

# House Bill 2941

Sponsored by Representative GARRETT; Representatives CANNON, DEMBROW, D EDWARDS, KAHL, READ, Senator BONAMICI

## 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 **as introduced**.

Directs Attorney General to provide identical draft ballot title for state measure to be initiated if Attorney General determines two or more state measures are substantially similar.

Declaring emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to ballot titles; creating new provisions; amending ORS 250.035; and declaring an emer-  
3 gency.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 250.**

6 **SECTION 2. If the Attorney General determines that the subject, purpose and major ef-  
7 fect of two or more state measures to be initiated are substantially similar, the Attorney  
8 General shall provide identical draft ballot titles for the state measures.**

9 **SECTION 3. ORS 250.035 is amended to read:**

10 250.035. (1) The ballot title of any measure, other than a state measure, to be initiated or re-  
11 ferred shall consist of:

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

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

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

18 (2) The ballot title of any state measure to be initiated or referred shall consist of:

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

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

27 (c) A simple and understandable statement of not more than 25 words that describes the result  
28 if the state measure is rejected. The statement required by this paragraph shall not describe ex-  
29 isting statutory or constitutional provisions in a way that would lead an average elector to believe  
30 incorrectly that one of those provisions would be repealed by approval of the state measure, if ap-

**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 proval would not have that result. Any thing or action described both in the statement required by  
 2 paragraph (b) of this subsection and in the statement required by this paragraph shall be described  
 3 using the same terms in both statements, to the extent practical. Any different terms must be terms  
 4 that an average elector would understand to refer to the same thing or action. The statement shall  
 5 include either the phrase, "I vote" or "vote no," or a substantially similar phrase, which may be  
 6 placed at any point within the statement; and

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

9 (3) The statements required by subsection (2)(b) and (c) of this section shall be written so that,  
 10 to the extent practicable, the language of the two statements is parallel.

11 (4) The statement required by subsection (2)(b) of this section shall be written so that an affir-  
 12 mative response to the statement corresponds to an affirmative vote on the state measure.

13 (5) The statement required by subsection (2)(c) of this section shall be written so that an affir-  
 14 mative response to the statement corresponds to a negative vote on the state measure.

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

17 *[(7)]* (6) In the statements required by subsection (2)(b), (c) and (d) of this section, reasonable  
 18 discretion shall be allowed in the use of articles and conjunctions, but the statements shall not omit  
 19 articles and conjunctions that are necessary to avoid confusion to or misunderstanding by an aver-  
 20 age elector.

21 **SECTION 4. Section 2 of this 2009 Act and the amendments to ORS 250.035 by section 3**  
 22 **of this 2009 Act apply to draft ballot titles for state measures for which a prospective petition**  
 23 **was filed on or after the effective date of this 2009 Act.**

24 **SECTION 5. This 2009 Act being necessary for the immediate preservation of the public**  
 25 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
 26 **on its passage.**

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