

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 28**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 23.

2 Delete pages 2 and 3 and insert:

3 **“SECTION 1. (1) If an amendment to the Oregon Constitution is**
4 **referred to the people by the Eighty-second Legislative Assembly dur-**
5 **ing its 2023 regular session under Article XVII, section 1, of the Oregon**
6 **Constitution, or if an Act of the Eighty-second Legislative Assembly**
7 **that passes both houses of the Legislative Assembly during its 2023**
8 **regular session is referred to the people by the Legislative Assembly**
9 **under Article IV, section 1 (3)(c), of the Oregon Constitution:**

10 **“(a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the**
11 **ballot title for a measure described in this subsection shall be prepared**
12 **by the joint legislative committee appointed under section 6 of this**
13 **2023 Act and filed with the Secretary of State not later than the date**
14 **set by the Secretary of State by rule. The word limits described in ORS**
15 **250.035 (2) do not apply to a ballot title for a measure described in this**
16 **subsection that is prepared by the joint legislative committee under**
17 **this subsection. Unless modified under section 4 of this 2023 Act, the**
18 **ballot title prepared by the committee under this subsection shall be**
19 **the ballot title printed in the voters’ pamphlet and printed on, or in-**
20 **cluded 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 described in this subsection shall be prepared by
3 the joint legislative committee appointed under section 6 of this 2023
4 Act and filed with the Secretary of State not later than the date set
5 by the Secretary of State by rule. Unless modified under section 5 of
6 this 2023 Act, the explanatory statement prepared by the committee
7 under this subsection shall be the explanatory statement printed in the
8 voters' pamphlet.

9 “(2) The joint legislative committee may begin preparation of the
10 ballot title or explanatory statement on the date the measure is filed
11 with the Secretary of State.

12 “(3) Except as otherwise provided in sections 1 to 7 of this 2023 Act,
13 ORS chapters 250, 251 and 254 apply to an election held on a measure
14 described in subsection (1) of this section.

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

17 **“SECTION 2. (1) The Secretary of State shall cause to be printed in**
18 **the voters' pamphlet the number, ballot title and text of a measure**
19 **described in section 1 of this 2023 Act and the financial estimate, ex-**
20 **planatory statement and arguments relating to the measure. The**
21 **Secretary of State shall also cause to be printed in the voters' pam-**
22 **phlet any other information required by law.**

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

25 **“SECTION 3. (1) Notwithstanding the deadline specified in ORS**
26 **254.085, the Secretary of State shall prepare and deliver to each county**
27 **clerk by the most expeditious means practicable a certified statement**
28 **of a measure described in section 1 of this 2023 Act. The Secretary of**
29 **State shall include with the statement the number, financial estimate**
30 **and ballot title of the measure and any other information required by**

1 law. The Secretary of State shall keep a copy of the statement.

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

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

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

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

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

25 “(4) The Supreme Court shall review the ballot title for substantial
26 compliance with the requirements of ORS 250.035 and section 1 of this
27 2023 Act.

28 “(5) The review by the Supreme Court shall be conducted expedi-
29 tiously to ensure the orderly and timely conduct of the election at
30 which the measure is to be submitted to the electors.

1 **“(6) If the Supreme Court determines that the ballot title prepared**
2 **by the joint legislative committee substantially complies with the re-**
3 **quirements of ORS 250.035 and section 1 of this 2023 Act, the court**
4 **shall certify the ballot title to the Secretary of State. If the Supreme**
5 **Court determines that the ballot title prepared by the joint legislative**
6 **committee does not substantially comply with the requirements of**
7 **ORS 250.035 and section 1 of this 2023 Act, the court shall modify the**
8 **ballot title and certify the ballot title to the Secretary of State or refer**
9 **the ballot title to the Attorney General for modification.**

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

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

16 **“(1) Any person dissatisfied with the explanatory statement for a**
17 **measure described in section 1 of this 2023 Act prepared by the joint**
18 **legislative committee appointed under section 6 of this 2023 Act may**
19 **petition the Supreme Court seeking a different explanatory statement**
20 **and stating the reasons the explanatory statement is insufficient or**
21 **unclear.**

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

27 **“(3) Failure to file and serve the petition within the time prescribed**
28 **in subsection (2) of this section precludes Supreme Court review and**
29 **certification of an explanatory statement. If the court considers the**
30 **petition, the court may allow oral argument. The review by the Su-**

1 preme Court shall be conducted expeditiously to ensure the orderly
2 and timely conduct of the election at which the measure is to be sub-
3 mitted to the electors. The explanatory statement certified by the
4 court shall be the explanatory statement printed in the voters' pam-
5 phlet.

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

9 “(a) The Attorney General; and

10 “(b) The Legislative Assembly.

11 **“SECTION 6. (1) For each measure described in section 1 of this 2023**
12 **Act, a joint legislative committee consisting of three Senators and**
13 **three Representatives shall be appointed to prepare and file with the**
14 **Secretary of State the ballot title and explanatory statement for the**
15 **measure.**

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

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

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

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

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

1 2024.

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

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