

# House Bill 4166

Sponsored by COMMITTEE ON RULES (at the request of Representatives Julie Fahey, Jeff Helfrich)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells a legislative group to write certain voter information for bills and const. amends. that passed the 2024 legislature and that voters must vote yes or no on at the 2024 general election for bills or const. amends. to become law. (Flesch Readability Score: 63.4).

Prescribes the method for creating a ballot title and an explanatory statement for any amendment to the Oregon Constitution or statutory Act that passes both houses of the Legislative Assembly during the 2024 session and that is referred to the people by the Legislative Assembly.

Declares an 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 an amendment to the Oregon Constitution is referred to the people by**  
5 **the Eighty-second Legislative Assembly during its 2024 regular session under Article XVII,**  
6 **section 1, of the Oregon Constitution, or if an Act of the Eighty-second Legislative Assembly**  
7 **that passes both houses of the Legislative Assembly during its 2024 regular session is re-**  
8 **ferred to the people by the Legislative Assembly under Article IV, section 1 (3)(c), of the**  
9 **Oregon Constitution:**

10 **(a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a**  
11 **measure described in this subsection shall be prepared by the joint legislative committee**  
12 **appointed under section 6 of this 2024 Act and filed with the Secretary of State not later than**  
13 **the date set by the Secretary of State by rule. The word limits described in ORS 250.035 (2)**  
14 **do not apply to a ballot title for a measure described in this subsection that is prepared by**  
15 **the joint legislative committee under this subsection. Unless modified under section 4 of this**  
16 **2024 Act, the ballot title prepared by the committee under this subsection shall be the ballot**  
17 **title printed in the voters' pamphlet and printed on, or included with, the ballot.**

18 **(b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory**  
19 **statement to be printed in the voters' pamphlet for a measure described in this subsection**  
20 **shall be prepared by the joint legislative committee appointed under section 6 of this 2024**  
21 **Act and filed with the Secretary of State not later than the date set by the Secretary of State**  
22 **by rule. Unless modified under section 5 of this 2024 Act, the explanatory statement pre-**  
23 **pared by the committee under this subsection shall be the explanatory statement printed in**  
24 **the voters' pamphlet.**

25 **(2) The joint legislative committee may begin preparation of the ballot title or explana-**  
26 **tory statement on the date the measure is filed with the Secretary of State.**

27 **(3) Except as otherwise provided in sections 1 to 7 of this 2024 Act, ORS chapters 250,**  
28 **251 and 254 apply to an election held on a measure described in subsection (1) of this section.**

**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 (4) As used in sections 1 to 7 of this 2024 Act, “measure” has the meaning given that  
 2 term in ORS 250.005.

3 **SECTION 2.** (1) The Secretary of State shall cause to be printed in the voters’ pamphlet  
 4 the number, ballot title and text of a measure described in section 1 of this 2024 Act and the  
 5 financial estimate, explanatory statement and arguments relating to the measure. The Sec-  
 6 retary of State shall also cause to be printed in the voters’ pamphlet any other information  
 7 required by law.

8 (2) For purposes of sections 1 to 7 of this 2024 Act, the election referred to in ORS 251.295  
 9 is the general election.

10 **SECTION 3.** (1) Notwithstanding the deadline specified in ORS 254.085, the Secretary of  
 11 State shall prepare and deliver to each county clerk by the most expeditious means practi-  
 12 cable a certified statement of a measure described in section 1 of this 2024 Act. The Secre-  
 13 tary of State shall include with the statement the number, financial estimate and ballot title  
 14 of the measure and any other information required by law. The Secretary of State shall keep  
 15 a copy of the statement.

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

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

22 (1) Any elector dissatisfied with the ballot title for a measure described in section 1 of  
 23 this 2024 Act prepared by the joint legislative committee appointed under section 6 of this  
 24 2024 Act may petition the Supreme Court seeking a different ballot title. The petition shall  
 25 state the reasons that the ballot title filed with the Secretary of State does not substantially  
 26 comply with the requirements of ORS 250.035 and section 1 of this 2024 Act.

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

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

34 (4) The Supreme Court shall review the ballot title for substantial compliance with the  
 35 requirements of ORS 250.035 and section 1 of this 2024 Act.

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

39 (6) If the Supreme Court determines that the ballot title prepared by the joint legislative  
 40 committee substantially complies with the requirements of ORS 250.035 and section 1 of this  
 41 2024 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme  
 42 Court determines that the ballot title prepared by the joint legislative committee does not  
 43 substantially comply with the requirements of ORS 250.035 and section 1 of this 2024 Act, the  
 44 court shall modify the ballot title and certify the ballot title to the Secretary of State or  
 45 refer the ballot title to the Attorney General for modification.

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

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

6 (1) Any person dissatisfied with the explanatory statement for a measure described in  
 7 section 1 of this 2024 Act prepared by the joint legislative committee appointed under section  
 8 6 of this 2024 Act may petition the Supreme Court seeking a different explanatory statement  
 9 and stating the reasons the explanatory statement is insufficient or unclear.

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

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

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

- 23 (a) The Attorney General; and
- 24 (b) The Legislative Assembly.

25 **SECTION 6.** (1) For each measure described in section 1 of this 2024 Act, a joint legisla-  
 26 tive committee consisting of three Senators and three Representatives shall be appointed to  
 27 prepare and file with the Secretary of State the ballot title and explanatory statement for  
 28 the measure.

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

31 (b) The Speaker of the House of Representatives shall appoint three members of a com-  
 32 mittee from among members of the House of Representatives, two from the majority party  
 33 and one from a minority party.

34 **SECTION 7.** The Secretary of State shall adopt rules governing the procedures for con-  
 35 ducting an election on a measure described in section 1 of this 2024 Act as may be necessary  
 36 to implement sections 1 to 7 of this 2024 Act. Rules adopted under this section may not re-  
 37 quire the joint legislative committee appointed under section 6 of this 2024 Act to:

- 38 (1) Prepare or make publicly available a draft ballot title; or
- 39 (2) File a ballot title with the Secretary of State before June 4, 2024.

40 **SECTION 8.** This 2024 Act being necessary for the immediate preservation of the public  
 41 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect  
 42 on its passage.