



# 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 #19, 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:

**LIMITS GROUNDS FOR REJECTING INITIATIVE, REFERENDUM, RECALL  
PETITION SIGNATURES; REQUIRES EXAMINATION OF EACH SUBMITTED  
SIGNATURE**

**RESULT OF "YES" VOTE:** "Yes" vote limits grounds for rejecting initiative, referendum, recall petition signatures; prohibits use of statistical sampling; requires Secretary of State to examine each signature.

**RESULT OF "NO" VOTE:** "No" vote retains current grounds for rejecting initiative, referendum, recall petition signatures; retains authority to use statistical sampling; rejects requiring examination of each signature.

**SUMMARY:** Currently, to get placed on ballot, an initiative, referendum, or recall petition must contain certain number of qualified voters' verified signatures; officials may not verify signatures unless chief petitioner and petition circulators satisfied legal requirements governing petition circulation, signature gathering, signature submission; officials may verify signature only if accompanying information matches existing registration information; officials may examine statistical samples to determine valid-signature number. Measure requires Secretary of State to examine each signature submitted; requires counting of signature if person is registered voter at time of signature, if person voted in Oregon in last five years, and if signature appears on sheet containing official ballot title and summary; prohibits rejecting signature unless elections officer exhausts reasonable means of determining validity, including contacting voter. 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

SECRETARY  
OF THE STATE

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Re: Proposed Initiative Petition — Limits Grounds For Rejecting Initiative, Referendum,  
Recall Petition Signatures; Requires Examination Of Each Submitted Signature  
DOJ File #BT-19-05; Elections Division #19

Dear Mr. Lindback:

We have reviewed the comments submitted in response to the draft ballot title for the above-referenced petition. We provide the enclosed certified ballot title, reflecting changes to the “yes” and “no” result statements.

This letter summarizes the comments we received, our responses to those comments, and the reasons we declined to make some of the changes proposed. ORAP 11.30(7) requires this letter to be included in the record in the event that the Oregon Supreme Court reviews this ballot title.

**A. Recommendations that we adopted**

In response to comments that we received, we have altered the “yes” and “no” result statements. The draft result statements read:

**RESULT OF “YES” VOTE:** “Yes” vote limits grounds for rejecting initiative, referendum, recall petition signatures; requires Secretary of State to examine each signature; prohibits invalidating signature without contacting voter.

**RESULT OF “NO” VOTE:** “No” vote retains current grounds for rejecting initiative, referendum, recall petition signatures; rejects requiring examination of each signature, contact with voter before invalidating signature.

Elector Bill Sizemore recommended that the result statements not suggest that the proposed measure would require elections officials to “contact” a voter before invalidating that person’s signature. He wrote that “I do not believe the measure requires contacting a voter before rejecting his or her signature.” Upon further review of the proposed measure, we agree that it is not entirely clear whether elections officials

necessarily would need to contact a voter before invalidating a signature. Because the text at issue is ambiguous, and is subject to competing interpretations, we have modified the ballot title. As a result, the result statements no longer suggest that the proposed measure requires elections officials to contact a voter before invalidating his or her signature.

Elector Patty Wentz suggested that the “yes” result statement should state that the proposed measure “does not allow random sampling to enumerate signatures.” She also suggested that the “no” result statement should explain that a “no” vote would “permit[] random sampling to determine number of valid signatures.” Similarly, commenter Sizemore proposed a “no” result statement that would read, in part, that a “[n]o vote \* \* \* retains current system where only a statistical sample is examined.” We agree that the proposed measure, by requiring the Secretary of State to “examine and scrutinize each submitted signature” on initiative, referendum, and recall petitions, effectively prohibits the use of statistical sampling methods — methods authorized by current law — to determine valid-signature numbers. *See* ORS 250.105(4) (requiring Secretary of State to “designate a statistical sampling technique to verify whether a petition contains the required number” of signatures). We have modified the result statements to reflect that fact.

Accordingly, the result statements now read as follows:

**RESULT OF “YES” VOTE:** “Yes” vote limits grounds for rejecting initiative, referendum, recall petition signatures; prohibits use of statistical sampling; requires Secretary of State to examine each signature.

**RESULT OF “NO” VOTE:** “No” vote retains current grounds for rejecting initiative, referendum, recall petition signatures; retains authority to use statistical sampling; rejects requiring examination of each signature.

**B. Suggestions that we did not adopt**

The commenters each made suggestions that we chose not to adopt. Mr. Sizemore proposed that we reverse the order of the phrases in our draft ballot title. He believes that the phrase “requires examination of each submitted signature” is the phrase that identifies the “primary subject matter” of the proposed measure, and that it thus should appear before the phrase “limits grounds for rejecting initiative, referendum, recall petition signatures.” He made similar suggestions with respect to the result statements. We do not agree, however, that “requires examination of each submitted signature” identifies a portion of the proposed measure that is necessarily more “primary” or more significant than the portion described by the rest of the draft caption. As a result, we have not altered the caption, and we have not altered the order in which the phrases at issue appear in the result statements.

Mr. Sizemore also objected to the summary's statement that, under current law, "officials may examine statistical samples to determine valid-signature numbers." He objected because "in fact the secretary has been using this method only for decades," and he suggested that the summary "should say that currently the secretary does not examine every signature, but only examines a sample." Yet we believe that the summary, as written, accurately describes current law as embodied by ORS 250.105(4). For that reason, we have declined to adopt the proposed change.

Ms. Wentz proposed altering the caption so that it would read, "CHANGES PROCEDURES, STANDARDS FOR VALIDATING SIGNATURES ON INITIATIVE, REFERENDUM, RECALL PETITIONS; SUPERSEDES CONFLICTING RULES, LAWS." But because the proposed wording — compared to the draft caption's wording — would provide voters with less information about the particular nature of the proposed measure, we have not adopted it. Ms. Wentz also proposed that the summary should "state clearly that \* \* \* this measure would \* \* \* effectively eliminate the use of statistical sampling to enumerate signatures." As it stands, however, the summary already makes that clear. It informs voters that, under current law, "officials may examine statistical samples to determine valid-signature number[s]." It immediately follows that explanation by noting that the measure "requires [the] Secretary of State to examine each signature submitted." Accordingly, we have deemed it unnecessary to include the additional suggested wording.

Finally, electors Kris Kain and Chip Terhune (represented by Margaret Olney) have challenged the constitutionality of the proposed measure on "full text" grounds. But because that issue falls outside the scope of the ballot title drafting process, we do not address it. *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).

### C. Conclusion

Upon further review of the proposed measure, and in response to the comments that we received, we have modified the ballot title's result statements. We certify the attached ballot title under ORS 250.067(2).

Sincerely,

—  
Rolf C. Moan  
Assistant Attorney General

RCM:mlk/APP76642

John Lindback  
February 11, 2005  
Page 4

Enclosure

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**BALLOT TITLE**

**LIMITS GROUNDS FOR REJECTING INITIATIVE, REFERENDUM, RECALL  
PETITION SIGNATURES; REQUIRES EXAMINATION OF EACH  
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