguments relating to the measure. The Sec-
9 retary of State shall also cause to be printed in the voters’ pamphlet any other information
10 required by law.

11 (2) For purposes of sections 1 to 7 of this 2023 Act, the election referred to in ORS 251.295
12 is the general election.

13 **SECTION 3.** (1) Notwithstanding the deadline specified in ORS 254.085, the Secretary of
14 State shall prepare and deliver to each county clerk by the most expeditious means practi-
15 cable a certified statement of a measure described in section 1 of this 2023 Act. The Secre-
16 tary of State shall include with the statement the number, financial estimate and ballot title
17 of the measure and any other information required by law. The Secretary of State shall keep
18 a copy of the statement.

19 (2) Each county clerk shall print on the ballot the number, financial estimate and ballot
20 title of the measure, along with any other information required by law. In lieu of printing
21 the financial estimate, the summary portion of the ballot title or other information required
22 by law on the ballot, each county clerk may include with the ballot the complete text of the
23 ballot title, the financial estimate and any other information required by law.

24 **SECTION 4.** Notwithstanding ORS 250.085:

25 (1) Any elector dissatisfied with the ballot title for a measure described in section 1 of
26 this 2023 Act prepared by the joint legislative committee appointed under section 6 of this
27 2023 Act may petition the Supreme Court seeking a different ballot title. The petition shall
28 state the reasons that the ballot title filed with the Secretary of State does not substantially
29 comply with the requirements of ORS 250.035 and section 1 of this 2023 Act.

30 (2) The petition shall name the Attorney General as the respondent and must be filed not
31 later than the fifth business day after the joint legislative committee files the ballot title
32 with the Secretary of State.

33 (3) An elector filing a petition under this section shall notify the Secretary of State in
34 writing that the petition has been filed. The notice must be received in the office of the
35 Secretary of State not later than 5 p.m. on the next business day following the day the pe-
36 tition is filed.

37 (4) The Supreme Court shall review the ballot title for substantial compliance with the
38 requirements of ORS 250.035 and section 1 of this 2023 Act.

39 (5) The review by the Supreme Court shall be conducted expeditiously to ensure the or-
40 derly and timely conduct of the election at which the measure is to be submitted to the
41 electors.

42 (6) If the Supreme Court determines that the ballot title prepared by the joint legislative
43 committee substantially complies with the requirements of ORS 250.035 and section 1 of this
44 2023 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme
45 Court determines that the ballot title prepared by the joint legislative committee does not

1 substantially comply with the requirements of ORS 250.035 and section 1 of this 2023 Act, the
2 court shall modify the ballot title and certify the ballot title to the Secretary of State or
3 refer the ballot title to the Attorney General for modification.

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

8 **SECTION 5.** Notwithstanding ORS 251.235:

9 (1) Any person dissatisfied with the explanatory statement for a measure described in
10 section 1 of this 2023 Act prepared by the joint legislative committee appointed under section
11 6 of this 2023 Act may petition the Supreme Court seeking a different explanatory statement
12 and stating the reasons the explanatory statement is insufficient or unclear.

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

17 (3) Failure to file and serve the petition within the time prescribed in subsection (2) of
18 this section precludes Supreme Court review and certification of an explanatory statement.
19 If the court considers the petition, the court may allow oral argument. The review by the
20 Supreme Court shall be conducted expeditiously to ensure the orderly and timely conduct of
21 the election at which the measure is to be submitted to the electors. The explanatory
22 statement certified by the court shall be the explanatory statement printed in the voters'
23 pamphlet.

24 (4) At the time a person petitions the Supreme Court under subsection (1) of this section,
25 the person also shall serve a copy of the petition on:

- 26 (a) The Attorney General; and
- 27 (b) The Legislative Assembly.

28 **SECTION 6.** (1) For each measure described in section 1 of this 2023 Act, a joint legisla-
29 tive committee consisting of three Senators and three Representatives shall be appointed to
30 prepare and file with the Secretary of State the ballot title and explanatory statement for
31 the measure.

32 (2)(a) The President of the Senate shall appoint three members of a committee from
33 among members of the Senate, two from the majority party and one from a minority party.

34 (b) The Speaker of the House of Representatives shall appoint three members of a com-
35 mittee from among members of the House of Representatives, two from the majority party
36 and one from a minority party.

37 **SECTION 7.** The Secretary of State shall adopt rules governing the procedures for con-
38 ducting an election on a measure described in section 1 of this 2023 Act as may be necessary
39 to implement sections 1 to 7 of this 2023 Act. Rules adopted under this section may not re-
40 quire the joint legislative committee appointed under section 6 of this 2023 Act to:

- 41 (1) Prepare or make publicly available a draft ballot title; or
- 42 (2) File a ballot title with the Secretary of State before March 12, 2024.

43 **SECTION 8.** This 2023 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
45 on its passage.

