

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 116**

1 In line 2 of the printed bill, after “elections” insert “; and declaring an
2 emergency”.

3 Delete lines 4 through 12 and insert:

4 **“SECTION 1. (1) Except as provided in section 2 of this 2019 Act, if**
5 **an amendment to the Oregon Constitution is referred to the people by**
6 **the Eightieth Legislative Assembly during its 2019 regular session un-**
7 **der Article XVII, section 1, of the Oregon Constitution, or if all or part**
8 **of any Act of the Eightieth Legislative Assembly that passes both**
9 **houses of the Legislative Assembly during its 2019 regular session is**
10 **referred to the people by the Legislative Assembly under Article IV,**
11 **section 1 (3)(c), of the Oregon Constitution, or by petition under Arti-**
12 **cle IV, section 1 (3)(b), of the Oregon Constitution:**

13 **“(a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the**
14 **ballot title for a measure or part of a measure described in this sub-**
15 **section shall be prepared by the joint legislative committee appointed**
16 **under section 7 of this 2019 Act and filed with the Secretary of State**
17 **not later than the date set by the Secretary of State by rule. Unless**
18 **modified under section 5 of this 2019 Act, the ballot title prepared by**
19 **the committee under this subsection shall be the ballot title printed**
20 **in the voters’ pamphlet and printed on, or included with, the ballot.**

21 **“(b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and**

1 251.235, the explanatory statement to be printed in the voters' pam-
2 phlet for a measure or part of a measure described in this subsection
3 shall be prepared by the joint legislative committee appointed under
4 section 7 of this 2019 Act and filed with the Secretary of State not later
5 than the date set by the Secretary of State by rule. Unless modified
6 under section 6 of this 2019 Act, the explanatory statement prepared
7 by the committee under this subsection shall be the explanatory
8 statement printed in the voters' pamphlet.

9 “(2) The joint legislative committee may begin preparation of the
10 ballot title or explanatory statement:

11 “(a) For a measure referred to the people by the Legislative As-
12 sembly under Article XVII, section 1, or Article IV, section 1 (3)(c),
13 of the Oregon Constitution, on the date the measure is filed with the
14 Secretary of State; and

15 “(b) For a measure referred to the people by petition under Article
16 IV, section 1 (3)(b), of the Oregon Constitution, on the date that a
17 prospective petition to refer the measure is filed with the Secretary
18 of State under ORS 250.045.

19 “(3) Except as otherwise provided in sections 1 to 8 of this 2019 Act,
20 ORS chapters 250, 251 and 254 apply to an election held on a measure
21 or part of a measure described in subsection (1) of this section.

22 “(4) As used in sections 1 to 8 of this 2019 Act, ‘measure’ has the
23 meaning given that term in ORS 250.005.

24 **“SECTION 2.** (1) If all or part of chapter 122, Oregon Laws 2019
25 (Enrolled House Bill 3427), is referred to the people by petition under
26 Article IV, section 1 (3)(b), of the Oregon Constitution:

27 “(a) The Act shall be submitted to the people for their approval or
28 rejection at a special election held throughout this state on January
29 21, 2020; and

30 “(b) A special election shall be held throughout this state on Janu-

1 ary 21, 2020, as provided in sections 1 to 8 of this 2019 Act.

2 “(2) Except as otherwise provided in sections 1 to 8 of this 2019 Act,
3 ORS chapters 250, 251 and 254 apply to an election held on a measure
4 described in subsection (1) of this section.

5 “(3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the
6 ballot title for a measure described in subsection (1) of this section
7 shall be prepared by the joint legislative committee appointed under
8 section 7 of this 2019 Act and filed with the Secretary of State not later
9 than the date set by the Secretary of State by rule. The ballot title
10 prepared by the committee under this subsection may describe any
11 effects or consequences that the committee determines will result if
12 the people vote to reject a measure described in subsection (1) of this
13 section. Unless modified under section 5 of this 2019 Act, the ballot
14 title prepared by the committee under this subsection shall be the
15 ballot title printed in the voters’ pamphlet and printed on, or included
16 with, the ballot.

17 “(4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and
18 251.235, the explanatory statement to be printed in the voters’ pam-
19 phlet for a measure described in subsection (1) of this section shall be
20 prepared by the joint legislative committee appointed under section 7
21 of this 2019 Act and filed with the Secretary of State not later than the
22 date set by the Secretary of State by rule. The explanatory statement
23 prepared by the committee under this subsection may describe any
24 effects or consequences that the committee determines will result if
25 the people vote to reject a measure described in subsection (1) of this
26 section. Unless modified under section 6 of this 2019 Act, the explan-
27 atory statement prepared by the committee under this subsection shall
28 be the explanatory statement printed in the voters’ pamphlet.

29 “(5) The joint legislative committee may begin preparation of the
30 ballot title or explanatory statement on the date that a prospective

1 petition to refer a measure described in subsection (1) of this section
2 is filed with the Secretary of State under ORS 250.045.

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

7 “(b) Notwithstanding ORS 192.311 to 192.478 relating to public re-
8 cords, an argument filed under this subsection is exempt from public
9 inspection until the fourth business day after the deadline for filing
10 the argument.

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

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

26 **“SECTION 3. (1) The Secretary of State shall cause to be printed in**
27 **the voters’ pamphlet the number, ballot title and text of a measure**
28 **described in section 1 or 2 of this 2019 Act and the financial estimate,**
29 **explanatory statement and arguments relating to the measure. The**
30 **Secretary of State shall also cause to be printed in the voters’ pam-**

1 pamphlet any other information required by law. Notwithstanding ORS
2 251.026, the Secretary of State shall include in the voters' pamphlet the
3 statements or information described in ORS 251.026 that the Secretary
4 of State considers applicable or relevant to the conduct of the election
5 on a measure described in section 2 of this 2019 Act.

