

Requested by HOUSE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 229**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions;”.

3 In line 6, delete “prescribing”.

4 Delete line 7 and insert “declaring an emergency.”.

5 On page 32, after line 39, insert:

6 **“SECTION 55. (1) If all or part of any Act of the Seventy-ninth**
7 **Legislative Assembly that passes both houses of the Legislative As-**
8 **sembly during the 2017 regular session of the Legislative Assembly is**
9 **referred to the people by petition under Article IV, section 1 (3)(b), of**
10 **the Oregon Constitution:**

11 **“(a) It shall be submitted to the people for their approval or re-**
12 **jection at a special election held throughout this state on January 23,**
13 **2018; and**

14 **“(b) A special election shall be held throughout this state on Janu-**
15 **ary 23, 2018, as provided in sections 55 to 61 of this 2017 Act.**

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

19 **“(3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the**
20 **ballot title for a measure described in subsection (1) of this section**
21 **shall be prepared by the joint legislative committee created under**

1 section 60 of this 2017 Act and filed with the Secretary of State not
2 later than the date set by the Secretary of State by rule. The word
3 limits described in ORS 250.035 (2) do not apply to a ballot title pre-
4 pared by the joint legislative committee under this subsection. Unless
5 modified under section 58 of this 2017 Act, the ballot title prepared by
6 the committee under this subsection shall be the ballot title printed
7 in the voters' pamphlet and printed on, or included with, the ballot.

8 “(4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and
9 251.235, the explanatory statement to be printed in the voters' pam-
10 phlet for a measure described in subsection (1) of this section shall be
11 prepared by the joint legislative committee created under section 60
12 of this 2017 Act and filed with the Secretary of State not later than the
13 date set by the Secretary of State by rule. Unless modified under sec-
14 tion 59 of this 2017 Act, the explanatory statement prepared by the
15 committee under this subsection shall be the explanatory statement
16 printed in the voters' pamphlet.

17 “(5) The committee may begin preparation of the ballot title or ex-
18 planatory statement on the date that a prospective petition to refer a
19 measure described in subsection (1) of this section is filed with the
20 Secretary of State under ORS 250.045.

21 “(6)(a) Arguments relating to a measure described in subsection (1)
22 of this section may be filed with the Secretary of State under ORS
23 251.245 and 251.255, except that an argument must be filed not later
24 than the date set by the Secretary of State by rule.

25 “(b) Notwithstanding ORS 192.410 to 192.505 relating to public re-
26 cords, an argument filed under this subsection is exempt from public
27 inspection until the fourth business day after the deadline for filing
28 the argument.

29 “(7) Notwithstanding the time frames set forth in ORS 250.125 and
30 250.127, the financial estimate committee created under ORS 250.125

1 shall prepare and file with the Secretary of State the estimates de-
2 scribed in ORS 250.125 and, if the committee considers it necessary, a
3 statement explaining the financial effects of the measure as described
4 in ORS 250.125, except that the committee shall prepare and file the
5 estimates or statements not later than the date set by the Secretary
6 of State by rule. The financial estimate committee may begin prepa-
7 ration of the estimate or statement on the date that a prospective
8 petition to refer a measure described in subsection (1) of this section
9 is filed with the Secretary of State under ORS 250.045.

10 “(8) Notwithstanding ORS 250.131 (2), the Supreme Court shall con-
11 duct a review under ORS 250.131 if a petition is filed not later than the
12 date set by the Secretary of State by rule.

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

15 **“SECTION 56.** (1) The Secretary of State shall cause to be printed
16 in the voters’ pamphlet the number, ballot title and text of a measure
17 described in section 55 of this 2017 Act and the financial estimate, ex-
18 planatory statement and arguments relating to the measure. The
19 Secretary of State shall also cause to be printed in the voters’ pam-
20 phlet any other material required by law. Notwithstanding ORS
21 251.026, the Secretary of State shall include in the voters’ pamphlet the
22 information or statements described in ORS 251.026 that the Secretary
23 of State considers applicable to the election on a measure described in
24 section 55 of this 2017 Act.

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

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

1 “(a) Notwithstanding ORS 251.285 and subject to ORS 251.008, the
2 measure or measures referred to in this subsection shall be the only
3 measure or measures included in the voters’ pamphlet prepared for the
4 special election held on January 23, 2018.

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

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

12 “SECTION 57. (1) Notwithstanding the deadline in ORS 254.085, the
13 Secretary of State shall prepare and deliver to each county clerk by
14 the most expeditious means practicable a certified statement of a
15 measure described in section 55 of this 2017 Act. The Secretary of
16 State shall include with the statement the number, financial estimate
17 and ballot title of the measure, and any other information required
18 by law. The Secretary of State shall keep a copy of the statement.

19 “(2) The county clerks shall print on the ballot the number, finan-
20 cial estimate and ballot title of the measure, along with any other
21 material required by law. In lieu of printing the financial estimate, the
22 summary portion of the ballot title or other material required by law
23 on the ballot, a county clerk may include with the ballot the complete
24 text of the ballot title, the financial estimate and any other material
25 required by law.

