

**SENATE MINORITY REPORT  
AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3634**

February 22

President Courtney:

A minority of your Committee on Rules and Executive Appointments, to whom was referred A-engrossed House Bill 3634, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

1 In line 2 of the printed A-engrossed bill, delete “250.115” and insert “250.075, 250.085, 250.115,  
2 254.478, 254.483 and 260.993”.

3 Delete lines 4 through 23 and insert:

4 “**SECTION 1.** ORS 250.115 is amended to read:

5 “250.115. (1) The Secretary of State shall number the measures to be voted on in the state at  
6 large consecutively and shall not repeat any number in any subsequent election. For each election,  
7 the numbers assigned shall begin with the number after the last number assigned under this section  
8 at the previous election. [*The measures shall be assigned numbers in the order in which the measures*  
9 *are filed with the secretary.*] **The Secretary of State shall number initiative or referendum**  
10 **measures in the order that the petitions are filed for signature verification with the Secre-**  
11 **tary of State, followed immediately in number by Acts of the Legislative Assembly submitted**  
12 **to the people for approval or rejection in the order that the Acts are filed with the Secretary**  
13 **of State, followed immediately in number by amendments to the Oregon Constitution re-**  
14 **ferred to the people by the Legislative Assembly in the order that the amendments are filed**  
15 **with the Secretary of State.**

16 “(2) The Secretary of State shall number state measures not referred to under subsection (1) of  
17 this section consecutively, beginning with the number after the last number assigned under sub-  
18 section (1) of this section, in the order in which the measures are filed with the secretary.

19 “**SECTION 2.** ORS 250.075 is amended to read:

20 “250.075. [(1)] When the Legislative Assembly refers a measure to the people, a ballot title for  
21 the measure [*may be prepared by the assembly. The ballot title shall be filed with the Secretary of*  
22 *State when the measure is filed with the Secretary of State.*] **shall be prepared by the Attorney**  
23 **General.**

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

31 “**SECTION 3.** ORS 250.085 is amended to read:

32 “250.085. (1) Any elector dissatisfied with a ballot title [*prepared by the Legislative Assembly*]

1 **certified by the Attorney General** for a measure referred to the people by the **Legislative As-**  
2 **sembly and [filed with the Secretary of State] who timely submitted written comments on the**  
3 **draft ballot title** may petition the Supreme Court seeking a different title. The petition shall state  
4 the reasons that the title filed with the Secretary of State does not substantially comply with the  
5 requirements of ORS 250.035.

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

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

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

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

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

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

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

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

28 “(8) If the Supreme Court determines that the latest ballot title certified by the Attorney Gen-  
29 eral [*or prepared by the Legislative Assembly*] substantially complies with the requirements of ORS  
30 250.035, the court shall certify the title to the Secretary of State. If the Supreme Court determines  
31 that the latest ballot title certified by the Attorney General [*or prepared by the Legislative*  
32 *Assembly*] does not substantially comply with the requirements of ORS 250.035, the court shall  
33 modify the ballot title and certify the ballot title to the Secretary of State or refer the ballot title  
34 to the Attorney General for modification.

35 “(9) Not later than five business days after the Supreme Court refers a ballot title to the At-  
36 torney General under this section, the Attorney General shall file a modified ballot title with the  
37 Supreme Court and serve copies of the modified ballot title on all parties to the ballot title review  
38 proceeding. If no party to the ballot title review proceeding files an objection to the modified ballot  
39 title within five business days after the date the modified ballot title is filed, the Supreme Court  
40 shall certify the modified ballot title to the Secretary of State and enter an appellate judgment the  
41 next judicial day. If any of the parties to the ballot title review proceeding timely files a petition  
42 objecting to the modified ballot title, the Supreme Court shall review the modified ballot title to  
43 determine whether the modified ballot title substantially complies with the requirements of ORS  
44 250.035.

45 “(10) Upon the filing of a petition under subsection (9) of this section objecting to a modified

1 ballot title:

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

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

9 “**SECTION 4. Section 5 of this 2008 Act is added to and made a part of ORS chapter 260.**

10 “**SECTION 5. (1) A person may not, with the intent to alter the outcome of an election:**

11 “(a) **Misrepresent or falsify information on a ballot;**

12 “(b) **Destroy, discard or tamper with a ballot return identification envelope or secrecy**  
13 **envelope prior to the certification of the election results;**

14 “(c) **Handle or submit the ballot of another elector; or**

15 “(d) **Tamper with, commit the theft of or fail to deliver any ballots from a ballot drop site**  
16 **designated under ORS 254.470 or a location described in ORS 254.472 or 254.474.**

17 “(2) **Subsection (1)(c) of this section does not apply to:**

18 “(a) **State or county elections officials, acting in the course of official business;**

19 “(b) **An employee of the United States Postal Service, acting in the course of official**  
20 **business;**

21 “(c) **A member of the immediate family of the elector who voted the ballot; or**

22 “(d) **Any person who has the written consent of the elector who voted the ballot to han-**  
23 **dle the ballot.**

24 “(3) **As used in this section:**

25 “(a) **‘Ballot’ has the meaning given that term in ORS 246.012.**

26 “(b) **‘Immediate family’ means the father, mother, child, sibling, spouse, grandparent,**  
27 **stepparent or stepchild of the elector.**

28 “**SECTION 6.** ORS 260.993 is amended to read:

29 “260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532  
30 (6) and (8).

31 “(2) Violation of ORS 247.125, 247.171 (5), 247.420 (2), 253.710, 260.402, 260.555, 260.558, 260.575,  
32 260.645 or 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or 260.715  
33 **or section 5 of this 2008 Act** is a Class C felony.

34 “(3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

35 “(4) Violation of ORS 247.171 (6) is a Class C misdemeanor.

36 “**SECTION 7.** ORS 254.478 is amended to read:

37 “254.478. [*Not sooner than the seventh day before the date of an election, in preparation for*  
38 *counting ballots delivered by mail,*] The county clerk may begin opening return identification and  
39 secrecy envelopes of ballots delivered by mail and received by the county clerk **not sooner than**  
40 **8 p.m. on the day of an election.** The county clerk may take any other actions that are necessary  
41 to allow the counting of ballots delivered by mail to begin on election day.

42 “**SECTION 8.** ORS 254.483 is amended to read:

43 “254.483. (1) **The county clerk shall count the number of ballots that are printed for each**  
44 **election in the county.**

45 “(2) Immediately after 8 p.m. on the day of an election, **each county clerk shall:**



