

HOUSE AMENDMENTS TO B-ENGROSSED SENATE BILL 229

By JOINT COMMITTEE ON WAYS AND MEANS

July 5

1 On page 32 of the printed B-engrossed bill, delete lines 42 through 45 and delete pages 33
2 through 35.

3 On page 36, delete lines 1 through 9 and insert:

4 **“SECTION 55. (1)(a) If all or part of chapter _____, Oregon Laws 2017 (Enrolled House**
5 **Bill 2391), is referred to the people by petition under Article IV, section 1 (3)(b), of the**
6 **Oregon Constitution:**

7 **“(A) It shall be submitted to the people for their approval or rejection at a special**
8 **election held throughout this state on January 23, 2018; and**

9 **“(B) A special election shall be held throughout this state on January 23, 2018, as pro-**
10 **vided in sections 55 to 61 of this 2017 Act.**

11 **“(b) If all or part of chapter _____, Oregon Laws 2017 (Enrolled House Bill 2017), is**
12 **referred to the people by petition under Article IV, section 1 (3)(b), of the Oregon Constitu-**
13 **tion:**

14 **“(A) It shall be submitted to the people for their approval or rejection at a special**
15 **election held throughout this state on the same date as the next primary election; and**

16 **“(B) A special election shall be held throughout this state on the same date as the next**
17 **primary election, as provided in sections 55 to 61 of this 2017 Act.**

18 **“(2) Except as otherwise provided in subsection (3) or (4) of this section, ORS chapters**
19 **250, 251 and 254 apply to an election held on a measure described in subsection (1) of this**
20 **section.**

21 **“(3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a**
22 **measure described in subsection (1) of this section shall be prepared by the joint legislative**
23 **committee created under section 60 of this 2017 Act and filed with the Secretary of State not**
24 **later than the date set by the Secretary of State by rule. The word limits described in ORS**
25 **250.035 (2) do not apply to a ballot title prepared by the joint legislative committee under this**
26 **subsection. Unless modified under section 58 of this 2017 Act, the ballot title prepared by the**
27 **committee under this subsection shall be the ballot title printed in the voters’ pamphlet and**
28 **printed on, or included with, the ballot.**

29 **“(4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory**
30 **statement to be printed in the voters’ pamphlet for a measure described in subsection (1)**
31 **of this section shall be prepared by the joint legislative committee created under section 60**
32 **of this 2017 Act and filed with the Secretary of State not later than the date set by the**
33 **Secretary of State by rule. Unless modified under section 59 of this 2017 Act, the explanatory**
34 **statement prepared by the committee under this subsection shall be the explanatory state-**
35 **ment printed in the voters’ pamphlet.**

1 “(5) The committee may begin preparation of the ballot title or explanatory statement
2 on the date that a prospective petition to refer a measure described in subsection (1) of this
3 section is filed with the Secretary of State under ORS 250.045.

4 “(6)(a) Arguments relating to a measure described in subsection (1) of this section may
5 be filed with the Secretary of State under ORS 251.245 and 251.255, except that an argument
6 must be filed not later than the date set by the Secretary of State by rule.

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

10 “(7) Notwithstanding the time frames set forth in ORS 250.125 and 250.127, the financial
11 estimate committee created under ORS 250.125 shall prepare and file with the Secretary of
12 State the estimates described in ORS 250.125 and, if the committee considers it necessary,
13 a statement explaining the financial effects of the measure as described in ORS 250.125, ex-
14 cept that the committee shall prepare and file the estimates or statements not later than
15 the date set by the Secretary of State by rule. The financial estimate committee may begin
16 preparation of the estimate or statement on the date that a prospective petition to refer a
17 measure described in subsection (1) of this section is filed with the Secretary of State under
18 ORS 250.045.

19 “(8) 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 “(9) As used in sections 55 to 61 of this 2017 Act, ‘measure’ has the meaning given that
22 term in ORS 250.005.

23 “SECTION 56. (1) The Secretary of State shall cause to be printed in the voters’ pamphlet
24 the number, ballot title and text of a measure described in section 55 of this 2017 Act and
25 the financial estimate, explanatory statement and arguments relating to the measure. The
26 Secretary of State shall also cause to be printed in the voters’ pamphlet any other material
27 required by law. Notwithstanding ORS 251.026, the Secretary of State shall include in the
28 voters’ pamphlet the information or statements described in ORS 251.026 that the Secretary
29 of State considers applicable to the election on a measure described in section 55 of this 2017
30 Act.

31 “(2) For purposes of sections 55 to 61 of this 2017 Act, the election referred to in ORS
32 251.295 is the special election held on the date specified in section 55 of this 2017 Act.