26 “SECTION 58. Notwithstanding ORS 250.085:

27 “(1) Any elector dissatisfied with the ballot title for a measure de-
28 scribed in section 55 of this 2017 Act prepared by the joint legislative
29 committee created under section 60 of this 2017 Act may petition the
30 Supreme Court seeking a different ballot title. The petition shall state

1 the reasons that the ballot title filed with the Secretary of State does
2 not substantially comply with the requirements of ORS 250.035 and
3 section 55 of this 2017 Act.

4 “(2) The petition shall name the Attorney General as the respondent
5 and must be filed not later than the fifth business day after the Leg-
6 islative Assembly files the ballot title with the Secretary of State.

7 “(3) An elector filing a petition under this section shall notify the
8 Secretary of State in writing that the petition has been filed. The no-
9 tice must be received in the office of the Secretary of State not later
10 than 5 p.m. on the next business day following the day the petition is
11 filed.

12 “(4) The Supreme Court shall review the ballot title for substantial
13 compliance with the requirements of ORS 250.035 and section 55 of this
14 2017 Act.

15 “(5) The review by the Supreme Court shall be conducted expe-
16 ditiously to ensure the orderly and timely conduct of the election at
17 which the measure is to be submitted to the electors.

18 “(6) If the Supreme Court determines that the ballot title prepared
19 by the Legislative Assembly substantially complies with the require-
20 ments of ORS 250.035 and section 55 of this 2017 Act, the court shall
21 certify the ballot title to the Secretary of State. If the Supreme Court
22 determines that the ballot title prepared by the Legislative Assembly
23 does not substantially comply with the requirements of ORS 250.035
24 and section 55 of this 2017 Act, the court shall modify the ballot title
25 and certify the ballot title to the Secretary of State or refer the ballot
26 title to the Attorney General for modification.

27 “(7) Not later than five business days after the Supreme Court re-
28 fers a ballot title to the Attorney General for modification under this
29 section, the Attorney General shall certify a modified ballot title to the
30 Secretary of State. The modified ballot title is not subject to judicial

1 review.

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

3 **“(1) Any person dissatisfied with the explanatory statement for a**
4 **measure described in section 55 of this 2017 Act prepared by the joint**
5 **legislative committee created under section 60 of this 2017 Act may**
6 **petition the Supreme Court seeking a different explanatory statement**
7 **and stating the reasons the explanatory statement filed with the court**
8 **is insufficient or unclear.**

9 **“(2) The court shall review the explanatory statement and certify**
10 **an explanatory statement to the Secretary of State if the petition is**
11 **filed and served as required in subsection (4) of this section not later**
12 **than the fifth business day after the Legislative Assembly files the**
13 **explanatory statement with the Secretary of State.**

14 **“(3) Failure to file and serve the petition within the time prescribed**
15 **in subsection (2) of this section precludes Supreme Court review and**
16 **certification of an explanatory statement. If the court considers the**
17 **petition, the court may allow oral argument. The review by the Su-**
18 **preme Court shall be conducted expeditiously to ensure the orderly**
19 **and timely conduct of the election at which the measure is to be sub-**
20 **mitted to the electors. The explanatory statement certified by the**
21 **court shall be the explanatory statement printed in the voters’ pam-**
22 **phlet.**

23 **“(4) At the time a person petitions the Supreme Court under sub-**
24 **section (1) of this section, the person also shall serve a copy of the**
25 **petition on:**

26 **“(a) The Attorney General;**

27 **“(b) The Legislative Assembly; and**

28 **“(c) The chief petitioners of the measure.**

29 **“SECTION 60. (1) For each measure described in section 55 of this**
30 **2017 Act, a joint legislative committee consisting of three Senators and**

1 **three Representatives shall be appointed to prepare the ballot title and**
2 **explanatory statement for the measure.**

3 **“(2)(a) The President of the Senate shall appoint three members of**
4 **a committee from among members of the Senate, two from the ma-**
5 **ajority party and one from the minority party.**

6 **“(b) The Speaker of the House of Representatives shall appoint**
7 **three members of a committee from among members of the House of**
8 **Representatives, two from the majority party and one from the mi-**
9 **nority party.**

10 **“SECTION 61. The Secretary of State shall adopt rules governing**
11 **the procedures for conducting an election on a measure described in**
12 **section 55 of this 2017 Act as may be necessary to implement sections**
13 **55 to 61 of this 2017 Act.**

14 **“SECTION 62. (1) In addition to and not in lieu of any other ap-**
15 **propriation, there is appropriated to the Emergency Board, for the**
16 **biennium beginning July 1, 2017, out of the General Fund, the amount**
17 **of \$_____, to be allocated to the Secretary of State for costs asso-**
18 **ciated with a statewide special election that may be held on January**
19 **23, 2018.**

20 **“(2) If any of the moneys appropriated by subsection (1) of this**
21 **section are not allocated by the Emergency Board prior to December**
22 **1, 2018, the moneys remaining on that date become available for any**
23 **purpose for which the Emergency Board lawfully may allocate**
24 **funds.”.**

25 In line 40, delete “55” and insert “63”.

26 Delete lines 41 and 42 and insert:

27 **“SECTION 64. This 2017 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2017 Act takes effect on its passage.”.**

30