

B-Engrossed House Bill 2414

Ordered by the Senate June 25
Including House Amendments dated March 25 and Senate Amendments
dated June 25

Sponsored by Representative BUCKLEY, Senators MONROE, MORSE; Representatives CANNON, C EDWARDS, ROBLAN, Senators BONAMICI, BOQUIST, GEORGE, HASS, METSGER, MORRISETTE, ROSENBAUM, STARR, VERGER, WALKER, WHITSETT

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.

[Allows ballots to list names of not more than three political parties that have nominated candidate for election.]

[Directs Secretary of State to conduct review of listing procedure.]

**Modifies requirements for ballot title referred to people by referendum petition.
Prescribes ballot titles and explanatory statements for House Joint Resolution 7 (2009) and House Joint Resolution 13 (2009).**

**Directs that certain measures, if referred, be submitted to people at special election.
Directs that any other measure, if referred by referendum petition, be submitted to people at next primary election.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 250.035 and 254.065; appropriating
3 money; and declaring an emergency.

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

5 **SECTION 1.** ORS 250.035 is amended to read:

6 250.035. (1) The ballot title of any measure, other than a state measure, to be initiated or re-
7 ferred shall consist of:

8 (a) A caption of not more than 10 words which reasonably identifies the subject of the measure;

9 (b) A question of not more than 20 words which plainly phrases the chief purpose of the measure
10 so that an affirmative response to the question corresponds to an affirmative vote on the measure;
11 and

12 (c) A concise and impartial statement of not more than 175 words summarizing the measure and
13 its major effect.

14 (2) The ballot title of any state measure to be initiated or **to be referred by the Legislative**
15 **Assembly** shall consist of:

16 (a) A caption of not more than 15 words that reasonably identifies the subject matter of the
17 state measure. The caption of an initiative or referendum amendment to the Constitution shall begin
18 with the phrase, "Amends Constitution," which shall not be counted for purposes of the 15-word
19 caption limit;

20 (b) A simple and understandable statement of not more than 25 words that describes the result
21 if the state measure is approved. The statement required by this paragraph shall include either the
22 phrase, "I vote" or "vote yes," or a substantially similar phrase, which may be placed at any point

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 within the statement;

2 (c) A simple and understandable statement of not more than 25 words that describes the result
3 if the state measure is rejected. The statement required by this paragraph shall not describe ex-
4 isting statutory or constitutional provisions in a way that would lead an average elector to believe
5 incorrectly that one of those provisions would be repealed by approval of the state measure, if ap-
6 proval would not have that result. Any thing or action described both in the statement required by
7 paragraph (b) of this subsection and in the statement required by this paragraph shall be described
8 using the same terms in both statements, to the extent practical. Any different terms must be terms
9 that an average elector would understand to refer to the same thing or action. The statement shall
10 include either the phrase, "I vote" or "vote no," or a substantially similar phrase, which may be
11 placed at any point within the statement; and

12 (d) A concise and impartial statement of not more than 125 words summarizing the state meas-
13 ure and its major effect.

14 **(3) The ballot title of a state measure referred to the people by referendum petition shall**
15 **consist of all of the following:**

16 **(a) A caption of not more than 15 words that reasonably identifies the subject matter of**
17 **the state measure. The caption shall begin with the phrase, "Overturns legislation," which**
18 **shall not be counted for purposes of the 15-word caption limit.**

19 **(b) A simple and understandable statement of not more than 25 words that describes the**
20 **result if the state measure is rejected. The statement required by this paragraph shall be**
21 **phrased so that an affirmative vote corresponds to a rejection of the measure and shall begin**
22 **with the phrase, "A "yes" vote rejects legislation that".**

23 **(c) A simple and understandable statement of not more than 25 words that describes the**
24 **result if the state measure is approved. The statement required by this paragraph shall be**
25 **phrased so that a negative vote corresponds to an approval of the measure and shall begin**
26 **with the phrase, "A "no" vote approves legislation that". Any thing or action described both**
27 **in the statement required by paragraph (b) of this subsection and in the statement required**
28 **by this paragraph shall be described using the same terms in both statements, to the extent**
29 **practical. Any different terms must be terms that an average elector would understand to**
30 **refer to the same thing or action.**

31 **(d) A concise and impartial statement of not more than 125 words summarizing the state**
32 **measure and its major effect.**

33 [(3)] **(4)(a)** The statements required by subsection (2)(b) and (c) of this section shall be written
34 so that, to the extent practicable, the language of the two statements is parallel.

