

# House Joint Resolution 17

Sponsored by Representative GALIZIO, Senator MORSE

## 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**.

Proposes amendment to Oregon Constitution to require submission of state initiative petitions to Legislative Assembly. Allows Legislative Assembly to conduct advisory vote, refer, reject or take no action on proposed initiative law or amendment or to refer alternative proposed law or amendment to people.

Allows petitioner to withdraw initiative petition from ballot. Directs Secretary of State to place proposed initiative on ballot if Legislative Assembly rejects or takes no action on proposed initiative or refers alternative to people.

Specifies voting procedures if both proposed initiative and referred alternative appear on ballot in same election.

Refers proposed amendment to people for their approval or rejection at next regular general election.

## JOINT RESOLUTION

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2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section  
4 1c to be added to and made a part of Article IV, and by amending section 1, Article IV, such  
5 sections to read:

6 **Sec. 1.** (1) The legislative power of the state, except for the initiative and referendum powers  
7 reserved to the people, is vested in a Legislative Assembly, consisting of a Senate and a House of  
8 Representatives.

9 (2)(a) The people reserve to themselves the initiative power, which is to propose laws and  
10 amendments to the Constitution and enact or reject them at an election independently of the Leg-  
11 islative Assembly.

12 (b) An initiative law may be proposed only by a petition signed by a number of qualified voters  
13 equal to six percent of the total number of votes cast for all candidates for Governor at the election  
14 at which a Governor was elected for a term of four years next preceding the filing of the petition.

15 (c) An initiative amendment to the Constitution may be proposed only by a petition signed by  
16 a number of qualified voters equal to eight percent of the total number of votes cast for all candi-  
17 dates for Governor at the election at which a Governor was elected for a term of four years next  
18 preceding the filing of the petition.

19 (d) An initiative petition shall include the full text of the proposed law or amendment to the  
20 Constitution. A proposed law or amendment to the Constitution shall embrace one subject only and  
21 matters properly connected therewith.

22 (e) An initiative petition shall be filed not less than [*four months before the election at which the*  
23 *proposed law or amendment to the Constitution is to be voted upon*] **45 days before the first day of**  
24 **a regular session of the Legislative Assembly.**

25 (3)(a) The people reserve to themselves the referendum power, which is to approve or reject at  
26 an election any Act, or part thereof, of the Legislative Assembly that does not become effective

**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 earlier than 90 days after the end of the session at which the Act is passed.

2 (b) A referendum on an Act or part thereof may be ordered by a petition signed by a number  
3 of qualified voters equal to four percent of the total number of votes cast for all candidates for  
4 Governor at the election at which a Governor was elected for a term of four years next preceding  
5 the filing of the petition. A referendum petition shall be filed not more than 90 days after the end  
6 of the session at which the Act is passed.

7 (c) A referendum on an Act may be ordered by the Legislative Assembly by law.  
8 Notwithstanding section 15b, Article V of this Constitution, bills ordering a referendum and bills  
9 on which a referendum is ordered are not subject to veto by the Governor.

10 (4)(a) Petitions or orders for the initiative or referendum shall be filed with the Secretary of  
11 State. The Legislative Assembly shall provide by law for the manner in which the Secretary of State  
12 shall determine whether a petition contains the required number of signatures of qualified voters.  
13 The Secretary of State shall complete the verification process within the 30-day period after the last  
14 day on which the petition may be filed as provided in paragraph (e) of subsection (2) or paragraph  
15 (b) of subsection (3) of this section.

16 (b) Initiative and referendum measures shall be submitted to the people as provided in this sec-  
17 tion and by law not inconsistent therewith.

18 (c) *[All]* **Subject to subsection (5) of this section, all** elections on initiative and referendum  
19 measures shall be held at the regular general elections, unless otherwise ordered by the Legislative  
20 Assembly.

21 (d) Notwithstanding section 1, Article XVII of this Constitution, an initiative or referendum  
22 measure becomes effective 30 days after the day on which it is enacted or approved by a majority  
23 of the votes cast thereon. A referendum ordered by petition on a part of an Act does not delay the  
24 remainder of the Act from becoming effective.

