

House Bill 4172

Sponsored by COMMITTEE ON RULES (at the request of Representative Tina Kotek)

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**.

Creates joint legislative committee to prepare ballot title and explanatory statement for certain measures referred to people for approval or rejection.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to elections; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in sections 1 to 4 of this 2020 Act, "measure" means all or part of:

(a) If referred to the people for their approval or rejection under Article IV, section 1 (3)(c), of the Oregon Constitution:

(A) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 312);

(B) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 313);

(C) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 314);

(D) Chapter _____, Oregon Laws 2020 (Enrolled _____ Bill _____) (LC 317); or

(b) If referred to the people for their approval or rejection under Article XVII, section 1, of the Oregon Constitution, _____ Joint Resolution _____ (2020) (LC 316).

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

(3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a measure described in subsection (1) of this section shall be prepared and filed with the Secretary of State by the joint legislative committee created under section 4 of this 2020 Act. The word limits described in ORS 250.035 (2) do not apply to a ballot title prepared by the joint legislative committee under this subsection. Unless modified under section 2 of this 2020 Act, the ballot title prepared by the committee under this subsection shall be the ballot title printed in the voters' pamphlet and printed on, or included with, the ballot.

(4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory statement to be printed in the voters' pamphlet for a measure described in subsection (1) of this section shall be prepared and filed with the Secretary of State by the joint legislative committee created under section 4 of this 2020 Act. Unless modified under section 3 of this 2020 Act, the explanatory statement prepared by the committee under this subsection shall be the explanatory statement printed in the voters' pamphlet.

(5) The committee may begin preparation of the ballot title or explanatory statement on the date that a measure described in subsection (1) of this section is filed with the Secretary of State.

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.

(6)(a) Arguments relating to a measure described in subsection (1) of this section may be filed with the Secretary of State under ORS 251.245 and 251.255.

(b) Notwithstanding ORS 192.311 to 192.478 relating to public records, an argument filed under this subsection is exempt from public inspection until the fourth business day after the deadline for filing the argument.

(7) The financial estimate committee created under ORS 250.125 shall prepare and file with the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it necessary, a statement explaining the financial effects of the measure as described in ORS 250.125. The financial estimate committee may begin preparation of the estimate or statement on the date that a measure described in subsection (1) of this section is filed with the Secretary of State.

SECTION 2. Notwithstanding ORS 250.085:

(1) Any elector dissatisfied with the ballot title for a measure described in section 1 of this 2020 Act may petition the Supreme Court seeking a different ballot title. The petition shall state the reasons that the ballot title filed with the Secretary of State does not substantially comply with the requirements of ORS 250.035 and section 1 of this 2020 Act.

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

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

(4) The Supreme Court shall review the ballot title for substantial compliance with the requirements of ORS 250.035 and section 1 of this 2020 Act.

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

(6) If the Supreme Court determines that the ballot title prepared by the joint legislative committee substantially complies with the requirements of ORS 250.035 and section 1 of this 2020 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme Court determines that the ballot title does not substantially comply with the requirements of ORS 250.035 and section 1 of this 2020 Act, the court shall modify the ballot title and certify the ballot title to the Secretary of State or refer the ballot title to the Attorney General for modification.

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

SECTION 3. Notwithstanding ORS 251.235:

(1) Any person dissatisfied with the explanatory statement for a measure described in section 1 of this 2020 Act may petition the Supreme Court seeking a different explanatory statement and stating the reasons the explanatory statement filed with the court is insufficient or unclear.

(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 joint legislative committee
3 files 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 section,
12 the person also shall serve a copy of the petition on:

13 (a) The Attorney General; and

14 (b) The Legislative Assembly.

15 **SECTION 4.** (1) For each measure described in section 1 of this 2020 Act, a joint legisla-
16 tive committee consisting of three Senators and three Representatives shall be appointed to
17 prepare and file with the Secretary of State the ballot title and the explanatory statement
18 for the measure.

19 (2)(a) The President of the Senate shall appoint three members of the committee from
20 among members of the Senate, including two from the majority party and one from the mi-
21 nority party.

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

25 **SECTION 5.** This 2020 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
27 on its passage.
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