6 “(2) For purposes of sections 1 to 8 of this 2019 Act, the election
7 referred to in ORS 251.295:

8 “(a) Is the general election, for a measure described in section 1 of
9 this 2019 Act; and

10 “(b) Is the special election held on the date specified in section 2 (1)
11 of this 2019 Act, for a measure described in section 2 (1) of this 2019
12 Act.

13 “(3) If the measure described in section 2 (1) of this 2019 Act is re-
14 ferred to the people by petition under Article IV, section 1 (3)(b), of
15 the Oregon Constitution:

16 “(a) Notwithstanding ORS 251.285 and subject to ORS 251.008, the
17 measure referred to in this subsection shall be the only measure in-
18 cluded in the voters' pamphlet prepared for the special election held
19 on January 21, 2020.

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

24 “(c) In preparing the voters' pamphlet for the special election to
25 be held on January 21, 2020, the Secretary of State is not required to
26 comply with ORS chapter 279B relating to competitive bidding.

27 “SECTION 4. (1) Notwithstanding the deadline specified in ORS
28 254.085, the Secretary of State shall prepare and deliver to each county
29 clerk by the most expeditious means practicable a certified statement
30 of a measure described in section 1 or 2 of this 2019 Act. The Secretary

1 of State shall include with the statement the number, financial esti-
2 mate and ballot title of the measure and any other information re-
3 quired by law. The Secretary of State shall keep a copy of the
4 statement.

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

12 **“SECTION 5. Notwithstanding ORS 250.085:**

13 “(1) Any elector dissatisfied with the ballot title for a measure de-
14 scribed in section 1 or 2 of this 2019 Act prepared by the joint legisla-
15 tive committee appointed under section 7 of this 2019 Act may petition
16 the Supreme Court seeking a different ballot title. The petition shall
17 state the reasons that the ballot title filed with the Secretary of State
18 does not substantially comply with the requirements of ORS 250.035
19 and section 1 or 2 of this 2019 Act.

20 “(2) The petition shall name the Attorney General as the respondent
21 and must be filed not later than the fifth business day after the joint
22 legislative committee files the ballot title with the Secretary of State.

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

28 “(4) The Supreme Court shall review the ballot title for substantial
29 compliance with the requirements of ORS 250.035 and section 1 or 2
30 of this 2019 Act.

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

4 “(6) If the Supreme Court determines that the ballot title prepared
5 by the joint legislative committee substantially complies with the re-
6 quirements of ORS 250.035 and section 1 or 2 of this 2019 Act, the court
7 shall certify the ballot title to the Secretary of State. If the Supreme
8 Court determines that the ballot title prepared by the joint legislative
9 committee does not substantially comply with the requirements of
10 ORS 250.035 and section 1 or 2 of this 2019 Act, the court shall modify
11 the ballot title and certify the ballot title to the Secretary of State or
12 refer the ballot title to the Attorney General for modification.

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

18 “SECTION 6. Notwithstanding ORS 251.235:

19 “(1) Any person dissatisfied with the explanatory statement for a
20 measure described in section 1 or 2 of this 2019 Act prepared by the
21 joint legislative committee appointed under section 7 of this 2019 Act
22 may petition the Supreme Court seeking a different explanatory
23 statement and stating the reasons the explanatory statement filed
24 with the court is insufficient or unclear.

25 “(2) The court shall review the explanatory statement and certify
26 an explanatory statement to the Secretary of State if the petition is
27 filed and served as required in subsection (4) of this section not later
28 than the fifth business day after the joint legislative committee files
29 the explanatory statement with the Secretary of State.

30 “(3) Failure to file and serve the petition within the time prescribed

1 in subsection (2) of this section precludes Supreme Court review and
2 certification of an explanatory statement. If the court considers the
3 petition, the court may allow oral argument. The review by the Su-
4 preme Court shall be conducted expeditiously to ensure the orderly
5 and timely conduct of the election at which the measure is to be sub-
6 mitted to the electors. The explanatory statement certified by the
7 court shall be the explanatory statement printed in the voters' pam-
8 phlet.

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

12 “(a) The Attorney General;

13 “(b) The Legislative Assembly; and

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

15 “SECTION 7. (1) For each measure described in section 1 or 2 of this
16 2019 Act, a joint legislative committee consisting of three Senators and
17 three Representatives shall be appointed to prepare and file with the
18 Secretary of State the ballot title and explanatory statement for the
19 measure.

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

23 “(b) The Speaker of the House of Representatives shall appoint
24 three members of a committee from among members of the House of
25 Representatives, two from the majority party and one from the mi-
26 nority party.

27 “SECTION 8. The Secretary of State shall adopt rules governing the
28 procedures for conducting an election on a measure described in sec-
29 tion 2 of this 2019 Act as may be necessary to implement sections 2 to
30 8 of this 2019 Act. Rules adopted under this section may not require

1 the joint legislative committee appointed under section 7 of this 2019
2 Act to:

3 “(1) Prepare or make publicly available a draft ballot title; or

4 “(2) File a ballot title with the Secretary of State before the 91st
5 day after the 2019 regular session of the Eightieth Legislative Assem-
6 bly adjourns sine die.

7 “SECTION 9. This 2019 Act being necessary for the immediate
8 preservation of the public peace, health and safety, an emergency is
9 declared to exist, and this 2019 Act takes effect on its passage.”.

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