

## AMENDING THE OREGON CONSTITUTION

Use a joint resolution to propose a constitutional amendment. Constitutional amendments are subject to the same one-subject rule that applies to bills. See “Constitutional Requirement of One Subject” on page 14 of this manual. The formal parts of a joint resolution that proposes amendments to the Oregon Constitution are the *heading*, *preamble*, *resolving clause* and *body*, which consists of two paragraphs.

**Heading.** The heading identifies the type of measure and its house of origin (*e.g.*, Senate Joint Resolution or House Joint Resolution). Omit the name of the house of origin if the house of origin is unknown when the joint resolution is being drafted.

**Preamble:**

- “Whereas” clauses *may* be used as a preamble to a joint resolution to express reasons for the action, but are usually omitted. If used, the preamble precedes the resolving clause.
- Do not use a comma after the word “Whereas” in these clauses.
- End each paragraph except the last with a semicolon and the word “and”.
- End the last paragraph with a semicolon and the phrase “now, therefore,”. This phrase *connects* the preamble to the resolving clause.

**Resolving Clause.** While the preamble may be omitted, the resolving clause and body are indispensable parts of a joint resolution. Use the following resolving clause for joint resolutions originating in either house:

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**Body.** When a **joint resolution** amends the Oregon Constitution, its body consists of *two* clauses:

- (1) Amending Clause or **PARAGRAPH 1**. Only one amending clause is used. It is placed between the resolving clause and the referendum clause. The amending clause lists the sections of the Oregon Constitution that are being amended, repealed or created and sets forth at length the text of each amended section or the text of each newly created section.
- (2) Referendum Clause or **PARAGRAPH 2**. All joint resolutions adopted by the Legislative Assembly that propose amendments to the Oregon Constitution must include a referendum clause. The referendum clause follows the amending clause and provides for the referral of the amendment to the people. Note that a blank line separates the referendum clause from the text of the amended or newly created sections that appear in **PARAGRAPH 1**.

Here is one example of a referendum clause:

**PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.**

See “Referendum Clause” on page 45 of this manual for more examples.

## AMENDING A SECTION

The most common type of constitutional amendment is an amendment of an existing section of the Oregon Constitution. Use this form for an amending clause and the section or sections of the Constitution to be amended:

**PARAGRAPH 1.** Section 25, Article IV of the Constitution of the State of Oregon, is amended to read:

**Sec. 25.** (Insert Text)

In the example above, note the use of the abbreviation “**Sec.**” instead of the word “**SECTION .**” to indicate the section number of the section that is *being amended*. The text of a section that is being amended must be set forth at length. See “Setting Forth Amended Sections at Length” on pages 19 and 20 of this manual. Use **boldfaced** type to indicate material to be inserted into an constitutional section and use *[brackets and italic]* type to indicate material to be deleted. See “Deleting or Inserting Material” on pages 20 and 21 of this manual.

(NOTE: When proposing amendments to Article VII, the Article must be properly identified as either Article VII (Original) or Article VII (Amended), depending on which Article is being amended. Also note that there are a series of Article XIs, each identified by a letter. Be sure to use the identifying letter with the particular Article being amended.)

**Here is an example of a joint resolution that proposes an amendment to a section of the Oregon Constitution:**

HEADING

### JOINT RESOLUTION

RESOLVING CLAUSE  
PARAGRAPH 1

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** Section 25, Article IV of the Constitution of the State of Oregon, is amended to read:

**Sec. 25. (1) Except as otherwise provided in subsection (2) of this section,** a majority of all the members elected to each House shall be necessary to pass every bill[,] or Joint resolution. [; *and*]

**(2) Three-fifths of all members elected to each House shall be necessary to pass bills for raising revenue.**

**(3) All bills, and Joint resolutions [so] passed, shall be signed by the presiding officers of the respective houses.[-]**

BLANK LINE  
PARAGRAPH 2

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next biennial primary election.

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## ADDING A NEW SECTION

The following form for the language immediately following the resolving clause is suggested for a joint resolution proposing the addition of a new section:

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 1d to be added to and made a part of Article IX and to read:

**SECTION 1d. (Insert Text)**

The numbers assigned to the new sections in the proposed amendments should be the numbers that the new sections will have when placed in the Constitution. Refer to the Constitution to determine the next available section number(s). Be sure to list the new section number(s) in the phrase “creating a new section \_\_\_ to be added to and made a part of Article \_\_\_” that appears in the amending clause in **PARAGRAPH 1**. The text of a new section appears in **boldfaced** type. See “New Sections” on pages 21 and 22 of this manual. Spell out and boldface, but do *not* underscore, the word “**SECTION \_\_\_.**” as illustrated below.

