

A-Engrossed
Senate Bill 28

Ordered by the Senate June 20
Including Senate Amendments dated June 20

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments)

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.

Prescribes method for creating ballot title and explanatory statement for Senate Joint Resolution 34, if resolution is referred to people.

[Requires Secretary of State to conduct study and develop recommendations regarding most effective methods for improving candidate inclusion in voters' pamphlet and efficacy of voters' pamphlet.]

[Requires secretary to submit report detailing recommendations to interim committees of Legislative Assembly by September 15, 2024.]

[Sunsets January 2, 2025.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; and declaring an emergency.

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

4 **SECTION 1. (1) If Senate Joint Resolution 34 (2023) is referred to the people by the**
5 **Eighty-second Legislative Assembly in regular session:**

6 (a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for the
7 measure described in this subsection shall be prepared by the joint legislative committee
8 appointed under section 6 of this 2023 Act and filed with the Secretary of State not later than
9 the date set by the Secretary of State by rule. The word limits described in ORS 250.035 (2)
10 do not apply to the ballot title for the measure described in this subsection that is prepared
11 by the joint legislative committee under this subsection. Unless modified under section 4 of
12 this 2023 Act, the ballot title prepared by the committee under this subsection shall be the
13 ballot title printed in the voters' pamphlet and printed on, or included with, the ballot.

14 (b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
15 statement to be printed in the voters' pamphlet for the measure described in this subsection
16 shall be prepared by the joint legislative committee appointed under section 6 of this 2023
17 Act and filed with the Secretary of State not later than the date set by the Secretary of State
18 by rule. Unless modified under section 5 of this 2023 Act, the explanatory statement prepared
19 by the committee under this subsection shall be the explanatory statement printed in the
20 voters' pamphlet.

21 (2) The joint legislative committee may begin preparation of the ballot title or explana-
22 tory statement on the date the measure described in subsection (1) of this section is filed
23 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.

1 (3) Except as otherwise provided in sections 1 to 7 of this 2023 Act, ORS chapters 250,
2 251 and 254 apply to an election held on the measure described in subsection (1) of this sec-
3 tion.

4 (4) As used in sections 1 to 7 of this 2023 Act, “measure” has the meaning given that
5 term in ORS 250.005.

6 **SECTION 2.** (1) The Secretary of State shall cause to be printed in the voters’ pamphlet
7 the number, ballot title and text of the measure described in section 1 of this 2023 Act and
8 the financial estimate, explanatory statement and arguments relating to the measure. The
9 Secretary of State shall also cause to be printed in the voters’ pamphlet any other informa-
10 tion required by law.

11 (2) For purposes of sections 1 to 7 of this 2023 Act, the election referred to in ORS 251.295
12 is the general election.

13 **SECTION 3.** (1) Notwithstanding the deadline specified in ORS 254.085, the Secretary of
14 State shall prepare and deliver to each county clerk by the most expeditious means practi-
15 cable a certified statement of the measure described in section 1 of this 2023 Act. The Sec-
16 retary of State shall include with the statement the number, financial estimate and ballot
17 title of the measure and any other information required by law. The Secretary of State shall
18 keep a copy of the statement.

19 (2) Each county clerk shall print on the ballot the number, financial estimate and ballot
20 title of the measure, along with any other information required by law. In lieu of printing
21 the financial estimate, the summary portion of the ballot title or other information required
22 by law on the ballot, each county clerk may include with the ballot the complete text of the
23 ballot title, the financial estimate and any other information required by law.

24 **SECTION 4.** Notwithstanding ORS 250.085:

25 (1) Any elector dissatisfied with the ballot title for the measure described in section 1
26 of this 2023 Act prepared by the joint legislative committee appointed under section 6 of this
27 2023 Act may petition the Supreme Court seeking a different ballot title. The petition shall
28 state the reasons that the ballot title filed with the Secretary of State does not substantially
29 comply with the requirements of ORS 250.035 and section 1 of this 2023 Act.

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

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

37 (4) The Supreme Court shall review the ballot title for substantial compliance with the
38 requirements of ORS 250.035 and section 1 of this 2023 Act.

39 (5) The review by the Supreme Court shall be conducted expeditiously to ensure the or-
40 derly and timely conduct of the election at which the measure is to be submitted to the
41 electors.

42 (6) If the Supreme Court determines that the ballot title prepared by the joint legislative
43 committee substantially complies with the requirements of ORS 250.035 and section 1 of this
44 2023 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme
45 Court determines that the ballot title prepared by the joint legislative committee does not

1 substantially comply with the requirements of ORS 250.035 and section 1 of this 2023 Act, the
2 court shall modify the ballot title and certify the ballot title to the Secretary of State or
3 refer the ballot title to the Attorney General for modification.

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

8 **SECTION 5. Notwithstanding ORS 251.235:**

9 (1) Any person dissatisfied with the explanatory statement for the measure described in
10 section 1 of this 2023 Act prepared by the joint legislative committee appointed under section
11 6 of this 2023 Act may petition the Supreme Court seeking a different explanatory statement
12 and stating the reasons the explanatory statement is insufficient or unclear.

13 (2) The court shall review the explanatory statement and certify an explanatory state-
14 ment to the Secretary of State if the petition is filed and served as required in subsection
15 (4) of this section not later than the fifth business day after the joint legislative committee
16 files the explanatory statement with the Secretary of State.

17 (3) Failure to file and serve the petition within the time prescribed in subsection (2) of
18 this section precludes Supreme Court review and certification of an explanatory statement.
19 If the court considers the petition, the court may allow oral argument. The review by the
20 Supreme Court shall be conducted expeditiously to ensure the orderly and timely conduct of
21 the election at which the measure is to be submitted to the electors. The explanatory
22 statement certified by the court shall be the explanatory statement printed in the voters'
23 pamphlet.

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

- 26 (a) The Attorney General; and
- 27 (b) The Legislative Assembly.

28 **SECTION 6.** (1) A joint legislative committee consisting of three Senators and three
29 Representatives shall be appointed to prepare and file with the Secretary of State the ballot
30 title and explanatory statement for the measure described in section 1 of this 2023 Act.

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

33 (b) The Speaker of the House of Representatives shall appoint three members of the
34 committee from among members of the House of Representatives, two from the majority
35 party and one from a minority party.

36 **SECTION 7.** The Secretary of State shall adopt rules governing the procedures for con-
37 ducting an election on the measure described in section 1 of this 2023 Act as may be neces-
38 sary to implement sections 1 to 7 of this 2023 Act. Rules adopted under this section may not
39 require the joint legislative committee appointed under section 6 of this 2023 Act to:

- 40 (1) Prepare or make publicly available a draft ballot title; or
- 41 (2) File a ballot title with the Secretary of State before March 12, 2024.

42 **SECTION 8.** This 2023 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
44 on its passage.