

D R A F T

SUMMARY

Digest: The Act tells a legislative group to write certain voter information for bills and const. amends. that passed the 2024 legislature and that voters must vote yes or no on at the 2024 general election for bills or const. amends. to become law. (Flesch Readability Score: 63.4).

Prescribes the method for creating a ballot title and an explanatory statement for any amendment to the Oregon Constitution or statutory Act that passes both houses of the Legislative Assembly during the 2024 session and that is referred to the people by the Legislative Assembly.

Declares an 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) If an amendment to the Oregon Constitution is referred to the people by the Eighty-second Legislative Assembly during its 2024 regular session under Article XVII, section 1, of the Oregon Constitution, or if an Act of the Eighty-second Legislative Assembly that passes both houses of the Legislative Assembly during its 2024 regular session is referred to the people by the Legislative Assembly under Article IV, section 1 (3)(c), of the Oregon Constitution:

(a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a measure described in this subsection shall be prepared by the joint legislative committee appointed under section 6 of this 2024 Act and filed with the Secretary of State not later than the date set by the Secretary of State by rule. The word limits described in ORS 250.035 (2) do not apply to a ballot title for a measure described in this

1 subsection that is prepared by the joint legislative committee under
2 this subsection. Unless modified under section 4 of this 2024 Act, the
3 ballot title prepared by the committee under this subsection shall be
4 the ballot title printed in the voters' pamphlet and printed on, or in-
5 cluded with, the ballot.

6 (b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235,
7 the explanatory statement to be printed in the voters' pamphlet for a
8 measure described in this subsection shall be prepared by the joint
9 legislative committee appointed under section 6 of this 2024 Act and
10 filed with the Secretary of State not later than the date set by the
11 Secretary of State by rule. Unless modified under section 5 of this 2024
12 Act, the explanatory statement prepared by the committee under this
13 subsection shall be the explanatory statement printed in the voters'
14 pamphlet.

15 (2) The joint legislative committee may begin preparation of the
16 ballot title or explanatory statement on the date the measure is filed
17 with the Secretary of State.

18 (3) Except as otherwise provided in sections 1 to 7 of this 2024 Act,
19 ORS chapters 250, 251 and 254 apply to an election held on a measure
20 described in subsection (1) of this section.

21 (4) As used in sections 1 to 7 of this 2024 Act, "measure" has the
22 meaning given that term in ORS 250.005.

23 **SECTION 2.** (1) The Secretary of State shall cause to be printed in
24 the voters' pamphlet the number, ballot title and text of a measure
25 described in section 1 of this 2024 Act and the financial estimate, ex-
26 planatory statement and arguments relating to the measure. The
27 Secretary of State shall also cause to be printed in the voters' pam-
28 phlet any other information required by law.

29 (2) For purposes of sections 1 to 7 of this 2024 Act, the election re-
30 ferred to in ORS 251.295 is the general election.

31 **SECTION 3.** (1) Notwithstanding the deadline specified in ORS

1 **254.085, the Secretary of State shall prepare and deliver to each county**
2 **clerk by the most expeditious means practicable a certified statement**
3 **of a measure described in section 1 of this 2024 Act. The Secretary of**
4 **State shall include with the statement the number, financial estimate**
5 **and ballot title of the measure and any other information required by**
6 **law. The Secretary of State shall keep a copy of the statement.**

7 **(2) Each county clerk shall print on the ballot the number, financial**
8 **estimate and ballot title of the measure, along with any other infor-**
9 **mation required by law. In lieu of printing the financial estimate, the**
10 **summary portion of the ballot title or other information required by**
11 **law on the ballot, each county clerk may include with the ballot the**
12 **complete text of the ballot title, the financial estimate and any other**
13 **information required by law.**

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

15 **(1) Any elector dissatisfied with the ballot title for a measure de-**
16 **scribed in section 1 of this 2024 Act prepared by the joint legislative**
17 **committee appointed under section 6 of this 2024 Act may petition the**
18 **Supreme Court seeking a different ballot title. The petition shall state**
19 **the reasons that the ballot title filed with the Secretary of State does**
20 **not substantially comply with the requirements of ORS 250.035 and**
21 **section 1 of this 2024 Act.**

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

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

30 **(4) The Supreme Court shall review the ballot title for substantial**
31 **compliance with the requirements of ORS 250.035 and section 1 of this**

1 **2024 Act.**

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

5 (6) If the Supreme Court determines that the ballot title prepared
6 by the joint legislative committee substantially complies with the re-
7 quirements of ORS 250.035 and section 1 of this 2024 Act, the court
8 shall certify the ballot title to the Secretary of State. If the Supreme
9 Court determines that the ballot title prepared by the joint legislative
10 committee does not substantially comply with the requirements of
11 ORS 250.035 and section 1 of this 2024 Act, the court shall modify the
12 ballot title and certify the ballot title to the Secretary of State or refer
13 the ballot title to the Attorney General for modification.

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

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

20 (1) Any person dissatisfied with the explanatory statement for a
21 measure described in section 1 of this 2024 Act prepared by the joint
22 legislative committee appointed under section 6 of this 2024 Act may
23 petition the Supreme Court seeking a different explanatory statement
24 and stating the reasons the explanatory statement is insufficient or
25 unclear.

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

31 (3) Failure to file and serve the petition within the time prescribed

1 in subsection (2) of this section precludes Supreme Court review and
2 certification of an explanatory statement. If the court considers the
3 petition, the court may allow oral argument. The review by the Su-
4 preme Court shall be conducted expeditiously to ensure the orderly
5 and timely conduct of the election at which the measure is to be sub-
6 mitted to the electors. The explanatory statement certified by the
7 court shall be the explanatory statement printed in the voters' pam-
8 phlet.

9 (4) At the time a person petitions the Supreme Court under sub-
10 section (1) of this section, the person also shall serve a copy of the
11 petition on:

12 (a) The Attorney General; and

13 (b) The Legislative Assembly.

14 **SECTION 6.** (1) For each measure described in section 1 of this 2024
15 Act, a joint legislative committee consisting of three Senators and
16 three Representatives shall be appointed to prepare and file with the
17 Secretary of State the ballot title and explanatory statement for the
18 measure.

19 (2)(a) The President of the Senate shall appoint three members of
20 a committee from among members of the Senate, two from the ma-
21 jority party and one from a minority party.

22 (b) The Speaker of the House of Representatives shall appoint three
23 members of a committee from among members of the House of Rep-
24 resentatives, two from the majority party and one from a minority
25 party.

26 **SECTION 7.** The Secretary of State shall adopt rules governing the
27 procedures for conducting an election on a measure described in sec-
28 tion 1 of this 2024 Act as may be necessary to implement sections 1 to
29 7 of this 2024 Act. Rules adopted under this section may not require
30 the joint legislative committee appointed under section 6 of this 2024
31 Act to:

- 1 **(1) Prepare or make publicly available a draft ballot title; or**
- 2 **(2) File a ballot title with the Secretary of State before June 4, 2024.**

3 **SECTION 8.** **This 2024 Act being necessary for the immediate pres-**
4 **ervation of the public peace, health and safety, an emergency is de-**
5 **clared to exist, and this 2024 Act takes effect on its passage.**

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