**Here is an example of a joint resolution that proposes an amendment that adds a new section to the Oregon Constitution:**

HEADING

### HOUSE JOINT RESOLUTION

RESOLVING CLAUSE

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

PARAGRAPH 1

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 1d to be added to and made a part of Article IX and to read:

**SECTION 1d. The Legislative Assembly shall by law order a referendum on the Act of origin imposing a state general retail sales and use tax on the sale of or the storage, use or consumption of tangible personal property.**

BLANK LINE

PARAGRAPH 2

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

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## REPEALING A SECTION

In a joint resolution proposing the repeal of a section or sections of the Oregon Constitution, use the following form after the resolving clause:

**PARAGRAPH 1.** Sections 37 and 38, Article I of the Constitution of the State of Oregon, are repealed.

## REPEALING AND ADOPTING IN LIEU

In a joint resolution proposing the repeal of a section of the Oregon Constitution and the adoption in lieu thereof of a new section, use the following form after the resolving clause:

**PARAGRAPH 1.** Section 6, Article IV of the Constitution of the State of Oregon, is repealed, and the following section is adopted in lieu thereof:

**SECTION 6. (Insert text)**

## **REPEALING EXISTING SECTION AND AMENDING EXISTING SECTION IN THE SAME PROPOSED AMENDMENT**

In a joint resolution proposing the repeal of a section or sections of the Oregon Constitution and also proposing the amendment of existing sections, use the following form after the resolving clause:

**PARAGRAPH 1.** Section 18, Article VII (Original) of the Constitution of the State of Oregon, is repealed; and section 5, Article VII (Amended) of the Constitution of the State of Oregon, is amended to read:

**Sec. 5.** (Insert text)

## **REPEALING EXISTING SECTION AND ADDING NEW SECTIONS IN THE SAME PROPOSED AMENDMENT**

In a joint resolution proposing the repeal of a section or sections of the Oregon Constitution and also proposing the addition of new sections, use the following form after the resolving clause:

**PARAGRAPH 1.** Sections 2, 3, 4 and 5, Article VI, and section 17, Article V of the Constitution of the State of Oregon, are repealed; and the Constitution of the State of Oregon is amended by creating new sections 2 and 3 to be added to and made a part of Article IV and to read:

**SECTION 2.** (Insert text)

**SECTION 3.** (Insert text)

## **AMENDING EXISTING SECTION AND ADDING NEW SECTION IN THE SAME PROPOSED AMENDMENT**

The form used for an amendment of an existing section and the addition of a new section in the same proposed amendment depends on the circumstances. Usually, in a joint resolution proposing the amendment of an existing section and the addition of a new section, use the following form after the resolving clause:

**PARAGRAPH 1.** Section 2, Article VI of the Constitution of the State of Oregon, is amended, and the Constitution of the State of Oregon is amended by creating a new section 4 to be added to and made a part of Article III, and to read:

**Sec. 2.** (Insert text)

**SECTION 4.** (Insert text)

Where there is need to create new sections, the amendment may be easier to understand if existing sections are repealed (rather than amended) and reenacted in the form of new sections.

## ADDING A NEW ARTICLE

In a joint resolution that adds a new Article to the Oregon Constitution, use the following form after the resolving clause:

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new Article to be known as Article XI-K and to read:

### ARTICLE XI-K

**SECTION 1. (Insert text)**

**SECTION 2. (Insert text)**

**SECTION 3. (Insert text)**

## REFERENDUM CLAUSE

Joint resolutions proposing constitutional amendments that are adopted by the Legislative Assembly must be referred to the people for their approval or rejection. A joint resolution that proposes a constitutional amendment *must contain* a referendum clause. The referred joint resolution will be voted upon at the next regular general election, pursuant to section 1, Article IV of the Oregon Constitution, unless the Legislative Assembly orders a special election, which may be held on the same date as the biennial primary election. Provision for publication of the joint resolution in the voters' pamphlet is made in ORS chapter 251.

Use the following form to refer a proposed constitutional amendment at the regular general election:

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

For the referral of a proposed constitutional amendment at the next biennial primary election, use:

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next biennial primary election.

The following form is suggested for referral of a proposed constitutional amendment at a special election to be set by the Legislative Assembly:

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on \_\_\_\_\_, 19\_\_.

## CONSTITUTIONAL REVISIONS

A constitutional revision covers more than one subject and is proposed by a joint resolution. Be wary of referring to a constitutional revision if an amendment will suffice. A revision requires a *two-thirds* majority vote in each house.

**Resolving Clause.** The form of the resolving clause for a constitutional revision reads:

**Be It Resolved by the Legislative Assembly of the State of Oregon, two-thirds of all the members of each house concurring:**

**Referendum Clause.** A constitutional revision can be referred *only* at the next biennial primary election, except when the Legislative Assembly orders a special election for that purpose. *See* section 1, Article XVII of the Oregon Constitution.

**PARAGRAPH 2.** The revision proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next biennial primary election.