



# OFFICE OF THE SECRETARY OF STATE

## NEWS RELEASE

**BILL BRADBURY**

**For Immediate Release:**  
February 11, 2005

**Contact:** Carla Corbin  
Elections Division  
(503) 986-1518

The Office of the Secretary of State received a certified ballot title from the Attorney General on February 11, 2005, for initiative petition #10, proposing a statutory 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:

**ELIMINATES PUBLIC EMPLOYEES' RIGHT TO FORM UNIONS, ASSOCIATIONS  
TO COLLECTIVELY BARGAIN, RESOLVE DISPUTES WITH EMPLOYERS**

**RESULT OF "YES" VOTE:** "Yes" vote eliminates right of public employees to be represented by labor unions or associations in collective bargaining and in resolving employment disputes with employers.

**RESULT OF "NO" VOTE:** "No" vote retains law giving public employees the right to be represented by unions, associations in collective bargaining and in resolving employment disputes with employers.

**SUMMARY:** Current law gives public employees the right to form, join, and participate in labor unions and associations of their choosing; those labor organizations represent employees on matters concerning employment relations, including: compensation, hours, vacation, sick leave, and grievance procedures. Currently, public employers must negotiate with employees' chosen labor organization and enter into written contracts and must meet with labor organization to resolve employment disputes; public employee may authorize payroll deductions, including union/association dues. Measure eliminates public employees' right to representation by labor organization in collective bargaining and resolving employment disputes with public employers; prohibits employers from entering collective-bargaining negotiations, agreements with labor organizations; prohibits payroll deductions for dues. Existing collective bargaining agreements remain valid; measure prohibits extensions, changes, and future agreements. Other provisions.

Chief Petitioner(s): Bill Sizemore, PO Box 343, Beavercreek, OR 97004 and Grace I. Sizemore, PO Box 66921, Portland, OR 97290.

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 February 28, 2005. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2006 general election ballot is 75,630. These signatures must be filed in this office not later than July 7, 2006.

# # #



DEPARTMENT OF JUSTICE  
APPELLATE DIVISION

February 11, 2005

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

Re: Proposed Initiative Petition — Eliminates Public Employees' Right To Form Unions, Associations To Collectively Bargain, Resolve Disputes With Employers  
DOJ File #BT-10-05; Elections Division #10

Dear Mr. Lindback:

Enclosed with this letter is the final ballot title certified on February 11, 2005. This letter explains both the changes we made to the draft ballot title in response to the two comment letters you received, and why we did not make some of the suggested changes.

Comment letters were received from Margaret S. Olney on behalf of Kris Kain and Chip Terhune and from Bill Sizemore.

**The caption**

The caption for the ballot title of a state measure must reasonably identify the subject matter of the measure and contain no more than 15 words. ORS 250.035(2)(a). A caption complies substantially with the requirements of ORS 250.035(2)(a) if it identifies the subject matter of the proposed measure in terms that will not confuse or mislead potential petition signers and voters. *Mabon v. Myers*, 332 Or 633, 637, 33 P3d 988 (2001). The caption is the "cornerstone for the other portions of the ballot title" and its "headline," and it "provides the context for the reader's consideration of other information in the ballot title." *Id.*

Commenters Kain and Terhune propose changing the caption's term "grievance" to "employment disputes," because "grievance" is a term of art in labor law. We agree with Kain and Terhune that "[t]he ballot title should use more generic language to communicate the scope of the proposal."

Commenting on the draft ballot title as a whole, commenter Sizemore objects that the proposed measure "does not prohibit public employees from forming unions[,] but rather "prohibits governments from recognizing or negotiating with them." We do not see any substantive distinction between the two formulations. Under current law, public employees have the right to form and participate in labor organizations "for the purpose of representation and

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collective bargaining with their public employer on matters concerning employment relations.” ORS 243.662. The proposed measure prevents public employees from doing so. Therefore, we disagree with commenter Sizemore, and we have not modified the ballot title in response to his comment.

Accordingly, we modify the draft caption and certify the following caption:

**ELIMINATES PUBLIC EMPLOYEES' RIGHT TO FORM UNIONS,  
ASSOCIATIONS TO COLLECTIVELY BARGAIN, RESOLVE DISPUTES WITH  
EMPLOYERS.**

**The result statements**

The two result statements are required to describe the results of approving and rejecting the measure. The statements are limited to 25 words. ORS 250.035(2)(b) and (c).

A “yes” vote result statement must accurately describe in simple and understandable terms the result if the proposed measure is approved. *Mabon*, 332 Or at 639. A “no” result statement describes the result if the proposed measure is rejected. ORS 250.035(2)(c).

Commenters Kain and Terhune raise the same objection to the result statements that they raise concerning the caption: that more generic language should replace the word “grievance.” Because we agree, we have modified the results statements and certify the following:

**RESULT OF “YES” VOTE:** “Yes” vote eliminates right of public employees to be represented by labor unions or associations in collective bargaining and in resolving employment disputes with employers.

**RESULT OF “NO” VOTE:** “No” vote retains law giving public employees the right to be represented by unions, associations in collective bargaining and in resolving employment disputes with employers.

**The Summary**

The summary is to be a “concise and impartial statement of not more than 125 words summarizing the state measure and its major effect.” ORS 250.035(2)(d). The goal of the summary is to “help voters understand what will happen if the measure is approved” and “the breadth of its impact.” *Mabon*, 332 Or at 640.

Commenters Kain and Terhune point out that the ballot title must reflect that current law allows unions and associations to assist employees in resolving employment-related disputes that arise outside of a contractual context. They note that the draft summary implies that grievances arise only in the context of “contracts to resolve employment-related disputes.” We agree, and have modified the summary accordingly, as follows:

**SUMMARY:** Current law gives public employees the right to form, join, and participate in labor unions and associations of their choosing; those labor organizations represent employees on matters concerning employment relations, including: compensation, hours, vacation, sick leave, and grievance procedures. Currently, public employers must negotiate with employees' chosen labor organization and enter into written contracts and must meet with labor organization to resolve employment disputes; public employee may authorize payroll deductions, including union/association dues. Measure eliminates public employees' right to representation by labor organization in collective bargaining and resolving employment disputes with public employers; prohibits employers from entering collective-bargaining negotiations, agreements with labor organizations; prohibits payroll deductions for dues. Existing collective bargaining agreements remain valid; measure prohibits extensions, changes, and future agreements. Other provisions.

Sincerely,

Judy C. Lucas  
Assistant Attorney General

JCL:mlk/APP76630

Enclosure

c: Peter Shepherd, Deputy Attorney General  
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Steve Wolf, General Counsel Division

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**BALLOT TITLE**

**ELIMINATES PUBLIC EMPLOYEES' RIGHT TO FORM UNIONS,  
ASSOCIATIONS TO COLLECTIVELY BARGAIN, RESOLVE DISPUTES  
WITH EMPLOYERS**

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