35 **(b) The statements required by subsection (3)(b) and (c) of this section shall be written**
36 **so that, to the extent practicable, the language of the two statements is parallel.**

37 [(4)] **(5)** The statement required by subsection (2)(b) of this section shall be written so that an
38 affirmative response to the statement corresponds to an affirmative vote on the state measure.

39 [(5)] **(6)** The statement required by subsection (2)(c) of this section shall be written so that an
40 affirmative response to the statement corresponds to a negative vote on the state measure.

41 [(6)] **(7)** To avoid confusion, a ballot title shall not resemble any title previously filed for a
42 measure to be submitted at that election.

43 [(7)] **(8)** In the statements required by subsection (2)(b), (c) and (d) **and (3)(b), (c) and (d)** of this
44 section, reasonable discretion shall be allowed in the use of articles and conjunctions, but the
45 statements shall not omit articles and conjunctions that are necessary to avoid confusion to or

1 misunderstanding by an average elector.

2 **SECTION 2.** ORS 254.065 is amended to read:

3 254.065. (1) When one person is to be nominated for or elected to an office, the person receiving
4 the highest number of votes shall be nominated or elected. When more than one person is to be
5 nominated for or elected to a single office, the persons receiving the higher number of votes shall
6 be nominated or elected. This subsection does not apply to a candidate for election to an office at
7 a general election if the election for the office must be held at a special election as described in
8 ORS 254.650.

9 (2) **Except as provided in subsection (3) of this section, [no] a measure [shall] may not** be
10 adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or
11 more conflicting laws, or amendments to the Constitution or charter, are approved at the same
12 election, the law, or amendment, receiving the greatest number of affirmative votes [shall be] is
13 paramount regarding each conflict, even though the law, or amendment, may not have received the
14 greatest majority of affirmative votes.

15 (3) **A measure referred to the people by referendum petition may not be adopted unless**
16 **it receives an affirmative majority of the total votes cast on the measure rejecting the**
17 **measure. For purposes of this subsection, a measure is considered adopted if it is rejected**
18 **by the people.**

19 **SECTION 3.** The amendments to ORS 250.035 and 254.065 by sections 1 and 2 of this 2009
20 Act apply to ballot titles for state measures for which a referendum petition has been filed
21 on or after the effective date of this 2009 Act.

22 **SECTION 4.** Except as otherwise provided in sections 5 and 6 of this 2009 Act, ORS
23 chapters 250, 251 and 254 apply to an election held on House Joint Resolution 7 (2009) and
24 House Joint Resolution 13 (2009).

25 **SECTION 5.** (1) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot
26 title for House Joint Resolution 7 (2009) shall be:

27
28
29 **AMENDS CONSTITUTION: EXPANDS AVAILABILITY OF HOME OWNERSHIP LOANS**
30 **FOR OREGON VETERANS THROUGH OREGON WAR VETERANS' FUND.**

31
32 **RESULT OF "YES" VOTE: "Yes" vote extends home loan program for Oregon veterans to**
33 **lifetime benefit and increases eligibility for non-combat veterans, National Guard veterans**
34 **and veterans who served after 9/11.**

35
36 **RESULT OF "NO" VOTE: "No" vote retains current law: Some combat veterans who com-**
37 **pleted service within past 30 years are eligible for loans; other veterans honorably discharged**
38 **and some National Guard veterans remain ineligible.**

39
40 **SUMMARY: The Oregon Constitution currently provides that Oregon combat veterans may**
41 **receive low-interest home loans from the Oregon War Veterans' Fund. Veterans must have**
42 **received an honorable discharge and must have served for more than 210 consecutive days**
43 **or been released because of injury or disability. Veterans must apply for loans within 30**
44 **years after release from service and must show ability to repay the loans. This measure**
45 **amends the Oregon Constitution to make loans available to more veterans, including Na-**

1 tional Guard veterans, others who have honorably served overseas and veterans who have
2 not seen combat. This measure would make low-interest home loans a lifetime benefit and
3 would increase the number of honorably discharged veterans and surviving spouses who are
4 eligible for the low-interest loan program.

