

## SENATE AMENDMENTS TO SENATE BILL 28

By COMMITTEE ON RULES

June 20

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

2 Delete lines 4 through 12 and insert:

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

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

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

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

23 **“(3) Except as otherwise provided in sections 1 to 7 of this 2023 Act, ORS chapters 250,**  
24 **251 and 254 apply to an election held on the measure described in subsection (1) of this sec-**  
25 **tion.**

26 **“(4) As used in sections 1 to 7 of this 2023 Act, ‘measure’ has the meaning given that**  
27 **term in ORS 250.005.**

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

33 **“(2) For purposes of sections 1 to 7 of this 2023 Act, the election referred to in ORS**  
34 **251.295 is the general election.**

35 **“SECTION 3. (1) Notwithstanding the deadline specified in ORS 254.085, the Secretary of**

1 State shall prepare and deliver to each county clerk by the most expeditious means practi-  
2 cable a certified statement of the measure described in section 1 of this 2023 Act. The Sec-  
3 retary of State shall include with the statement the number, financial estimate and ballot  
4 title of the measure and any other information required by law. The Secretary of State shall  
5 keep a copy of the statement.

6 “(2) Each county clerk shall print on the ballot the number, financial estimate and ballot  
7 title of the measure, along with any other information required by law. In lieu of printing  
8 the financial estimate, the summary portion of the ballot title or other information required  
9 by law on the ballot, each county clerk may include with the ballot the complete text of the  
10 ballot title, the financial estimate and any other information required by law.

11 **“SECTION 4. Notwithstanding ORS 250.085:**

12 “(1) Any elector dissatisfied with the ballot title for the measure described in section 1  
13 of this 2023 Act prepared by the joint legislative committee appointed under section 6 of this  
14 2023 Act may petition the Supreme Court seeking a different ballot title. The petition shall  
15 state the reasons that the ballot title filed with the Secretary of State does not substantially  
16 comply with the requirements of ORS 250.035 and section 1 of this 2023 Act.

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

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

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

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

29 “(6) If the Supreme Court determines that the ballot title prepared by the joint legislative  
30 committee substantially complies with the requirements of ORS 250.035 and section 1 of this  
31 2023 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme  
32 Court determines that the ballot title prepared by the joint legislative committee does not  
33 substantially comply with the requirements of ORS 250.035 and section 1 of this 2023 Act, the  
34 court shall modify the ballot title and certify the ballot title to the Secretary of State or  
35 refer the ballot title to the Attorney General for modification.

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

40 **“SECTION 5. Notwithstanding ORS 251.235:**

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

45 “(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 sec-  
12 tion, the person also shall serve a copy of the petition on:

13 “(a) The Attorney General; and

14 “(b) The Legislative Assembly.

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

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

20 “(b) The Speaker of the House of Representatives shall appoint three members of the  
21 committee from among members of the House of Representatives, two from the majority  
22 party and one from a minority party.

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

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

28 “(2) File a ballot title with the Secretary of State before March 12, 2024.

29 “SECTION 8. This 2023 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
31 on its passage.”.

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