



# OFFICE OF THE SECRETARY OF STATE

## NEWS RELEASE

**For Immediate Release:**  
July 11, 2003

**BILL BRADBURY**

**Contact:** Summer Davis  
Elections Division  
(503) 986-1518

The Office of the Secretary of State received a certified ballot title from the Attorney General on July 10, 2003, for initiative petition #53, proposing a constitutional amendment, for the General Election of November 2, 2004.

In addition, Secretary of State Bill Bradbury determined that the proposed initiative petition was in compliance with the procedural requirements established in the Oregon Constitution for initiative petitions.

The certified ballot title is as follows:

**AMENDS CONSTITUTION: LIMITS INDIVIDUAL, CORPORATE, UNION,  
ORGANIZATIONAL CONTRIBUTIONS/EXPENDITURES TO CANDIDATES, POLITICAL  
ENTITIES; ESTABLISHES DISCLOSURE, REPORTING REQUIREMENTS**

**RESULT OF "YES" VOTE:** "Yes" vote limits individual, corporate, union, organizational contributions/expenditures to candidates, political committees, political parties; regulates contributions/expenditures to own candidacy; establishes disclosure, reporting requirements.

**RESULT OF "NO" VOTE:** "No" vote retains current law that prohibits limits on campaign: contributors, contributions, and expenditures. Rejects: establishing contribution/expenditure limits; limiting contributions/expenditures to own candidacy.

**SUMMARY:** Amends Constitution. Current law prohibits contributor, contribution, or expenditure limits for state, local public office candidates. Measure limits an individual's contributions to candidates, political committees, "small donor committees," political parties, with annual cap for all contributions; limits political committee contributions to candidates, political parties; limits political party contributions to candidates, political committees. Allows unlimited contributions by "small donor committees" (accepting only contributions not exceeding \$50 per individual per year). Prohibits corporate, union, organizational contributions, expenditures except through political committees funded solely by individuals. Limits contributions, expenditures to own candidacy. Regulates "independent expenditures" by individuals, political committees, political parties. Establishes: disclosure, reporting requirements for contributions, expenditures; procedure for increasing limits to comply with federal law and to reflect consumer price changes. Defines terms. Other provisions.

Chief Petitioner(s): Lloyd Marbet, 19142 SE Bakers Ferry Rd, Boring, OR 97009 and Sarah Charlesworth, 2373 Pershing St, Eugene, OR 97402.

Copies of the text of this initiative are available at Room 141 State Capitol, for \$1.00. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722.

There now follows an appeal period of 10 business days. Any elector dissatisfied with the ballot title certified by the Attorney General, who also submitted in a timely manner written comments which addressed the specific legal standards a ballot title must meet, may petition the Supreme Court for a different title. The appeal period ends at 5:00 p.m. on July 24, 2003. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2004 general election ballot is 100,840. These signatures must be filed in this office not later than July 2, 2004.

# # #



**DEPARTMENT OF JUSTICE**  
APPELLATE DIVISION

July 10, 2003

John Lindback  
Director, Elections Division  
Office of the Secretary of State  
141 State Capitol  
Salem, OR 97310

RECEIVED  
03 JUL 10 PM 3 20  
BILL HANCOCK  
SECRETARY OF STATE

Re: Proposed Initiative Petition — Amends Constitution: Limits Individual, Corporate, Union, Organizational Contributions/Expenditures to Candidates, Political Entities; Establishes Disclosure, Reporting Requirements  
DOJ File #BT-53-03; Elections Division #53

Dear Mr. Lindback:

We have reviewed the comments submitted in response to the draft ballot title for the above-referenced prospective initiative petition. We provide the enclosed certified ballot title for the proposed measure, which differs from the draft ballot title.

This letters summarizes the comments that we received, the reasons why we accepted some of the suggestions, and the reasons why we rejected the remaining suggestions. ORAP 11.30(7) requires that this letter be included in the record in the event the Oregon Supreme Court reviews this ballot title.

**Comments by Daniel Meek and Lloyd Marbet**

**The Caption**

Commenters Daniel Meek and Lloyd Marbet express concern that the caption does not adequately describe the main components of the measure. In their view, the measure contains three major features: (1) limits on contributions and expenditures, (2) disclosure of large contributors in campaign advertisements, and (3) more frequent and detailed reporting of large contributions to the public through the voters' pamphlet. To that end, they offer two suggested captions. We agree that the certified caption should encompass more aspects of the measure and have adopted a variant of the commenters' suggestions.