5 _____
6
7 (2) If a petition is filed under section 12 of this 2009 Act challenging the ballot title pro-
8 vided in subsection (1) of this section, the word limits described in ORS 250.035 (2) do not
9 apply for the purposes of judicial review.

10 (3) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
11 statement to be printed in the voters' pamphlet for House Joint Resolution 7 (2009) shall be:
12 _____

13
14 This measure would expand the number of veterans and surviving spouses who are eligible
15 to receive low-interest home loans from the Oregon War Veterans' Fund. In 1944, by legis-
16 lative referral, voters amended the Oregon Constitution to create the 'Oregon War Veterans'
17 Fund' to provide low-interest home loans to some Oregon residents who served in the United
18 States Armed Forces and their surviving spouses.

19
20 The Oregon Constitution currently requires that, to be eligible for a loan from the Oregon
21 War Veterans' Fund, a person must have honorably served in active duty in the Armed
22 Forces of the United States for 210 consecutive days (unless discharged from active duty due
23 to service-related illness or injury) or must have seen combat. The person also must have
24 been honorably discharged or separated from the Armed Forces. The veteran must apply for
25 the loan within 30 years after the veteran was released from active duty. Loans are for pri-
26 mary residences and are made only to those who can show an ability to repay. Surviving
27 spouses of veterans who died, became missing in action or became prisoners of war while in
28 service also are eligible to receive loans under certain conditions.

29
30 Because veterans must apply for loans within 30 years of discharge, many Vietnam-era
31 combat veterans who were honorably discharged are no longer eligible for the loans. Because
32 of the requirement that a veteran serve for 210 consecutive days, many Oregon veterans who
33 served in the military after the terrorist attacks of 9/11 and were honorably discharged are
34 not eligible for the loans.

35
36 This measure would make the loans available to any Oregon veteran who has served under
37 honorable conditions on active duty in the Armed Forces of the United States, as long as the
38 veteran meets certain financial eligibility criteria. The measure uses the same definition of
39 "veteran" as is used in Oregon law. The measure eliminates the constitutional requirement
40 that loans be applied for within 30 years of discharge, making eligibility for a loan a lifetime
41 benefit for veterans, as long as they meet the other qualification criteria. This measure also
42 eliminates the requirement that a veteran serve for 210 continuous days. Under Oregon law,
43 a person would be a "veteran" if the person completed at least 178 consecutive days of ser-
44 vice or saw combat, and received an honorable discharge. This measure also makes the loans
45 available to surviving spouses of veterans, regardless of whether the veteran resided in

1 Oregon, if the deceased veteran meets certain eligibility criteria and the surviving spouse
2 resides in Oregon at the time of application for the loan.

3
4 If this measure were to pass, more Oregon veterans and surviving spouses would be eligible
5 to receive a low-interest home loan through the Oregon War Veterans' Fund.

6
7
8 (4) Unless modified under section 13 of this 2009 Act, the explanatory statement con-
9 tained in this section shall be printed in the voters' pamphlet.

10 **SECTION 6.** (1) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot
11 title for House Joint Resolution 13 (2009) shall be:

12
13
14 **REVISES CONSTITUTION: ALLOWS STATE TO ISSUE BONDS TO MATCH VOTER AP-
15 PROVED SCHOOL DISTRICT BONDS FOR SCHOOL CAPITAL COSTS.**

16
17 **RESULT OF "YES" VOTE: "Yes" vote allows state to issue bonds to match voter approved
18 school district bonds for school capital costs. Dedicates lottery funds for matching funds and
19 repayment.**

20
21 **RESULT OF "NO" VOTE: "No" vote retains current law prohibiting state and restricting
22 local districts from issuing bonds to pay for school capital costs, including acquisition, con-
23 struction, repair and improvement.**