33 “(3) If the measure described in section 55 (1)(a) of this 2017 Act is referred to the people
34 by petition under Article IV, section 1 (3)(b), of the Oregon Constitution:

35 “(a) Notwithstanding ORS 251.285 and subject to ORS 251.008, the measure referred to in
36 this subsection shall be the only measure included in the voters’ pamphlet prepared for the
37 special election held on January 23, 2018.

38 “(b) Not later than the 10th day before the election, the Secretary of State shall cause
39 the voters’ pamphlet to be mailed to each post-office mailing address in Oregon and may use
40 any additional means of distribution necessary to make the pamphlet available to electors.

41 “(c) In preparing the voters’ pamphlet for the special election to be held on January 23,
42 2018, the Secretary of State is not required to comply with ORS chapter 279B relating to
43 competitive bidding.

44 “SECTION 57. (1) Notwithstanding the deadline in ORS 254.085, the Secretary of State
45 shall prepare and deliver to each county clerk by the most expeditious means practicable a

1 certified statement of a measure described in section 55 of this 2017 Act. The Secretary of
2 State shall include with the statement the number, financial estimate and ballot title of the
3 measure, and any other information required by law. The Secretary of State shall keep a
4 copy of the statement.

5 “(2) The county clerks shall print on the ballot the number, financial estimate and ballot
6 title of the measure, along with any other material required by law. In lieu of printing the
7 financial estimate, the summary portion of the ballot title or other material required by law
8 on the ballot, a county clerk may include with the ballot the complete text of the ballot title,
9 the financial estimate and any other material required by law.

10 **“SECTION 58. Notwithstanding ORS 250.085:**

11 “(1) Any elector dissatisfied with the ballot title for a measure described in section 55
12 of this 2017 Act prepared by the joint legislative committee created under section 60 of this
13 2017 Act may petition the Supreme Court seeking a different ballot title. The petition shall
14 state the reasons that the ballot title filed with the Secretary of State does not substantially
15 comply with the requirements of ORS 250.035 and section 55 of this 2017 Act.

16 “(2) The petition shall name the Attorney General as the respondent and must be filed
17 not later than the fifth business day after the Legislative Assembly files the ballot title with
18 the Secretary of State.

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

23 “(4) The Supreme Court shall review the ballot title for substantial compliance with the
24 requirements of ORS 250.035 and section 55 of this 2017 Act.

25 “(5) The review by the Supreme Court shall be conducted expeditiously to ensure the
26 orderly and timely conduct of the election at which the measure is to be submitted to the
27 electors.

28 “(6) If the Supreme Court determines that the ballot title prepared by the Legislative
29 Assembly substantially complies with the requirements of ORS 250.035 and section 55 of this
30 2017 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme
31 Court determines that the ballot title prepared by the Legislative Assembly does not sub-
32 stantially comply with the requirements of ORS 250.035 and section 55 of this 2017 Act, the
33 court shall modify the ballot title and certify the ballot title to the Secretary of State or
34 refer the ballot title to the Attorney General for modification.

35 “(7) Not later than five business days after the Supreme Court refers a ballot title to the
36 Attorney General for modification under this section, the Attorney General shall certify a
37 modified ballot title to the Secretary of State. The modified ballot title is not subject to ju-
38 dicial review.

39 **“SECTION 59. Notwithstanding ORS 251.235:**

40 “(1) Any person dissatisfied with the explanatory statement for a measure described in
41 section 55 of this 2017 Act prepared by the joint legislative committee created under section
42 60 of this 2017 Act may petition the Supreme Court seeking a different explanatory statement
43 and stating the reasons the explanatory statement filed with the court is insufficient or un-
44 clear.

45 “(2) The court shall review the explanatory statement and certify an explanatory state-

1 ment to the Secretary of State if the petition is filed and served as required in subsection
2 (4) of this section not later than the fifth business day after the Legislative Assembly files
3 the explanatory statement with the Secretary of State.

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

11 “(4) At the time a person petitions the Supreme Court under subsection (1) of this sec-
12 tion, the person also shall serve a copy of the petition on:

13 “(a) The Attorney General;

14 “(b) The Legislative Assembly; and

15 “(c) The chief petitioners of the measure.

16 “SECTION 60. (1) For each measure described in section 55 of this 2017 Act, a joint leg-
17 islative committee consisting of three Senators and three Representatives shall be appointed
18 to prepare the ballot title and explanatory statement for the measure.

19 “(2)(a) The President of the Senate shall appoint three members of a committee from
20 among members of the Senate, two from the majority party and one from the minority party.

21 “(b) The Speaker of the House of Representatives shall appoint three members of a
22 committee from among members of the House of Representatives, two from the majority
23 party and one from the minority party.

24 “SECTION 61. The Secretary of State shall adopt rules governing the procedures for
25 conducting an election on a measure described in section 55 of this 2017 Act as may be nec-
26 essary to implement sections 55 to 61 of this 2017 Act.”.

27 In line 10, delete “63” and insert “62”.

28 In line 11, delete “64” and insert “63”.