



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 #26, proposing a constitutional amendment, for the General Election of November 7, 2006.

The draft ballot title is as follows:

**AMENDS CONSTITUTION: DESCRIBES AND LIMITS THE SCOPE OF
JUDICIAL AUTHORITY; SPECIFIES HOW COURTS MUST CONSTRUE,
INTERPRET LAWS**

RESULT OF "YES" VOTE: "Yes" vote describes judicial authority, requires courts to construe Oregon law consistently with framers' intent and not to depart from law's text without specific findings.

RESULT OF "NO" VOTE: "No" vote retains constitution's vesting of judicial power in supreme court and other courts; does not alter courts' method of construing the text of laws.

SUMMARY: Amends constitution. Currently, the Oregon Constitution vests the judicial power of the state in the state supreme court and other courts created by law; it also contains a separation of powers provision prohibiting judicial officials from exercising legislative or executive functions not expressly provided for by the constitution. Oregon courts currently construe laws to give effect to the intent of the framers who adopted the provision by examining its specific wording, the case law associated with it, and the historical circumstances surrounding its adoption. This measure makes that standard for construing laws a constitutional requirement. Measure also prohibits courts from departing from the text of a law without specifically finding that the framers of the law intended the result ensuing from any departure. Other provisions.

Chief Petitioner(s): Bill Sizemore, PO Box 343, Beaver Creek, 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 10th 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 10th 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: Describes And Limits The Scope
Of Judicial Authority; Specifies How Courts Must Construe, Interpret Laws
DOJ File #BT-26-05; Elections Division #26

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 describing and limiting the scope of judicial authority and specifies how courts must construe and interpret laws.

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

DFZ:mlk/APP

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

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THE PROPERTY

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