

SENATE AMENDMENTS TO SENATE BILL 125

By COMMITTEE ON RULES

June 22

1 On page 1 of the printed bill, line 2, delete “and” and after “ORS” delete the rest of the line
2 and line 3 and insert “250.045, 250.067 and 254.085; and declaring an emergency.”.

3 Delete lines 5 through 29 and delete pages 2 and 3 and insert:

4 **“SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 250.**

5 **“SECTION 2. (1) An elector may file a written complaint with the Secretary of State al-**
6 **leging that the provisions of the certified ballot title described in ORS 250.035 (2)(a) to (c) for**
7 **an initiated state measure do not substantially comply with the requirements of ORS 250.035**
8 **because of a change in Oregon statutory law that occurred after the ballot title was certified.**
9 **This section applies only to a certified ballot title for an initiated state measure that the**
10 **secretary has approved for circulation. The complaint must be filed not later than April 1**
11 **of an even-numbered year and shall state the reasons that the certified ballot title does not**
12 **substantially comply with the requirements of ORS 250.035.**

13 **“(2) Not later than April 2 of an even-numbered year, the secretary shall provide copies**
14 **of all complaints received under subsection (1) of this section to the Attorney General.**

15 **“(3) Not later than the 20th business day after the deadline for receiving copies of the**
16 **complaints, for each certified ballot title for which a complaint was received, the Attorney**
17 **General shall:**

18 **“(a) Determine whether the provisions of the certified ballot title described in ORS**
19 **250.035 (2)(a) to (c) do not substantially comply with the requirements of ORS 250.035 because**
20 **of a change in Oregon statutory law that occurred after the ballot title was certified; and**

21 **“(b) Issue a revised draft ballot title under subsection (4) of this section or a written**
22 **determination under subsection (5) of this section.**

23 **“(4)(a) If the Attorney General determines that the provisions of the certified ballot title**
24 **described in ORS 250.035 (2)(a) to (c) do not substantially comply with the requirements of**
25 **ORS 250.035, the Attorney General shall provide a revised draft ballot title to the secretary.**

26 **“(b) A revised draft ballot title issued by the Attorney General under this subsection is**
27 **considered a draft ballot title issued under ORS 250.065 (3) and the applicable processes for**
28 **comment, certification and Supreme Court review of the ballot titles apply.**

29 **“(5)(a) If the Attorney General determines that the provisions of the certified ballot title**
30 **described in ORS 250.035 (2)(a) to (c) substantially comply with the requirements of ORS**
31 **250.035, the Attorney General shall provide the secretary with a written determination to**
32 **that effect.**

33 **“(b) An elector dissatisfied with the Attorney General’s determination and who filed a**
34 **complaint under subsection (1) of this section may petition the Supreme Court for review**
35 **of that determination.**

1 “(6) A petition filed with the Supreme Court under this section:

2 “(a) Shall name the Attorney General as the respondent and state the reasons that the
3 ballot title does not substantially comply with the requirements of ORS 250.035 (2)(a) to (c)
4 because of a change in Oregon statutory law that occurred after the ballot title was certified;
5 and

6 “(b) Must be filed not later than the 10th business day after the Attorney General pro-
7 vides a written determination to the secretary under subsection (5) of this section or not
8 later than the 10th business day after the Attorney General certifies a revised ballot title to
9 the secretary under ORS 250.067.

10 “(7) The Attorney General may file a response to a petition filed with the Supreme Court
11 not later than the 10th business day after the petition is filed with the court.

12 “(8) A person filing a petition with the Supreme Court under this section shall notify the
13 secretary in writing that the petition has been filed. The notice must be received in the office
14 of the secretary not later than 5 p.m. on the next business day following the day the petition
15 is filed.

16 “(9) Subject to subsection (1) of this section, the Supreme Court shall review the pro-
17 visions of the certified ballot title described in ORS 250.035 (2)(a) to (c) for substantial com-
18 pliance with the requirements of ORS 250.035.

19 “(10) The Supreme Court shall conduct its review expeditiously to ensure the orderly and
20 timely conduct of the election at which the initiated state measure is to be submitted to the
21 electors.

22 “(11) If the Supreme Court determines that the provisions of the certified ballot title
23 described in ORS 250.035 (2)(a) to (c) substantially comply with the requirements of ORS
24 250.035, the court shall dismiss the petition and notify the secretary. If the Supreme Court
25 determines that the provisions of the certified ballot title described in ORS 250.035 (2)(a) to
26 (c) do not substantially comply with the requirements of ORS 250.035, the court shall modify
27 the ballot title and certify the modified ballot title to the secretary or refer the ballot title
28 to the Attorney General for modification.

