

**SENATE MINORITY REPORT
AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3615**

February 22

President Courtney:

A minority of your Committee on Committee on Rules and Executive Appointments, to whom was referred A-engrossed House Bill 3615, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “amending ORS
2 250.075 and 250.085;”.

3 Delete lines 4 through 28 and delete page 2 and insert:

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
6 the measure [*may be prepared by the assembly. The ballot title shall be filed with the Secretary of*
7 *State when the measure is filed with the Secretary of State.*] **shall be prepared by the Attorney**
8 **General.**

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

16 “**SECTION 2.** ORS 250.085 is amended to read:

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

23 “(2) Any elector dissatisfied with the latest ballot title for an initiated or referred measure
24 certified by the Attorney General and who timely submitted written comments on the draft ballot
25 title may petition the Supreme Court seeking a different title. The petition shall state the reasons
26 that the title filed with the Secretary of State does not substantially comply with the requirements
27 of ORS 250.035.

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

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

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

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

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

6 “(6) When reviewing a title certified by the Attorney General, the Supreme Court shall not
7 consider arguments concerning the ballot title not presented in writing to the Secretary of State
8 unless the court determines that the argument concerns language added to or removed from the
9 draft title after expiration of the comment period provided in ORS 250.067.

10 “(7) The review by the Supreme Court shall be conducted expeditiously to ensure the orderly
11 and timely circulation of the petition or conduct of the election at which the measure is to be sub-
12 mitted to the electors.

13 “(8) If the Supreme Court determines that the latest ballot title certified by the Attorney Gen-
14 eral [*or prepared by the Legislative Assembly*] substantially complies with the requirements of ORS
15 250.035, the court shall certify the title to the Secretary of State. If the Supreme Court determines
16 that the latest ballot title certified by the Attorney General [*or prepared by the Legislative*
17 *Assembly*] does not substantially comply with the requirements of ORS 250.035, the court shall
18 modify the ballot title and certify the ballot title to the Secretary of State or refer the ballot title
19 to the Attorney General for modification.

20 “(9) Not later than five business days after the Supreme Court refers a ballot title to the At-
21 torney General under this section, the Attorney General shall file a modified ballot title with the
22 Supreme Court and serve copies of the modified ballot title on all parties to the ballot title review
23 proceeding. If no party to the ballot title review proceeding files an objection to the modified ballot
24 title within five business days after the date the modified ballot title is filed, the Supreme Court
25 shall certify the modified ballot title to the Secretary of State and enter an appellate judgment the
26 next judicial day. If any of the parties to the ballot title review proceeding timely files a petition
27 objecting to the modified ballot title, the Supreme Court shall review the modified ballot title to
28 determine whether the modified ballot title substantially complies with the requirements of ORS
29 250.035.

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

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

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

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

42 /s/ Jason Atkinson
43 Senator

44 /s/ Ted Ferrioli
45 Senator