24
25 **SUMMARY: This measure would revise the Oregon Constitution to allow voters to approve
26 local district bonds for school capital costs and the state to issue bonds and use the revenue
27 from those bonds to help local school districts pay for capital costs. The Constitution cur-
28 rently limits voters' ability to approve local district bonds for school capital costs and pre-
29 vents the state from issuing bonds to help local districts pay for school capital costs. "Capital
30 costs" include costs for acquisition, construction, repair and improvement, but not routine
31 maintenance or supplies. State funds may be used only to match funds approved by voters
32 in local districts. The measure would dedicate 15 percent of state lottery revenues to a
33 "school capital matching fund" to repay state funds provided to districts. State bonds may
34 not be repaid by raising property taxes. Contains other provisions.**

35
36
37 (2) If a petition is filed under section 12 of this 2009 Act challenging the ballot title pro-
38 vided in subsection (1) of this section, the word limits described in ORS 250.035 (2) do not
39 apply for the purposes of judicial review.

40 (3) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
41 statement to be printed in the voters' pamphlet for House Joint Resolution 13 (2009) shall
42 be:

43
44
45 **The Oregon Constitution restricts the state's authority to issue bonds or otherwise incur**

1 indebtedness. Oregon voters have approved 16 exceptions to this restriction, 14 of which are
2 still in effect. The exceptions allow the state to issue bonds for a variety of purposes, in-
3 cluding for home ownership loans to veterans, reforestation of state lands, construction of
4 buildings for state universities and community colleges, housing for the elderly and disabled,
5 pollution controls and seismic rehabilitation of public buildings. However, the restriction in
6 the Constitution still prevents the state from issuing bonds or otherwise incurring indebt-
7 edness to assist local school districts in financing K-12 capital costs. The Constitution also
8 limits the bonding authority of local taxing districts, including school districts.

9
10 This measure would revise the Oregon Constitution to allow the state to issue general obli-
11 gation bonds to match voter approved bonds for K-12 school capital costs. The measure
12 would accomplish this by adding two different provisions to the Constitution. The first new
13 provision would allow local taxing districts to incur bonded indebtedness on or after January
14 1, 2011, to finance capital costs. Capital costs are defined to include the costs of land and
15 other assets associated with acquisition, construction, improvement, remodeling, mainte-
16 nance and repair. Capital costs do not include operating costs.

17
18 The second new provision would allow the state to issue general obligation bonds to provide
19 funds to be granted or loaned to school districts to finance the capital costs of the school
20 districts. The proceeds from the bonds could be used only to provide matching funds to fi-
21 nance the capital costs of school districts that have received voter approval to issue local
22 government bonds. The state bonds may not be used to pay school district operating costs.
23 Bonds issued by the state could not be repaid through property taxes.

24
25 This new constitutional provision also creates a “school capital matching fund” to pay for
26 matching funds to school districts to finance capital costs and debt service on state bonds
27 issued pursuant to this measure and repeals the current “school capital matching subac-
28 count” in the “education stability fund.” Any existing funds in the school capital matching
29 subaccount would be transferred to the new school capital matching fund, and that fund also
30 would receive 15 percent of net lottery proceeds.

31
32 Under the measure, if residents of a local taxing district vote to approve bonds for school
33 capital costs, the local taxing district would be eligible to receive matching funds from the
34 state. This would allow the state to help pay for K-12 capital costs. The result would sub-
35 stantially reduce the costs to the local school district and its taxpayers to make capital im-
36 provements, such as constructing, repairing or maintaining school buildings.

37
38
39 (4) Unless modified under section 13 of this 2009 Act, the explanatory statement con-
40 tained in this section shall be printed in the voters’ pamphlet.

41 **SECTION 7.** (1) Except as provided in section 8 of this 2009 Act, if all or part of any Act
42 of the Seventy-fifth Legislative Assembly is referred to the people by petition under section
43 1 (3)(b), Article IV of the Oregon Constitution, it shall be submitted to the people for their
44 approval or rejection at a special election held throughout this state on the same date as the
45 next primary election.

1 (2) Except as otherwise provided in this section, ORS chapters 250, 251 and 254 apply to
2 an election held on a measure or part of a measure described in this section.

