



# OFFICE OF THE SECRETARY OF STATE

## NEWS RELEASE

**BILL BRADBURY**

**For Immediate Release:**  
February 18, 2005

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

The Office of the Secretary of State received a draft ballot title from the Attorney General on February 17, 2005, for initiative petition #25, proposing a constitutional amendment, for the General Election of November 7, 2006.

The draft ballot title is as follows:

**AMENDS CONSTITUTION: PROHIBITS GOVERNMENT BODIES FROM  
CONDEMNING PRIVATE PROPERTY FOR TRANSFER TO ANOTHER  
PRIVATE ENTITY'S USE, CONTROL**

**RESULT OF "YES" VOTE:** "Yes" vote would prohibit governmental body from condemning private property to transfer to use or control of private entity for any purpose, including economic development.

**RESULT OF "NO" VOTE:** "No" vote would retain current law, allowing government to condemn property for transfer to private owner, for purposes including economic development, port facilities, slum clearance.

**SUMMARY:** Amends constitution. The Oregon Constitution requires compensation when private property is taken by condemnation for public use; public uses include the building of transportation systems to benefit logging, mining, and agricultural operations, and development of waterways to allow irrigation of private lands. Condemnation of private property for private use is impliedly prohibited. This measure would prohibit government condemnation of private land for the purpose of transferring the ownership, control, or use of that land to another private entity. This measure may prohibit a port from acquiring property with the intention of leasing dock facilities, or an urban development district from condemning slum properties for redevelopment. Measure specifically prohibits condemnation and transfer of ownership, use, or control for the purpose of increasing tax revenues. Other provisions.

Chief Petitioner(s): Bill Sizemore, PO Box 343, Beavercreek, OR 97004.

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 during which any member of the public may submit written comments which address the specific legal standards a ballot title must meet to the Secretary of State's office. This period ends March 4, 2005. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

The Secretary of State will deliver all written comments to the Attorney General. If comments are received, the Attorney General shall issue the certified ballot title not later than the 10<sup>th</sup> business day after receiving the comments from the Secretary of State. If no comments are received, the Attorney General shall issue the certified ballot title not later than the fifth business day after the deadline for submitting comments.

In addition, during this ballot title comment period, the Secretary of State will also seek statements from interested persons regarding whether or not a proposed initiative petition complies with procedural constitutional requirements for submission of proposed initiative petitions. The Secretary will consider the information provided in the statements received from interested persons. If you wish to comment, this period ends March 4, 2005. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

Any elector who is dissatisfied with the ballot title certified by the Attorney General, and who timely submitted written comments which addressed the specific legal standards a ballot title must meet, may petition the Oregon Supreme Court seeking a different title. This appeal must be filed not later than the 10<sup>th</sup> business day after the Attorney General certifies a ballot title to the Secretary of State.

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

February 17, 2005

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

Re: Proposed Initiative Petition — Amends Constitution: Prohibits Government Bodies From Condemning Private Property For Transfer To Another Private Entity's Use, Control  
DOJ File #BT-25-05; Elections Division #25

Dear Mr. Lindback:

We have prepared and hereby provide to you a draft ballot title for the above-referenced prospective initiative petition. The proposed measure relates to condemnation of private property for transfer to a new private owner.

Written comments from the public are due to you within ten business days after your receipt of this draft title. A copy of all written comments provided to you should be forwarded to this office immediately thereafter.

A copy of the draft ballot title is enclosed.

Sincerely,

\_\_\_\_\_  
Misty Kintz  
Legal Secretary

DGF:mlk/APP76782

Enclosure

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

Bill Sizemore  
P.O. Box 343  
Beavercreek, Oregon 97004

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**DRAFT BALLOT TITLE**

**AMENDS CONSTITUTION: PROHIBITS GOVERNMENT BODIES  
FROM CONDEMNING PRIVATE PROPERTY FOR TRANSFER TO  
ANOTHER PRIVATE ENTITY'S USE, CONTROL**

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