

House Bill 3007

Sponsored by Representative GILLIAM

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**.

Modifies requirements for ballot title of state measure referred to people by referendum petition.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to ballot titles; creating new provisions; amending ORS 250.035 and 254.175; and declaring
3 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]* a state measure to be initiated *[or referred]* shall consist of:

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

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

23 (c) A simple and understandable statement of not more than 25 words that describes the result
24 if the state measure is rejected. **The statement shall include either the phrase, "I vote" or**
25 **"vote no," or a substantially similar phrase, which may be placed at any point within the**
26 **statement.** The statement required by this paragraph *[shall]* **may** not describe existing statutory
27 or constitutional provisions in a way that would lead an average elector to believe incorrectly that
28 one of those provisions would be repealed by approval of the state measure, if approval would not
29 have that result. Any thing or action described both in the statement required by paragraph (b) of
30 this subsection and in the statement required by this paragraph shall be described using the same
31 terms in both statements, to the extent *[practical]* **practicable**. Any different terms must be terms

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 that an average elector would understand to refer to the same thing or action[. *The statement shall*
 2 *include either the phrase, "I vote" or "vote no," or a substantially similar phrase, which may be placed*
 3 *at any point within the statement*]; and

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

6 **(3) The ballot title of a state measure to be referred shall consist of:**

7 **(a) A caption of not more than 15 words that reasonably identifies the subject matter of**
 8 **the state measure. The caption of a referred amendment to the Constitution shall begin with**
 9 **the phrase, "Amends Constitution," which shall not be counted for purposes of the 15-word**
 10 **caption limit;**

11 **(b) A simple and understandable statement of not more than 25 words that describes the**
 12 **result if the state measure is approved. The statement required by this paragraph shall in-**
 13 **clude the phrase "Retains legislation," which may be placed at any point within the state-**
 14 **ment;**

15 **(c) A simple and understandable statement of not more than 25 words that describes the**
 16 **result if the state measure is rejected. The statement shall include the phrase, "Repeals**
 17 **legislation," which may be placed at any point within the statement. The statement required**
 18 **by this paragraph may not describe existing statutory or constitutional provisions in a way**
 19 **that would lead an average elector to believe incorrectly that one of those provisions would**
 20 **be repealed by approval of the state measure, if approval would not have that result. Any**
 21 **thing or action described both in the statement required by paragraph (b) of this subsection**
 22 **and in the statement required by this paragraph shall be described using the same terms in**
 23 **both statements, to the extent practicable. Any different terms must be terms that an av-**
 24 **erage elector would understand to refer to the same thing or action; and**

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

27 [(3)] **(4)(a)** The statements required by subsection (2)(b) and (c) of this section shall be written
 28 so that, to the extent practicable, the language of the two statements is parallel.

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

31 [(4)] **(5)** The statement required by subsection (2)(b) of this section shall be written so that an
 32 affirmative response to the statement corresponds to an affirmative vote on the state measure.

33 [(5)] **(6)** The statement required by subsection (2)(c) of this section shall be written so that an
 34 affirmative response to the statement corresponds to a negative vote on the state measure.

35 [(6)] **(7)** In the statements required by [subsection] **subsections** (2)(b), (c) and (d) **and (3)(b), (c)**
 36 **and (d)** of this section, reasonable discretion shall be allowed in the use of articles and conjunc-
 37 tions, but the statements shall not omit articles and conjunctions that are necessary to avoid con-
 38 fusion to or misunderstanding by an average elector.

39 **SECTION 2.** ORS 254.175 is amended to read:

40 254.175. (1) In lieu of printing the complete ballot title of any measure, other than a state
 41 measure, the county clerk may print the caption and the question of the ballot title and the measure
 42 number on the ballot.

43 (2) In lieu of printing the complete ballot title and financial estimates of any state measure to
 44 be initiated or referred, the county clerk may print the caption of the ballot title, the statements
 45 described in ORS 250.035 (2)(b) and (c) **and (3)(b) and (c)** and the measure number on the ballot.

1 (3) In the case of a recall election, the following shall be printed on the ballot:

2 (a) The statements described in section 18, Article II of the Oregon Constitution, and ORS
3 249.877; and

4 (b) The question “Do you vote to recall _____ from the office of _____?”, with the
5 name of the person against whom a recall petition has been filed printed in the first blank space
6 and the public office held by the person printed in the second blank space.

7 (4) The complete text of each ballot title and any financial estimates shall be included with each
8 official ballot.

9 **SECTION 3. The amendments to ORS 250.035 by section 1 of this 2011 Act apply to ballot**
10 **titles for state measures referred by the Legislative Assembly or for which a referendum**
11 **petition has been filed on or after the effective date of this 2011 Act.**

12 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
14 **on its passage.**

15 _____