3 (3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a
4 measure or part of a measure described in this section shall be prepared by the joint legis-
5 lative committee created under section 14 of this 2009 Act and filed with the Secretary of
6 State not later than the date set by the Secretary of State by rule. The word limits described
7 in ORS 250.035 (2) do not apply to a ballot title prepared by the joint legislative committee
8 under this subsection. Unless modified under section 12 of this 2009 Act, the ballot title
9 prepared by the committee under this subsection shall be the ballot title printed in the vot-
10 ers' pamphlet and printed on, or included with, the ballot.

11 (4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
12 statement to be printed in the voters' pamphlet for a measure or part of a measure described
13 in this section shall be prepared by the joint legislative committee created under section 14
14 of this 2009 Act and filed with the Secretary of State not later than the date set by the
15 Secretary of State by rule. Unless modified under section 13 of this 2009 Act, the explanatory
16 statement prepared by the committee under this subsection shall be the explanatory state-
17 ment printed in the voters' pamphlet.

18 **SECTION 8.** (1) Except as otherwise provided in sections 8 to 15 of this 2009 Act, ORS
19 chapters 250, 251 and 254 apply to an election held on any part of chapter __, Oregon Laws
20 2009 (Enrolled House Bill 2649), or chapter __, Oregon Laws 2009 (Enrolled House Bill 3405).

21 (2) If any part of chapter __, Oregon Laws 2009 (Enrolled House Bill 2649), or chapter
22 __, Oregon Laws 2009 (Enrolled House Bill 3405), is referred to the people by petition under
23 section 1 (3)(b), Article IV of the Oregon Constitution, it shall be submitted to the people for
24 their approval or rejection at a special election held throughout the state on January 26,
25 2010.

26 (3) If any part of chapter __, Oregon Laws 2009 (Enrolled House Bill 2649), or chapter
27 __, Oregon Laws 2009 (Enrolled House Bill 3405), is referred to the people by petition under
28 section 1 (3)(b), Article IV of the Oregon Constitution, a special election shall be held
29 throughout this state on January 26, 2010, as provided in sections 8 to 15 of this 2009 Act.

30 **SECTION 9.** If any part of chapter __, Oregon Laws 2009 (Enrolled House Bill 2649), or
31 chapter __, Oregon Laws 2009 (Enrolled House Bill 3405), is referred to the people by petition
32 under section 1 (3)(b), Article IV of the Oregon Constitution:

33 (1) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for the
34 measure shall be prepared by the joint legislative committee created under section 14 of this
35 2009 Act and filed with the Secretary of State not later than the date set by the Secretary
36 of State by rule. The word limits described in ORS 250.035 (2) do not apply to a ballot title
37 prepared by the joint legislative committee under this subsection. Unless modified under
38 section 12 of this 2009 Act, the ballot title prepared by the committee under this subsection
39 shall be the ballot title printed in the voters' pamphlet and printed on, or included with, the
40 ballot.

41 (2) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
42 statement to be printed in the voters' pamphlet for the measure shall be prepared by the
43 joint legislative committee created under section 14 of this 2009 Act and filed with the Sec-
44 retary of State not later than the date set by the Secretary of State by rule. Unless modified
45 under section 13 of this 2009 Act, the explanatory statement prepared by the committee un-

1 der this subsection shall be the explanatory statement printed in the voters' pamphlet.

2 (3) The committee may begin preparation of the ballot title or explanatory statement on
3 the date that a prospective petition to refer the measure or any part of the measure is filed
4 with the Secretary of State under ORS 250.045.

5 (4)(a) Arguments relating to the measure may be filed with the Secretary of State under
6 ORS 251.245 and 251.255, except that an argument must be filed not later than the date set
7 by the Secretary of State by rule.

8 (b) Notwithstanding ORS 192.410 to 192.505 relating to public records, an argument filed
9 under this subsection is exempt from public inspection until the fourth business day after
10 the deadline for filing the argument.

11 (5) The financial estimate committee created under ORS 250.125 shall prepare and file
12 with the Secretary of State the estimates described in ORS 250.125 and, if the committee
13 considers it necessary, a statement explaining the financial effects of the measure as de-
14 scribed in ORS 250.125, except that the committee shall prepare and file the estimates or
15 statements not later than the date set by the Secretary of State by rule. The financial esti-
16 mate committee may begin preparation of the estimate or statement on the date that a
17 prospective petition to refer the measure or any part of the measure is filed with the Sec-
18 retary of State under ORS 250.045.

