

A-Engrossed
Senate Bill 116

Ordered by the Senate June 17
Including Senate Amendments dated June 17

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.

Directs that Enrolled House Bill 3427, if referred by referendum petition, be submitted to people at special election held on January 21, 2020.

Prescribes method for creating ballot title and explanatory statement for any amendment to Oregon Constitution that passes both houses of Legislative Assembly during 2019 session and is referred to people by Legislative Assembly and for any Act that passes both houses of Legislative Assembly during 2019 regular session, if referred to people by either Legislative Assembly or by referendum petition.

Declares emergency, effective on passage.

[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 by September 15, 2020.]

[Sunsets January 2, 2021.]

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) Except as provided in section 2 of this 2019 Act, if an amendment to the**
5 **Oregon Constitution is referred to the people by the Eightieth Legislative Assembly during**
6 **its 2019 regular session under Article XVII, section 1, of the Oregon Constitution, or if all**
7 **or part of any Act of the Eightieth Legislative Assembly that passes both houses of the**
8 **Legislative Assembly during its 2019 regular session is referred to the people by the Legis-**
9 **lative Assembly under Article IV, section 1 (3)(c), of the Oregon Constitution, or by petition**
10 **under Article IV, section 1 (3)(b), of the Oregon Constitution:**

11 (a) **Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a**
12 **measure or part of a measure described in this subsection shall be prepared by the joint**
13 **legislative committee appointed under section 7 of this 2019 Act and filed with the Secretary**
14 **of State not later than the date set by the Secretary of State by rule. Unless modified under**
15 **section 5 of this 2019 Act, the ballot title prepared by the committee under this subsection**
16 **shall be the ballot title printed in the voters' pamphlet and printed on, or included with, the**
17 **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 or part of a measure described**
20 **in this subsection shall be prepared by the joint legislative committee appointed under sec-**
21 **tion 7 of this 2019 Act and filed with the Secretary of State not later than the date set by**

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 the Secretary of State by rule. Unless modified under section 6 of this 2019 Act, the explan-
2 atory statement prepared by the committee under this subsection shall be the explanatory
3 statement printed in the voters' pamphlet.

4 (2) The joint legislative committee may begin preparation of the ballot title or explana-
5 tory statement:

6 (a) For a measure referred to the people by the Legislative Assembly under Article XVII,
7 section 1, or Article IV, section 1 (3)(c), of the Oregon Constitution, on the date the measure
8 is filed with the Secretary of State; and

9 (b) For a measure referred to the people by petition under Article IV, section 1 (3)(b),
10 of the Oregon Constitution, on the date that a prospective petition to refer the measure is
11 filed with the Secretary of State under ORS 250.045.

12 (3) Except as otherwise provided in sections 1 to 8 of this 2019 Act, ORS chapters 250,
13 251 and 254 apply to an election held on a measure or part of a measure described in sub-
14 section (1) of this section.

15 (4) As used in sections 1 to 8 of this 2019 Act, "measure" has the meaning given that
16 term in ORS 250.005.

17 **SECTION 2.** (1) If all or part of chapter 122, Oregon Laws 2019 (Enrolled House Bill 3427),
18 is referred to the people by petition under Article IV, section 1 (3)(b), of the Oregon Consti-
19 tution:

20 (a) The Act shall be submitted to the people for their approval or rejection at a special
21 election held throughout this state on January 21, 2020; and

22 (b) A special election shall be held throughout this state on January 21, 2020, as provided
23 in sections 1 to 8 of this 2019 Act.

24 (2) Except as otherwise provided in sections 1 to 8 of this 2019 Act, ORS chapters 250,
25 251 and 254 apply to an election held on a measure described in subsection (1) of this section.

26 (3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a
27 measure described in subsection (1) of this section shall be prepared by the joint legislative
28 committee appointed under section 7 of this 2019 Act and filed with the Secretary of State
29 not later than the date set by the Secretary of State by rule. The ballot title prepared by the
30 committee under this subsection may describe any effects or consequences that the com-
31 mittee determines will result if the people vote to reject a measure described in subsection
32 (1) of this section. Unless modified under section 5 of this 2019 Act, the ballot title prepared
33 by the committee under this subsection shall be the ballot title printed in the voters' pam-
34 phlet and printed on, or included with, the ballot.

35 (4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
36 statement to be printed in the voters' pamphlet for a measure described in subsection (1)
37 of this section shall be prepared by the joint legislative committee appointed under section
38 7 of this 2019 Act and filed with the Secretary of State not later than the date set by the
39 Secretary of State by rule. The explanatory statement prepared by the committee under this
40 subsection may describe any effects or consequences that the committee determines will
41 result if the people vote to reject a measure described in subsection (1) of this section. Un-
42 less modified under section 6 of this 2019 Act, the explanatory statement prepared by the
43 committee under this subsection shall be the explanatory statement printed in the voters'
44 pamphlet.

45 (5) The joint legislative committee may begin preparation of the ballot title or explana-

1 tory statement on the date that a prospective petition to refer a measure described in sub-
2 section (1) of this section is filed with the Secretary of State under ORS 250.045.

3 (6)(a) Arguments relating to a measure described in subsection (1) of this section may
4 be filed with the Secretary of State under ORS 251.245 and 251.255, except that an argument
5 must be filed not later than the date set by the Secretary of State by rule.