29 “(12) Not later than the fifth business day after the Supreme Court refers a ballot title
30 to the Attorney General under this section, the Attorney General shall file a modified ballot
31 title with the court and serve copies of the modified ballot title on all parties to the ballot
32 title review proceeding. If no party to the ballot title review proceeding files an objection to
33 the modified ballot title within five business days after the date the modified ballot title is
34 filed, the Supreme Court shall certify the modified ballot title to the secretary and enter an
35 appellate judgment the next judicial day. If any of the parties to the ballot title review pro-
36 ceeding timely files a petition objecting to the modified ballot title, the Supreme Court shall
37 review the modified ballot title to determine whether the provisions of the modified ballot
38 title substantially comply with the requirements of ORS 250.035.

39 “(13) Upon the filing of a petition objecting to a modified ballot title under subsection (12)
40 of this section:

41 “(a) If the Supreme Court determines that the provisions of the modified ballot title
42 substantially comply with the requirements of ORS 250.035, the court shall certify the mod-
43 ified ballot title to the Secretary of State; or

44 “(b) If the Supreme Court determines that the provisions of the modified ballot title do
45 not substantially comply with the requirements of ORS 250.035, the court shall:

1 “(A) **Make modifications to the ballot title and certify the latest ballot title to the Sec-**
2 **retary of State; or**

3 “(B) **Refer the modified ballot title to the Attorney General for additional modification**
4 **and further proceedings under subsection (12) of this section.**

5 “(14) **A ballot title certified by the Attorney General or Supreme Court under this section**
6 **is the ballot title to be printed in the voters’ pamphlet and on the ballot. A ballot title cer-**
7 **tified under this section is not required to be printed on the cover of the initiative petition**
8 **under ORS 250.045. The caption of the ballot title certified under this section is not required**
9 **to be printed on each sheet of signatures of the petition under ORS 250.045.**

10 “**SECTION 3.** ORS 250.045 is amended to read:

11 “250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
12 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
13 petition. The prospective petition for a state measure to be initiated shall contain a statement of
14 sponsorship signed by at least 25 electors. The statement of sponsorship shall be attached to a full
15 and correct copy of the measure to be initiated.

16 “(2) The signatures in the statement of sponsorship must be accompanied by a certificate of the
17 county clerk of each county in which the electors who signed the statement reside, stating the
18 number of signatures believed to be genuine.

19 “(3) The Secretary of State shall date and time stamp the prospective petition and specify the
20 form on which the petition shall be printed for circulation. The secretary shall approve or disap-
21 prove the form of any petition signature sheet within five business days after the signature sheet is
22 submitted for review by the secretary. The secretary shall retain the prospective petition.

23 “[(2)] (4) The chief petitioner may amend the proposed initiated measure filed with the Secretary
24 of State without filing another prospective petition, if:

25 “(a) The Attorney General certifies to the Secretary of State that the proposed amendment will
26 not substantially change the substance of the measure; and

27 “(b) The deadline for submitting written comments on the draft **ballot** title has not passed.

28 “[(3)] (5) The cover of an initiative or referendum petition shall designate the name and resi-
29 dence address of not more than three persons as chief petitioners and shall contain instructions for
30 persons obtaining signatures of electors on the petition. The instructions shall be adopted by the
31 Secretary of State by rule. The cover of a referendum petition shall contain the final measure
32 summary described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with
33 the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative
34 petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court
35 has reviewed the ballot title **under ORS 250.085**, the cover of the initiative petition shall contain
36 the title certified by the court **under ORS 250.085**.

37 “[(4)] (6) The chief petitioners shall include with the prospective petition a statement declaring
38 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
39 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
40 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
41 petitioners first has knowledge or should have had knowledge that:

42 “(a) Any person is being paid for obtaining signatures, when the statement included with the
43 prospective petition declared that no such person would be paid.

44 “(b) No person is being paid for obtaining signatures, when the statement included with the
45 prospective petition declared that one or more such persons would be paid.

1 “[5)(a)] (7)(a) Each sheet of signatures on an initiative petition shall contain the caption of the
2 ballot title **referred to in subsection (5) of this section**. Each sheet of signatures on a referendum
3 petition shall contain the subject expressed in the title of the Act to be referred.

4 “(b) Each sheet of signatures on an initiative or referendum petition shall:

5 “(A) Contain only the signatures of electors of one county; and

6 “(B) If one or more persons will be paid for obtaining signatures of electors on the petition,
7 contain a notice stating: ‘Some Circulators For This Petition Are Being Paid.’ The notice shall be
8 in boldfaced type and shall be prominently displayed on the sheet.