19 (6) Notwithstanding ORS 250.131 (2), the Supreme Court shall conduct a review under
20 ORS 250.131 if a petition is filed not later than the date set by the Secretary of State by rule.

21 SECTION 10. (1) The Secretary of State shall cause to be printed in the voters' pamphlet
22 the number, ballot title and text of a measure or part of a measure described in section 8
23 of this 2009 Act and the financial estimate, explanatory statement and arguments relating
24 to the measure or any part of a measure. The Secretary of State shall also cause to be
25 printed in the voters' pamphlet any other material required by law. Notwithstanding ORS
26 251.026, the Secretary of State shall include in the voters' pamphlet the information or
27 statements described in ORS 251.026 that the Secretary of State considers applicable to the
28 election on a measure described in section 8 of this 2009 Act. Notwithstanding ORS 251.285
29 and subject to ORS 251.008, measures referred to in section 8 of this 2009 Act shall be the
30 only measures included in the voters' pamphlet prepared under this section.

31 (2) Not later than the 10th day before the election, the Secretary of State shall cause the
32 voters' pamphlet to be mailed to each post-office mailing address in Oregon and may use any
33 additional means of distribution necessary to make the pamphlet available to electors.

34 (3) In preparing the voters' pamphlet under this section, the Secretary of State is not
35 required to comply with ORS chapter 279B relating to competitive bidding.

36 (4) For purposes of sections 8 to 15 of this 2009 Act, the election referred to in ORS
37 251.295 is the special election held on the date specified in section 8 of this 2009 Act.

38 SECTION 11. (1) Notwithstanding the deadline in ORS 254.085, the Secretary of State
39 shall prepare and deliver to each county clerk by the most expeditious means practicable a
40 certified statement of a measure referred to in section 8 of this 2009 Act. The Secretary of
41 State shall include with the statement the number, financial estimate and ballot title of the
42 measure, and any other information required by law. The Secretary of State shall keep a
43 copy of the statement.

44 (2) The county clerks shall print on the ballot the number, financial estimate and ballot
45 title of the measure, along with any other material required by law. In lieu of printing the

1 financial estimate, the summary portion of the ballot title or other material required by law
2 on the ballot, a county clerk may include with the ballot the complete text of the ballot title,
3 the financial estimate and any other material required by law.

4 **SECTION 12. Notwithstanding ORS 250.085:**

5 (1) Any elector dissatisfied with the ballot title for House Joint Resolution 7 (2009), House
6 Joint Resolution 13 (2009) or a measure or part of a measure described in section 7 or 8 of
7 this 2009 Act prepared by the joint legislative committee may petition the Supreme Court
8 seeking a different ballot title. The petition shall state the reasons that the ballot title filed
9 with the Secretary of State does not substantially comply with the requirements of ORS
10 250.035.

11 (2) The petition shall name the Attorney General as the respondent and must be filed:

12 (a) Not later than the fifth business day after the Legislative Assembly files the ballot
13 title with the Secretary of State; or

14 (b) For House Joint Resolution 7 (2009) or House Joint Resolution 13 (2009), not later than
15 the 30th day after the Seventy-fifth Legislative Assembly adjourns sine die.

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

20 (4) The Supreme Court shall review the title for substantial compliance with the re-
21 quirements of ORS 250.035.

22 (5) The review by the Supreme Court shall be conducted expeditiously to ensure the or-
23 derly and timely conduct of the election at which the measure is to be submitted to the
24 electors.

25 (6) If the Supreme Court determines that the ballot title prepared by the Legislative As-
26 sembly substantially complies with the requirements of ORS 250.035, the court shall certify
27 the title to the Secretary of State. If the Supreme Court determines that the ballot title
28 prepared by the Legislative Assembly does not substantially comply with the requirements
29 of ORS 250.035, the court shall refer the ballot title to the Attorney General for modification.

30 (7) Not later than five business days after the Supreme Court refers a ballot title to the
31 Attorney General for modification under this section, the Attorney General shall certify a
32 modified ballot title to the Secretary of State.

