

SB 28-1
(LC 3369)
5/18/23 (DRG/ps)

Requested by Senator LIEBER

**PROPOSED AMENDMENTS TO
SENATE BILL 28**

1 In line 2 of the printed bill, after “elections” insert “; and declaring an
2 emergency”.

3 Delete lines 4 through 12 and insert:

4 **“SECTION 1. (1) If _____ Joint Resolution _____ (2023) (LC 4412) is**
5 **referred to the people by the Eighty-second Legislative Assembly in**
6 **regular session:**

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

18 **“(b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and**
19 **251.235, the explanatory statement to be printed in the voters’ pam-**
20 **phlet for the measure described in this subsection shall be prepared**
21 **by the joint legislative committee appointed under section 6 of this**

1 2023 Act and filed with the Secretary of State not later than the date
2 set by the Secretary of State by rule. Unless modified under section 5
3 of this 2023 Act, the explanatory statement prepared by the committee
4 under this subsection shall be the explanatory statement printed in the
5 voters' pamphlet.

6 “(2) The joint legislative committee may begin preparation of the
7 ballot title or explanatory statement on the date the measure de-
8 scribed in subsection (1) of this section is filed with the Secretary of
9 State.

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

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

15 **“SECTION 2.** (1) The Secretary of State shall cause to be printed in
16 the voters' pamphlet the number, ballot title and text of the measure
17 described in section 1 of this 2023 Act and the financial estimate, ex-
18 planatory statement and arguments relating to the measure. The
19 Secretary of State shall also cause to be printed in the voters' pam-
20 phlet any other information required by law.

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

23 **“SECTION 3.** (1) Notwithstanding the deadline specified in ORS
24 254.085, the Secretary of State shall prepare and deliver to each county
25 clerk by the most expeditious means practicable a certified statement
26 of the measure described in section 1 of this 2023 Act. The Secretary
27 of State shall include with the statement the number, financial esti-
28 mate and ballot title of the measure and any other information re-
29 quired by law. The Secretary of State shall keep a copy of the
30 statement.

1 “(2) Each county clerk shall print on the ballot the number, finan-
2 cial estimate and ballot title of the measure, along with any other in-
3 formation required by law. In lieu of printing the financial estimate,
4 the summary portion of the ballot title or other information required
5 by law on the ballot, each county clerk may include with the ballot
6 the complete text of the ballot title, the financial estimate and any
7 other information required by law.

8 “SECTION 4. Notwithstanding ORS 250.085:

9 “(1) Any elector dissatisfied with the ballot title for the measure
10 described in section 1 of this 2023 Act prepared by the joint legislative
11 committee appointed under section 6 of this 2023 Act may petition the
12 Supreme Court seeking a different ballot title. The petition shall state
13 the reasons that the ballot title filed with the Secretary of State does
14 not substantially comply with the requirements of ORS 250.035 and
15 section 1 of this 2023 Act.

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

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

24 “(4) The Supreme Court shall review the ballot title for substantial
25 compliance with the requirements of ORS 250.035 and section 1 of this
26 2023 Act.

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

30 “(6) If the Supreme Court determines that the ballot title prepared

1 by the joint legislative committee substantially complies with the re-
2 quirements of ORS 250.035 and section 1 of this 2023 Act, the court
3 shall certify the ballot title to the Secretary of State. If the Supreme
4 Court determines that the ballot title prepared by the joint legislative
5 committee does not substantially comply with the requirements of
6 ORS 250.035 and section 1 of this 2023 Act, the court shall modify the
7 ballot title and certify the ballot title to the Secretary of State or refer
8 the ballot title to the Attorney General for modification.

9 “(7) Not later than five business days after the Supreme Court re-
10 fers a ballot title to the Attorney General for modification under this
11 section, the Attorney General shall certify a modified ballot title to the
12 Secretary of State. The modified ballot title is not subject to judicial
13 review.

14 **“SECTION 5. Notwithstanding ORS 251.235:**

15 “(1) Any person dissatisfied with the explanatory statement for the
16 measure described in section 1 of this 2023 Act prepared by the joint
17 legislative committee appointed under section 6 of this 2023 Act may
18 petition the Supreme Court seeking a different explanatory statement
19 and stating the reasons the explanatory statement is insufficient or
20 unclear.

21 “(2) The court shall review the explanatory statement and certify
22 an explanatory statement to the Secretary of State if the petition is
23 filed and served as required in subsection (4) of this section not later
24 than the fifth business day after the joint legislative committee files
25 the explanatory statement with the Secretary of State.

26 “(3) Failure to file and serve the petition within the time prescribed
27 in subsection (2) of this section precludes Supreme Court review and
28 certification of an explanatory statement. If the court considers the
29 petition, the court may allow oral argument. The review by the Su-
30 preme Court shall be conducted expeditiously to ensure the orderly

1 and timely conduct of the election at which the measure is to be sub-
2 mitted to the electors. The explanatory statement certified by the
3 court shall be the explanatory statement printed in the voters' pam-
4 phlet.

5 “(4) At the time a person petitions the Supreme Court under sub-
6 section (1) of this section, the person also shall serve a copy of the
7 petition on:

8 “(a) The Attorney General; and

9 “(b) The Legislative Assembly.

10 **“SECTION 6. (1) A joint legislative committee consisting of three**
11 **Senators and three Representatives shall be appointed to prepare and**
12 **file with the Secretary of State the ballot title and explanatory state-**
13 **ment for the measure described in section 1 of this 2023 Act.**

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

17 “(b) The Speaker of the House of Representatives shall appoint
18 three members of the committee from among members of the House
19 of Representatives, two from the majority party and one from a mi-
20 nority party.

21 **“SECTION 7. The Secretary of State shall adopt rules governing the**
22 **procedures for conducting an election on the measure described in**
23 **section 1 of this 2023 Act as may be necessary to implement sections**
24 **1 to 7 of this 2023 Act. Rules adopted under this section may not re-**
25 **quire the joint legislative committee appointed under section 6 of this**
26 **2023 Act to:**

27 “(1) Prepare or make publicly available a draft ballot title; or

28 “(2) File a ballot title with the Secretary of State before March 12,
29 2024.

30 **“SECTION 8. This 2023 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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