The commenters also express concern that the voters would not be able to understand the term "ORGANIZATIONAL CONTRIBUTIONS." Noting that the measure specifically identifies different organizations, the commenters suggest that the caption should include the terms "CORPORATIONS" and "UNIONS." We agree and have adopted a variant of the commenters' suggestions. To accommodate that change and to clarify the caption, we have

modified the punctuation of the caption and have shortened the phrase “POLITICAL COMMITTEES, POLITICAL PARTIES” with “POLITICAL ENTITIES.” Finally, we adjust the “Yes” statement to reflect the addition of the terms “CORPORATE” and “UNION” in the caption.

### **The “Yes” Statement**

The commenters express the same concerns that they articulated about the caption. As discussed above, we have adopted a variant of their suggestions.

### **The “No” Statement**

The commenters object to the “No” statement because more than half of the statement is the “Yes” statement preceded by the word “Rejects.” They also object that the “No” statement fails to inform voters that the measure requires disclosure or reporting of contributions and expenditures. Finally, they object to the part of the “No” statement that discusses the limits a candidate can make to his or her own campaign. They offer an alternative “No” statement.

We decline to adopt the commenters’ suggested alternative. Although it is true that the current law allows unlimited contributions, a more accurate statement of current law provides that current law prohibits contribution and expenditure limitations. *See Vannatta v. Keisling*, 324 Or 514, 931 P2d 770 (1997). Therefore, although we reject the commenters’ suggested alternative, we have modified the “No” statement to reflect a more accurate statement of current law. Additionally, we have modified the summary statement consistent with this change.

With that modification, the certified “No” statement now uses more than half of the allotted words to describe the current state of the law. Therefore, we reject the commenters’ remaining suggestions because their suggested alternative would exceed the word limitation. We also decline to accommodate the commenters’ suggestion to remove the language about candidates’ contributions and expenditures to their own candidacy. This language accurately describes one of the provisions of the measure. Therefore, it is properly included in the “Yes” and “No” statements.

### **The Summary**

The commenters contend that the summary statement is inaccurate and is not “concise” in explaining the individual provisions of the measure. To that end, they offer a 132-word alternative statement. Their suggested summary, however, exceeds the 125-word limitation under ORS 250.035(2)(d). Moreover, the draft summary discussed the same provisions of the measure that their suggested alternative discusses. Consequently, we decline to adopt the commenters’ suggestion.

The commenters also argue that the draft summary incorrectly interprets the provisions related to corporate, union, and organizational contributions and expenditures. They assert that the summary inaccurately implies that corporations and unions can make political contributions,

as long as they go “through political committees funded by individuals.” By its terms, however, the measure allows just that.

Subsection (9) of the measure allows corporations, labor unions, or other entities to establish a separate, segregated fund that operates as a political committee with certain limitations. One of those limitations is that the fund consists solely of voluntary contributions from individuals who have complied with the individual contribution limitations. Thus, although it is true that a corporation, labor union, or other entity cannot make a contribution *to* a political committee, the fund established and administered by a corporation, labor union, or other entity that operates *as* a political committee can make a campaign contribution subject to the other limitations in subsection (9). However, we have modified the summary by adding the term “solely” to clarify the limitation on who may contribute to a fund created and administered by a corporation, labor union, or other entity.

Finally, we have added the term “disclosure” to the summary statement consistent with commenters’ suggestions concerning the caption.

### **Procedural Constitutional Requirements**

Commenters David Fidanque, Meek, and Marbet raise issues regarding whether the proposed measure violates the separate-vote, single-subject, and full-text provisions of the Oregon Constitution. These issues are beyond the scope of the ballot title drafting process. *See* OAR 165-014-0028 (providing for separate review process by Secretary of State to determine whether measure complies with constitutional procedural requirements for proposed initiative measures).

For the reasons stated above, we have made changes to the draft ballot title. We certify the attached ballot title pursuant to ORS 250.067(2).

Respectfully,

Steven R. Powers  
Assistant Attorney General

SRP:srp/APP56695.DOC

#### Enclosure

c: Peter Shepherd, Deputy Attorney General  
Don Arnold, General Counsel Division  
Lynn Rosik, General Counsel Division

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**John Lindback**  
**July 10, 2003**  
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**10949 SW 4th Avenue**  
**Portland, OR 97219**

**BALLOT TITLE**

**AMENDS CONSTITUTION: LIMITS INDIVIDUAL, CORPORATE, UNION,  
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