33 **SECTION 13. Notwithstanding ORS 251.235:**

34 (1) Any person dissatisfied with the explanatory statement for House Joint Resolution 7
35 (2009), House Joint Resolution 13 (2009) or a measure or part of a measure described in sec-
36 tion 7 or 8 of this 2009 Act prepared by the joint legislative committee may petition the Su-
37 preme Court seeking a different statement and stating the reasons the statement filed with
38 the court is insufficient or unclear.

39 (2) The court shall review the statement and certify an explanatory statement to the
40 Secretary of State if the petition is filed and served as required in subsection (4) of this
41 section:

42 (a) Not later than the fifth business day after the Legislative Assembly files the explan-
43 atory statement with the Secretary of State; or

44 (b) For House Joint Resolution 7 (2009) or House Joint Resolution 13 (2009), not later than
45 the 30th day after the Seventy-fifth Legislative Assembly adjourns sine die.

1 (3) Failure to file and serve the petition within the time prescribed in subsection (2) of
2 this section precludes Supreme Court review and certification of an explanatory statement.
3 If the court considers the petition, the court may allow oral argument. The review by the
4 Supreme Court shall be conducted expeditiously to ensure the orderly and timely conduct of
5 the election at which the measure is to be submitted to the electors. The statement certified
6 by the court shall be the explanatory statement printed in the voters' pamphlet.

7 (4) At the time a person petitions the Supreme Court under subsection (1) of this section,
8 the person also shall serve a copy of the petition on:

9 (a) The Attorney General;

10 (b) The Legislative Assembly; and

11 (c) The chief petitioners of the measure.

12 **SECTION 14.** (1) A joint legislative committee consisting of three Senators and three
13 Representatives shall be appointed to prepare the ballot titles and explanatory statements
14 as described in sections 7 and 9 of this 2009 Act.

15 (2)(a) The President of the Senate shall appoint three members from among members of
16 the Senate, two from the majority party and one from the minority party.

17 (b) The Speaker of the House of Representatives shall appoint three members from
18 among members of the House of Representatives, two from the majority party and one from
19 the minority party.

20 **SECTION 15.** The Secretary of State shall adopt rules governing the procedures for con-
21 ducting the election on a measure or any part of a measure described in sections 7 and 9 of
22 this 2009 Act as may be necessary to implement sections 7 to 15 of this 2009 Act.

23 **SECTION 16.** (1) In addition to and not in lieu of any other appropriation, there is ap-
24 propriated to the Emergency Board, for the biennium beginning July 1, 2009, out of the
25 General Fund, the amount of \$2,000,000, to be allocated to the Secretary of State for costs
26 associated with a statewide special election that may be held on January 26, 2010.

27 (2) If any of the moneys appropriated by subsection (1) of this section are not allocated
28 by the Emergency Board prior to December 1, 2010, the moneys remaining on that date be-
29 come available for any purpose for which the Emergency Board lawfully may allocate funds.

30 **SECTION 17.** (1) Original jurisdiction is vested in the Supreme Court of this state to re-
31 view and determine the constitutionality of the amendments to ORS 250.035 and 254.065 by
32 sections 1 and 2 of this 2009 Act. The Supreme Court shall have sole and exclusive jurisdic-
33 tion of proceedings initiated under this section if:

34 (a) A chief petitioner of, or any elector who signs, a referendum petition relating to a
35 state measure for which a prospective petition is filed on or after the effective date of this
36 2009 Act, who is adversely affected or aggrieved by the amendments to ORS 250.035 and
37 254.065 by sections 1 and 2 of this 2009 Act asserts a claim for relief that challenges the
38 constitutionality of ORS 250.035 and 254.065, as amended by sections 1 and 2 of this 2009 Act;
39 and

40 (b) The action is commenced not later than the fifth day after the date the Secretary of
41 State determines that a referendum petition contains the required number of signatures of
42 electors.

43 (2) The review by the Supreme Court under this section shall be conducted expeditiously
44 to ensure the orderly and timely conduct of the election at which the measure is to be sub-
45 mitted to the electors.

1 **SECTION 18.** Section 17 of this 2009 Act is repealed on July 1, 2010.

2 **SECTION 19.** This 2009 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
4 on its passage.

5
