

Requested by Senator COURTNEY

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

1 On page 32 of the printed B-engrossed bill, delete lines 42 through 45 and
2 delete pages 33 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**
5 **2017 (Enrolled House Bill 2391), is referred to the people by petition**
6 **under Article IV, section 1 (3)(b), of the Oregon Constitution:**

7 **“(A) It shall be submitted to the people for their approval or re-**
8 **jection at a special election held throughout this state on January 23,**
9 **2018; and**

10 **“(B) A special election shall be held throughout this state on Jan-**
11 **uary 23, 2018, as provided in sections 55 to 61 of this 2017 Act.**

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

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

18 **“(B) A special election shall be held throughout this state on the**
19 **same date as the next primary election, as provided in sections 55 to**
20 **61 of this 2017 Act.**

21 **“(2) Except as otherwise provided in subsection (3) or (4) of this**

1 section, ORS chapters 250, 251 and 254 apply to an election held on a
2 measure described in subsection (1) of this section.

3 “(3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the
4 ballot title for a measure described in subsection (1) of this section
5 shall be prepared by the joint legislative committee created under
6 section 60 of this 2017 Act and filed with the Secretary of State not
7 later than the date set by the Secretary of State by rule. The word
8 limits described in ORS 250.035 (2) do not apply to a ballot title pre-
9 pared by the joint legislative committee under this subsection. Unless
10 modified under section 58 of this 2017 Act, the ballot title prepared by
11 the committee under this subsection shall be the ballot title printed
12 in the voters’ pamphlet and printed on, or included with, the ballot.

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

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

26 “(6)(a) Arguments relating to a measure described in subsection (1)
27 of this section may be filed with the Secretary of State under ORS
28 251.245 and 251.255, except that an argument must be filed not later
29 than the date set by the Secretary of State by rule.

30 “(b) Notwithstanding ORS 192.410 to 192.505 relating to public re-

1 cords, an argument filed under this subsection is exempt from public
2 inspection until the fourth business day after the deadline for filing
3 the argument.

4 “(7) Notwithstanding the time frames set forth in ORS 250.125 and
5 250.127, the financial estimate committee created under ORS 250.125
6 shall prepare and file with the Secretary of State the estimates de-
7 scribed in ORS 250.125 and, if the committee considers it necessary, a
8 statement explaining the financial effects of the measure as described
9 in ORS 250.125, except that the committee shall prepare and file the
10 estimates or statements not later than the date set by the Secretary
11 of State by rule. The financial estimate committee may begin prepa-
12 ration of the estimate or statement on the date that a prospective
13 petition to refer a measure described in subsection (1) of this section
14 is filed with the Secretary of State under ORS 250.045.

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

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

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

30 “(2) For purposes of sections 55 to 61 of this 2017 Act, the election

1 referred to in ORS 251.295 is the special election held on the date
2 specified in section 55 of this 2017 Act.

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

6 “(a) Notwithstanding ORS 251.285 and subject to ORS 251.008, the
7 measure referred to in this subsection shall be the only measure in-
8 cluded in the voters’ pamphlet prepared for the special election held
9 on January 23, 2018.

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

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

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

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

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

2 **“(1) Any elector dissatisfied with the ballot title for a measure de-**
3 **scribed in section 55 of this 2017 Act prepared by the joint legislative**
4 **committee created under section 60 of this 2017 Act may petition the**
5 **Supreme Court seeking a different ballot title. The petition shall state**
6 **the reasons that the ballot title filed with the Secretary of State does**
7 **not substantially comply with the requirements of ORS 250.035 and**
8 **section 55 of this 2017 Act.**

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

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

17 **“(4) The Supreme Court shall review the ballot title for substantial**
18 **compliance with the requirements of ORS 250.035 and section 55 of this**
19 **2017 Act.**

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

23 **“(6) If the Supreme Court determines that the ballot title prepared**
24 **by the Legislative Assembly substantially complies with the require-**
25 **ments of ORS 250.035 and section 55 of this 2017 Act, the court shall**
26 **certify the ballot title to the Secretary of State. If the Supreme Court**
27 **determines that the ballot title prepared by the Legislative Assembly**
28 **does not substantially comply with the requirements of ORS 250.035**
29 **and section 55 of this 2017 Act, the court shall modify the ballot title**
30 **and certify the ballot title to the Secretary of State or refer the ballot**

1 title to the Attorney General for modification.

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

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

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

14 “(2) The court shall review the explanatory statement and certify
15 an explanatory statement to the Secretary of State if the petition is
16 filed and served as required in subsection (4) of this section not later
17 than the fifth business day after the Legislative Assembly files the
18 explanatory statement with the Secretary of State.

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

28 “(4) At the time a person petitions the Supreme Court under sub-
29 section (1) of this section, the person also shall serve a copy of the
30 petition on:

- 1 “(a) The Attorney General;
2 “(b) The Legislative Assembly; and
3 “(c) The chief petitioners of the measure.

4 “SECTION 60. (1) For each measure described in section 55 of this
5 2017 Act, a joint legislative committee consisting of three Senators and
6 three Representatives shall be appointed to prepare the ballot title and
7 explanatory statement for the measure.

8 “(2)(a) The President of the Senate shall appoint three members of
9 a committee from among members of the Senate, two from the ma-
10 jority party and one from the minority party.

11 “(b) The Speaker of the House of Representatives shall appoint
12 three members of a committee from among members of the House of
13 Representatives, two from the majority party and one from the mi-
14 nority party.

15 “SECTION 61. The Secretary of State shall adopt rules governing
16 the procedures for conducting an election on a measure described in
17 section 55 of this 2017 Act as may be necessary to implement sections
18 55 to 61 of this 2017 Act.”.

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

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

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