

Minority Report
B-Engrossed
House Bill 3615

Ordered by the Senate February 22
Including House Amendments dated February 20 and Senate Minority
Report Amendments dated February 22

Sponsored by nonconcurring members of the Senate Committee on Rules and Executive Appointments: Senators
ATKINSON, FERRIOLI

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.

[Provides ballot title for Senate Bill 1087 (2008).]

Directs Attorney General to prepare ballot title for measure referred to people by Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 250.075 and 250.085; and declaring an emergency.

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

4 **SECTION 1.** ORS 250.075 is amended to read:

5 250.075. *[(1)]* When the Legislative Assembly refers a measure to the people, a ballot title for the
6 measure *[may be prepared by the assembly. The ballot title shall be filed with the Secretary of State*
7 *when the measure is filed with the Secretary of State.]* **shall be prepared by the Attorney General.**

8 *[(2) If the title is not prepared under subsection (1) of this section,]* When the measure is filed with
9 the Secretary of State, the secretary shall send two copies of the referred measure to the Attorney
10 General. Not later than the 30th day after the Legislative Assembly adjourns, the Attorney General
11 shall provide a draft ballot title for the measure. The Attorney General shall send a copy of the
12 draft ballot title to each member of the Legislative Assembly, and file with the Secretary of State
13 a copy of the referred measure and the draft ballot title and a certificate of mailing of the draft
14 ballot title to each member.

15 **SECTION 2.** ORS 250.085 is amended to read:

16 250.085. (1) Any elector dissatisfied with a ballot title *[prepared by the Legislative Assembly]*
17 **certified by the Attorney General** for a measure referred to the people by the **Legislative As-**
18 **sembly** and *[filed with the Secretary of State]* **who timely submitted written comments on the**
19 **draft ballot title** may petition the Supreme Court seeking a different title. The petition shall state
20 the reasons that the title filed with the Secretary of State does not substantially comply with the
21 requirements of ORS 250.035.

22 (2) Any elector dissatisfied with the latest ballot title for an initiated or referred measure cer-
23 tified by the Attorney General and who timely submitted written comments on the draft ballot title
24 may petition the Supreme Court seeking a different title. The petition shall state the reasons that

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 the title filed with the Secretary of State does not substantially comply with the requirements of
2 ORS 250.035.

3 (3) The petition shall name the Attorney General as the respondent and must be filed[:]

4 [(a)] not later than the 10th business day after the Attorney General certifies a ballot title or
5 a corrected ballot title to the Secretary of State, whichever is later.[: or]

6 [(b) *If the title is provided by the Legislative Assembly under ORS 250.075, not later than the 10th*
7 *business day after the Legislative Assembly files the ballot title with the Secretary of State.*]

8 (4) An elector filing a petition under this section shall notify the Secretary of State in writing
9 that the petition has been filed. The notice must be received in the office of the Secretary of State
10 not later than 5 p.m. on the next business day following the day the petition is filed.

11 (5) The Supreme Court shall review the title for substantial compliance with the requirements
12 of ORS 250.035.

13 (6) When reviewing a title certified by the Attorney General, the Supreme Court shall not con-
14 sider arguments concerning the ballot title not presented in writing to the Secretary of State unless
15 the court determines that the argument concerns language added to or removed from the draft title
16 after expiration of the comment period provided in ORS 250.067.

17 (7) The review by the Supreme Court shall be conducted expeditiously to ensure the orderly and
18 timely circulation of the petition or conduct of the election at which the measure is to be submitted
19 to the electors.

20 (8) If the Supreme Court determines that the latest ballot title certified by the Attorney General
21 [*or prepared by the Legislative Assembly*] substantially complies with the requirements of ORS
22 250.035, the court shall certify the title to the Secretary of State. If the Supreme Court determines
23 that the latest ballot title certified by the Attorney General [*or prepared by the Legislative*
24 *Assembly*] does not substantially comply with the requirements of ORS 250.035, the court shall
25 modify the ballot title and certify the ballot title to the Secretary of State or refer the ballot title
26 to the Attorney General for modification.

27 (9) Not later than five business days after the Supreme Court refers a ballot title to the Attor-
28 ney General under this section, the Attorney General shall file a modified ballot title with the Su-
29 preme Court and serve copies of the modified ballot title on all parties to the ballot title review
30 proceeding. If no party to the ballot title review proceeding files an objection to the modified ballot
31 title within five business days after the date the modified ballot title is filed, the Supreme Court
32 shall certify the modified ballot title to the Secretary of State and enter an appellate judgment the
33 next judicial day. If any of the parties to the ballot title review proceeding timely files a petition
34 objecting to the modified ballot title, the Supreme Court shall review the modified ballot title to
35 determine whether the modified ballot title substantially complies with the requirements of ORS
36 250.035.

37 (10) Upon the filing of a petition under subsection (9) of this section objecting to a modified
38 ballot title:

39 (a) If the Supreme Court determines that the modified ballot title substantially complies with the
40 requirements of ORS 250.035, the court shall certify the modified ballot title to the Secretary of
41 State; or

42 (b) If the Supreme Court determines that the modified ballot title does not substantially comply
43 with the requirements of ORS 250.035, the court shall modify the ballot title and certify the ballot
44 title to the Secretary of State or refer the modified ballot title to the Attorney General for addi-
45 tional modification and further proceedings under subsection (9) of this section.

1 **SECTION 3. This 2008 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect**
3 **on its passage.**

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