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

9 (7) Notwithstanding the time frames set forth in ORS 250.127, the financial estimate
10 committee created under ORS 250.125 shall prepare and file with the Secretary of State the
11 estimates described in ORS 250.125 and, if the committee considers it necessary, an impar-
12 tial, simple and understandable statement explaining the financial effects of the measure as
13 described in ORS 250.125, except that the committee shall prepare and file the estimates or
14 statement not later than the date set by the Secretary of State by rule. The financial esti-
15 mate committee may begin preparation of the estimates or statement on the date that a
16 prospective petition to refer a measure described in subsection (1) of this section is filed with
17 the Secretary of State under ORS 250.045.

18 (8) Notwithstanding ORS 250.131 (2), the Supreme Court shall conduct a review under
19 ORS 250.131 if a petition is filed not later than the date set by the Secretary of State by rule.

20 **SECTION 3.** (1) The Secretary of State shall cause to be printed in the voters' pamphlet
21 the number, ballot title and text of a measure described in section 1 or 2 of this 2019 Act and
22 the financial estimate, explanatory statement and arguments relating to the measure. The
23 Secretary of State shall also cause to be printed in the voters' pamphlet any other informa-
24 tion required by law. Notwithstanding ORS 251.026, the Secretary of State shall include in the
25 voters' pamphlet the statements or information described in ORS 251.026 that the Secretary
26 of State considers applicable or relevant to the conduct of the election on a measure de-
27 scribed in section 2 of this 2019 Act.

28 (2) For purposes of sections 1 to 8 of this 2019 Act, the election referred to in ORS
29 251.295:

30 (a) Is the general election, for a measure described in section 1 of this 2019 Act; and

31 (b) Is the special election held on the date specified in section 2 (1) of this 2019 Act, for
32 a measure described in section 2 (1) of this 2019 Act.

33 (3) If the measure described in section 2 (1) of this 2019 Act is referred to the people by
34 petition under Article IV, section 1 (3)(b), of the Oregon Constitution:

35 (a) Notwithstanding ORS 251.285 and subject to ORS 251.008, the measure referred to in
36 this subsection shall be the only measure included in the voters' pamphlet prepared for the
37 special election held on January 21, 2020.

38 (b) Not later than the 10th day before the election, the Secretary of State shall cause the
39 voters' pamphlet to be mailed to each post-office mailing address in Oregon and may use any
40 additional means of distribution necessary to make the pamphlet available to electors.

41 (c) In preparing the voters' pamphlet for the special election to be held on January 21,
42 2020, the Secretary of State is not required to comply with ORS chapter 279B relating to
43 competitive bidding.

44 **SECTION 4.** (1) Notwithstanding the deadline specified in ORS 254.085, the Secretary of
45 State shall prepare and deliver to each county clerk by the most expeditious means practi-

1 cable a certified statement of a measure described in section 1 or 2 of this 2019 Act. The
2 Secretary of State shall include with the statement the number, financial estimate and ballot
3 title of the measure and any other information required by law. The Secretary of State shall
4 keep a copy of the statement.

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

10 **SECTION 5. Notwithstanding ORS 250.085:**

11 (1) Any elector dissatisfied with the ballot title for a measure described in section 1 or
12 2 of this 2019 Act prepared by the joint legislative committee appointed under section 7 of
13 this 2019 Act may petition the Supreme Court seeking a different ballot title. The petition
14 shall state the reasons that the ballot title filed with the Secretary of State does not sub-
15 stantially comply with the requirements of ORS 250.035 and section 1 or 2 of this 2019 Act.

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

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

23 (4) The Supreme Court shall review the ballot title for substantial compliance with the
24 requirements of ORS 250.035 and section 1 or 2 of this 2019 Act.

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

28 (6) If the Supreme Court determines that the ballot title prepared by the joint legislative
29 committee substantially complies with the requirements of ORS 250.035 and section 1 or 2
30 of this 2019 Act, the court shall certify the ballot title to the Secretary of State. If the Su-
31 preme Court determines that the ballot title prepared by the joint legislative committee does
32 not substantially comply with the requirements of ORS 250.035 and section 1 or 2 of this 2019
33 Act, the court shall modify the ballot title and certify the ballot title to the Secretary of
34 State or refer the ballot title to the Attorney General for modification.

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

39 **SECTION 6. Notwithstanding ORS 251.235:**

40 (1) Any person dissatisfied with the explanatory statement for a measure described in
41 section 1 or 2 of this 2019 Act prepared by the joint legislative committee appointed under
42 section 7 of this 2019 Act may petition the Supreme Court seeking a different explanatory
43 statement and stating the reasons the explanatory statement filed with the court is insuffi-
44 cient 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 section,
12 the person also shall serve a copy of the petition on:

13 (a) The Attorney General;

14 (b) The Legislative Assembly; and

15 (c) The chief petitioners of the measure.

16 **SECTION 7.** (1) For each measure described in section 1 or 2 of this 2019 Act, a joint
17 legislative committee consisting of three Senators and three Representatives shall be ap-
18 pointed to prepare and file with the Secretary of State the ballot title and explanatory
19 statement for the measure.

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

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

25 **SECTION 8.** The Secretary of State shall adopt rules governing the procedures for con-
26 ducting an election on a measure described in section 2 of this 2019 Act as may be necessary
27 to implement sections 2 to 8 of this 2019 Act. Rules adopted under this section may not re-
28 quire the joint legislative committee appointed under section 7 of this 2019 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 the 91st day after the 2019 regular
31 session of the Eightieth Legislative Assembly adjourns sine die.

32 **SECTION 9.** This 2019 Act being necessary for the immediate preservation of the public
33 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
34 on its passage.