



# OFFICE OF THE SECRETARY OF STATE

## NEWS RELEASE

**BILL BRADBURY**

**For Immediate Release:**  
September 28, 2004

**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 September 27, 2004, for initiative petition #8, proposing a constitutional amendment, for the General Election of November 7, 2006.

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: ALLOWS LAWS REGULATING ELECTION  
CONTRIBUTIONS, EXPENDITURES ADOPTED BY INITIATIVE OR 3/4 OF BOTH  
LEGISLATIVE HOUSES**

**RESULT OF "YES" VOTE:** "Yes" vote amends Constitution to allow laws limiting or prohibiting election contributions and expenditures if adopted by initiative process of 3/4 of both legislative houses.

**RESULT OF "NO" VOTE:** "No" votes retains current ban in Oregon Constitution on laws that limit or prohibit political campaign contributions or expenditures by any person or any entity.

**SUMMARY:** Amends the Oregon Constitution. The Oregon Constitution currently bans laws that impose involuntary limits on, or otherwise prohibit, political campaign contributions or expenditures by any person or any entity. The measure amends the Oregon Constitution to allow laws, if they are enacted or amended through the ballot initiative process or by the Legislative Assembly by a three-fourths vote of both houses, that limit or prohibit campaign contributions and expenditures to influence the outcome of any election. The measure allows such limitations or prohibitions to apply to election contributions and expenditures of any type or description. Other provisions.

Chief Petitioner(s): David E Delk, 112 NE 45th Avenue, Portland, OR 97213.

Copies of the text of this initiative are available at Room 141 State Capitol, for \$.25. 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 October 11, 2004. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2006 general election ballot is 100,840. These signatures must be filed in this office not later than July 7, 2006.

# # #



**DEPARTMENT OF JUSTICE**  
APPELLATE DIVISION

September 27, 2004

RECEIVED  
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PETER D. SHEPHERD  
DEPUTY ATTORNEY GENERAL

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

Re: Proposed Initiative Petition — Amends Constitution: Allows Laws Regulating Election Contributions, Expenditures Adopted By Initiative Or 3/4 Of Both Legislative Houses  
DOJ File #BT-08-04; Elections Division #08

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 letter summarizes the comments that we received, the reasons why we accepted some of those comments, and the reasons why we rejected the remaining comments. 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 W. Meek and Lloyd K. Marbet**

**The Caption**

Commenters Meek and Marbet first assert that the caption does not indicate that the term “campaign” refers to political campaigns or has anything to do with elections. Second, the commenters claim that the caption elevates process over substance by first mentioning the manner in which the laws may be adopted before fully describing the substance of the measure. Finally, the commenters suggest using the phrase “both legislative houses” instead of the phrase “each legislative houses.” We agree and have adopted a variant of the commenters’ suggestions.

First, the commenters claim that the caption “does not indicate that the term ‘campaign’ refers to political campaigns or has anything to do with elections. To that end, the commenters substitute the term “campaign” with “political.” We disagree with the commenters’ assertion that the voters would not understand that the term “campaign” refers to political campaigns. However, we do not include the term “campaign” in the certified caption because the text of the measure allows laws “to influence the outcome of any election.” Because the terms “campaign” or “political” do not appear in the text of the measure, it is more accurate to include the term

“election” when describing the measure’s effect on laws that would regulate election contributions and expenditures. Accordingly, we have made the corresponding changes throughout the rest of the ballot title.

We agree with the commenters’ second suggestion and move the phrase describing the process by which these laws may be enacted to the end of the caption. We also agree with the commenters’ third suggestion and have made the corresponding changes throughout the rest of the ballot title.

### **The “Yes” and “No” Statements**

On the “Yes” statement, the commenters express the same concerns that they articulated about the caption. As discussed above, we agree and have modified the ballot title accordingly. On the “No” statement, the commenters assert that it is confusing because it is “akin to a double negative.” We agree and have adopted a variant of their suggested alternative.

### **The Summary**

The commenters first suggest substituting the term “bans” for the term “prohibits,” when describing the state of the current law. Second, the commenters suggest adding the phrase “by any person or entity” to explain better the state of the current law. Third, the commenters recommend rewording the second-to-last sentence to explain that the phrase “of any type or description” modifies the phrase “contributions and expenditures” instead of the phrase “limitations or prohibitions.” We agree with each of the commenters suggestions and have modified the summary accordingly. We adopt a variant of the commenters’ third suggestion consistent with the use of the term “election” instead of the term “political campaign” as describe above.

### **Comments by Andrea K. Meyer and David Fidanque**

Commenters Meyer and Fidanque assert that the draft ballot title does not adequately discuss the measure’s effects on Article I, section 8, of the Oregon Constitution. In their view, although the measure adds a new section to the Oregon Constitution, the primary effect of the measure is “to weaken Article I, section 8—the Oregon guarantee of free expression” and the ballot title should so reflect. To that end, they have offered a suggested ballot title.

We decline to accommodate the commenters’ suggestions to include what, in their view, is the measure’s primary effect. The commenters’ characterization conveys a value judgment that is more appropriate for a pro/con statement in the voters’ pamphlet. Instead, we have described the measure in an impartial manner.

### **Procedural Constitutional Requirements**

Commenters Meek, Marbet, Meyer, and Fidanque raise issues regarding whether the proposed measure violates the separate-vote, single-subject, full-text, and “republican form of

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government” 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 the Secretary of State to determine whether measure complies with the 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/APP71799.DOC

Enclosure

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

David E. Delk  
112 NE 45th Ave  
Portland, OR 97213

Lloyd K. Marbet  
19142 SE Bakers Ferry Road  
Boring, OR 97009

Daniel W. Meek  
10949 SW 4th Ave  
Portland, OR 97219

Andrea R. Meyer  
ACLU of Oregon  
PO Box 40585  
Portland, OR 97240

**BALLOT TITLE**

**AMENDS CONSTITUTION: ALLOWS LAWS REGULATING  
ELECTION CONTRIBUTIONS, EXPENDITURES ADOPTED BY  
INITIATIVE OR 3/4 OF BOTH LEGISLATIVE HOUSES**

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