9 “(c) The Secretary of State by rule shall adopt a method of designation to distinguish signature
10 sheets of referendum petitions containing the same subject reference and being circulated during the
11 same period.

12 “[6)] (8) The reverse side of the cover of an initiative or referendum petition shall be used for
13 obtaining signatures on an initiative or referendum petition.

14 “[7)] (9) Not more than 20 signatures on the signature sheet of the initiative or referendum
15 petition shall be counted. The circulator shall certify on each signature sheet of the initiative or
16 referendum petition that the individuals signed the sheet in the presence of the circulator and that
17 the circulator believes each individual is an elector.

18 “[8)] (10) The person obtaining signatures on the petition shall carry at least one full and cor-
19 rect copy of the measure to be initiated or referred and shall allow any person to review a copy
20 upon request of the person.

21 “**SECTION 4.** ORS 250.067 is amended to read:

22 “250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney Gen-
23 eral under ORS 250.065 or 250.075 **or a revised draft ballot title under section 2 of this 2007**
24 **Act**, shall provide reasonable statewide notice of having received the draft ballot title and of the
25 public’s right to submit written comments as provided in this section. Written comments concerning
26 a draft ballot title *[shall]* **may** be submitted to the secretary *[of State]* not later than the 10th busi-
27 ness day after the secretary *[of State]* receives the draft **ballot title or a revised draft ballot title**
28 from the Attorney General. On the next business day after the deadline for submitting comments
29 *[to the secretary of State]*, the secretary shall send a copy of all written comments to the Attorney
30 General. The secretary shall maintain a record of written comments received.

31 “(2)(a) **If written comments are submitted to the secretary under subsection (1) of this**
32 **section**, the Attorney General shall consider *[any written comments submitted under subsection (1)*
33 *of this section and shall]* **the comments and** certify to the secretary *[of State]* either the draft ballot
34 title or a revised ballot title not later than the 10th business day after receiving the comments from
35 the secretary *[of State]*.

36 “(b) If no written comments are submitted to the secretary *[of State]*, the Attorney General shall
37 certify the draft ballot title not later than the 20th business day after the secretary *[of State]* re-
38 ceives the draft **ballot** title from the Attorney General.

39 “(c) The secretary *[of State]* shall furnish the chief petitioner with a copy of the ballot title
40 **certified under this subsection**.

41 “(3) Unless the Supreme Court certifies a different ballot title **under ORS 250.085 or section**
42 **2 of this 2007 Act**, the ballot title *[provided]* **certified** by the Attorney General under subsection
43 (2) of this section *[shall be]* **is** the **ballot** title **to be** printed in the voters’ pamphlet and on the ballot.

44 “(4) If a petition for review of a ballot title is filed with the Supreme Court as provided in ORS
45 250.085 **or section 2 of this 2007 Act**, the secretary *[of State]* shall file with the Supreme Court a

1 copy of the written comments received as part of the record on review of the ballot title.

2 “(5) The secretary [*of State*] by rule shall specify the means for providing reasonable statewide
3 notice for submitting comments on a draft ballot title **or a revised draft ballot title**.

4 “**SECTION 5.** ORS 254.085 is amended to read:

5 “254.085. (1) [*The Secretary of State,*] Not later than the 61st day before the date of a primary
6 or general election, **the Secretary of State** shall file with each county clerk a statement of the
7 state and congressional district offices to be filled or for which candidates are to be nominated in
8 the county at the election, information concerning all candidates for the offices, and the state
9 measures to be voted on.

10 “(2) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon
11 Tax Court and circuit court shall include a designation of incumbent for each candidate who is the
12 regularly elected or appointed judge of the court to which the candidate seeks election. If a candi-
13 date was regularly elected or appointed to a specific position or department on the court, the candi-
14 date shall be designated as the incumbent only if the person is a candidate for that position or
15 department.

16 “(3) Included with each state measure shall be the measure number, the ballot title [*prepared*]
17 **certified** by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the
18 **ballot** title under ORS 250.085 **or section 2 of this 2007 Act**, the **latest ballot** title certified by the
19 court, and the financial estimates under ORS 250.125. The Secretary of State shall keep a copy of
20 the statement.

21 “**SECTION 6. Section 2 of this 2007 Act and the amendments to ORS 250.045, 250.067 and**
22 **254.085 by sections 3 to 5 of this 2007 Act apply to ballot titles for petitions for initiated state**
23 **measures that, if filed with the Secretary of State with the required number of signatures**
24 **of qualified electors, will be submitted to the people at an election occurring on or after**
25 **November 4, 2008.**

26 “**SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
28 **on its passage.”**

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