25 **(5)(a) If the Secretary of State determines that an initiative petition proposing a law or**  
26 **an amendment to the Constitution contains the required number of signatures of qualified**  
27 **voters, the Secretary of State shall submit the petition to the Legislative Assembly on the**  
28 **first day of the next regular session of the Legislative Assembly. The Legislative Assembly**  
29 **shall consider an initiative petition submitted under this paragraph, without change or**  
30 **amendment, before the end of the regular session of the Legislative Assembly, in the same**  
31 **manner as any proposed law or proposed amendment to the Constitution described in section**  
32 **1, Article XVII of this Constitution, and may:**

33 **(A) Conduct an advisory vote on the proposed initiative law or amendment to the Con-**  
34 **stitution, the results of which shall be made available to electors in the manner provided by**  
35 **law.**

36 **(B) Refer the proposed initiative law or amendment to the Constitution to the people.**

37 **(C) Refer an alternative proposed law or amendment to the Constitution to the people.**

38 **(D) Reject or take no action on the proposed initiative law or amendment to the Consti-**  
39 **tution.**

40 **(b) Except as provided in this paragraph, the Secretary of State shall place the proposed**  
41 **initiative law or amendment to the Constitution on the ballot in an election described in**  
42 **paragraph (e) of this subsection. The Secretary of State may not place the proposed initiative**  
43 **law or amendment to the Constitution on the ballot if the chief petitioners of the proposed**  
44 **initiative law or amendment to the Constitution request in writing that the proposed initi-**  
45 **ative law or amendment to the Constitution be withdrawn from the ballot. The request must**

1 be filed with the Secretary of State not later than 35 business days after the date the regular  
 2 session of the Legislative Assembly adjourns sine die or not later than a date otherwise  
 3 provided by law.

4 (c) If the Legislative Assembly refers an alternative proposed law or amendment to the  
 5 Constitution to the people as provided in this subsection, the referred alternative proposed  
 6 law or amendment to the Constitution shall be identified on the ballot and in any other  
 7 manner provided by law as an alternative to the proposed initiative law or amendment to the  
 8 Constitution. If the proposed initiative law or amendment to the Constitution also appears  
 9 on the ballot at the same election, the proposed initiative law or amendment to the Consti-  
 10 tution shall be identified on the ballot and in any other manner provided by law as an alter-  
 11 native to the Legislative Assembly's referred alternative proposed law or amendment to the  
 12 Constitution.

13 (d)(A) If both the proposed initiative law or amendment to the Constitution and the re-  
 14 ferred alternative proposed law or amendment to the Constitution are placed on the ballot,  
 15 the ballot must allow an elector first to choose between either ballot measure and neither  
 16 ballot measure and second to choose between one ballot measure and the other.

17 (B) If the majority of the votes cast on the first choice is for neither ballot measure, both  
 18 the proposed initiative law or amendment to the Constitution and the referred alternative  
 19 proposed law or amendment to the Constitution fail. The votes on the second choice shall  
 20 nevertheless be counted and made public.

21 (C) If a majority of the votes cast on the first choice is for either ballot measure, then  
 22 the measure that receives a majority of the votes on the second choice is enacted or ap-  
 23 proved.

24 (e) A proposed initiative law or amendment to the Constitution or an alternative pro-  
 25 posed law or amendment to the Constitution must be referred by the Secretary of State to  
 26 the people for their approval or rejection at the next regular general election, except when  
 27 the Legislative Assembly orders a special election for that purpose.

28 [(5)] (6) The initiative and referendum powers reserved to the people by subsections (2) and (3)  
 29 of this section are further reserved to the qualified voters of each municipality and district as to  
 30 all local, special and municipal legislation of every character in or for their municipality or district.  
 31 The manner of exercising those powers shall be provided by general laws, but cities may provide the  
 32 manner of exercising those powers as to their municipal legislation. In a city, not more than 15  
 33 percent of the qualified voters may be required to propose legislation by the initiative, and not more  
 34 than 10 percent of the qualified voters may be required to order a referendum on legislation.

35 **SECTION 1c. (1) The amendment to section 1 of this Article by House Joint Resolution**  
 36 **17 (2009) does not apply to initiative petitions proposing an amendment to the Constitution**  
 37 **or initiative petitions proposing a law that are filed with the Secretary of State for verifica-**  
 38 **tion of signatures on or before July 2, 2010.**

39 **(2) The amendment to section 1 of this Article by House Joint Resolution 17 (2009) applies**  
 40 **to initiative petitions proposing an amendment to the Constitution or initiative petitions**  
 41 **proposing a law that are filed with the Secretary of State for verification of signatures after**  
 42 **July 2, 2010.**

43 **(3) This section is repealed January 2, 2014.**

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 45 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**

1 **people for their approval or rejection at the next regular general election held throughout**  
2 **this state.**

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