

SB 1538-A4
(LC 194)
3/1/24 (DJ/ps)

Requested by Representatives FAHEY, HELFRICH

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1538**

1 On page 1 of the printed A-engrossed bill, line 3, after “260.407;” delete
2 the rest of the line and insert “and declaring an emergency.”.

3 On page 10, delete lines 10 and 11 and insert:

4 **“SECTION 11. (1) If an amendment to the Oregon Constitution is**
5 **referred to the people by the Eighty-second Legislative Assembly dur-**
6 **ing its 2024 regular session under Article XVII, section 1, of the Oregon**
7 **Constitution, or if an Act of the Eighty-second Legislative Assembly**
8 **that passes both houses of the Legislative Assembly during its 2024**
9 **regular session is referred to the people by the Legislative Assembly**
10 **under Article IV, section 1 (3)(c), of the Oregon Constitution:**

11 **“(a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the**
12 **ballot title for a measure described in this subsection shall be prepared**
13 **by the joint legislative committee appointed under section 16 of this**
14 **2024 Act and filed with the Secretary of State not later than the date**
15 **set by the Secretary of State by rule. The word limits described in ORS**
16 **250.035 (2) do not apply to a ballot title for a measure described in this**
17 **subsection that is prepared by the joint legislative committee under**
18 **this subsection. Unless modified under section 14 of this 2024 Act, the**
19 **ballot title prepared by the committee under this subsection shall be**
20 **the ballot title printed in the voters’ pamphlet and printed on, or in-**
21 **cluded with, the ballot.**

1 “(b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and
2 251.235, the explanatory statement to be printed in the voters’ pam-
3 phlet for a measure described in this subsection shall be prepared by
4 the joint legislative committee appointed under section 16 of this 2024
5 Act and filed with the Secretary of State not later than the date set
6 by the Secretary of State by rule. Unless modified under section 15
7 of this 2024 Act, the explanatory statement prepared by the committee
8 under this subsection shall be the explanatory statement printed in the
9 voters’ pamphlet.

10 “(2) The joint legislative committee may begin preparation of the
11 ballot title or explanatory statement on the date the measure is filed
12 with the Secretary of State.

13 “(3) Except as otherwise provided in sections 11 to 17 of this 2024
14 Act, ORS chapters 250, 251 and 254 apply to an election held on a
15 measure described in subsection (1) of this section.

16 “(4) As used in sections 11 to 17 of this 2024 Act, ‘measure’ has the
17 meaning given that term in ORS 250.005.

18 “SECTION 12. (1) The Secretary of State shall cause to be printed
19 in the voters’ pamphlet the number, ballot title and text of a measure
20 described in section 11 of this 2024 Act and the financial estimate, ex-
21 planatory statement and arguments relating to the measure. The
22 Secretary of State shall also cause to be printed in the voters’ pam-
23 phlet any other information required by law.

24 “(2) For purposes of sections 11 to 17 of this 2024 Act, the election
25 referred to in ORS 251.295 is the general election.

26 “SECTION 13. (1) Notwithstanding the deadline specified in ORS
27 254.085, the Secretary of State shall prepare and deliver to each county
28 clerk by the most expeditious means practicable a certified statement
29 of a measure described in section 11 of this 2024 Act. The Secretary
30 of State shall include with the statement the number, financial esti-

1 mate and ballot title of the measure and any other information re-
2 quired by law. The Secretary of State shall keep a copy of the
3 statement.

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

11 **“SECTION 14. Notwithstanding ORS 250.085:**

12 “(1) Any elector dissatisfied with the ballot title for a measure de-
13 scribed in section 11 of this 2024 Act prepared by the joint legislative
14 committee appointed under section 16 of this 2024 Act may petition the
15 Supreme Court seeking a different ballot title. The petition shall state
16 the reasons that the ballot title filed with the Secretary of State does
17 not substantially comply with the requirements of ORS 250.035 and
18 section 11 of this 2024 Act.

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

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

27 “(4) The Supreme Court shall review the ballot title for substantial
28 compliance with the requirements of ORS 250.035 and section 11 of this
29 2024 Act.

30 “(5) The review by the Supreme Court shall be conducted expe-

1 ditiously to ensure the orderly and timely conduct of the election at
2 which the measure is to be submitted to the electors.

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

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

17 **SECTION 15. Notwithstanding ORS 251.235:**

18 “(1) Any person dissatisfied with the explanatory statement for a
19 measure described in section 11 of this 2024 Act prepared by the joint
20 legislative committee appointed under section 16 of this 2024 Act may
21 petition the Supreme Court seeking a different explanatory statement
22 and stating the reasons the explanatory statement is insufficient or
23 unclear.

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

29 “(3) Failure to file and serve the petition within the time prescribed
30 in subsection (2) of this section precludes Supreme Court review and

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

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

11 “(a) The Attorney General; and

12 “(b) The Legislative Assembly.

13 **“SECTION 16. (1) For each measure described in section 11 of this**
14 **2024 Act, a joint legislative committee consisting of three Senators and**
15 **three Representatives shall be appointed to prepare and file with the**
16 **Secretary of State the ballot title and explanatory statement for the**
17 **measure.**

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

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

25 **“SECTION 17. The Secretary of State shall adopt rules governing**
26 **the procedures for conducting an election on a measure described in**
27 **section 11 of this 2024 Act as may be necessary to implement sections**
28 **11 to 17 of this 2024 Act. Rules adopted under this section may not**
29 **require the joint legislative committee appointed under section 16 of**
30 **this 2024 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,
3 2024.

4 “SECTION 18. This 2024 Act being necessary for the immediate
5 preservation of the public peace, health and safety, an emergency is
6 declared to exist, and this 2024 Act takes effect on its passage.”.

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