



## OFFICE OF THE SECRETARY OF STATE

### NEWS RELEASE

**BILL BRADBURY**

**For Immediate Release:**  
December 29, 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 December 29, 2005, for initiative petition #111, 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:

**REQUIRES 2007 LEGISLATURE TO ESTABLISH ORGANIZATIONAL AND FINANCIAL  
FRAMEWORK TO ACHIEVE BASIC UNIVERSAL HEALTH COVERAGE**

**RESULT OF "YES" VOTE:** "Yes" vote requires 2007 legislature to establish organizational and financial framework to achieve basic universal health coverage for all Oregonians not later than November 2008.

**RESULT OF "NO" VOTE:** "No" vote retains current law, which establishes goals for universal health care, but does not require legislature to establish framework for universal health care coverage.

**SUMMARY:** Currently, Oregon law establishes goals for universal health care, but does not require legislature to establish framework for universal coverage. Measure requires 2007 legislature to establish the organizational and financial framework for a plan to improve health of all Oregonians. Plan must be developed through public comment, expert testimony; must determine most effective use of all federal, state, county, and local health funding; must incorporate seven principles, including: ensuring all Oregonians access to comprehensive, affordable basic coverage for necessary health services; cost management strategies, regulatory authority to keep costs sustainable; mandate for employers, employees to share costs; simplified administration; focus on preventative care, incentives; assess, improve medical care outcomes and organizational barriers. Plan shall achieve universal coverage no later than November 7, 2008. Other provisions.

Chief Petitioner(s): Dominga R. Lopez, 6655 SE Devonshire DR, Gladstone, OR 97027 and Evan T. Saulino, 537 NE 29th Avenue, Portland, OR 97232.

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 January 13, 2006. 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

December 29, 2005

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

RECEIVED  
2005 DEC 29 PM 2:31  
FILED  
SECRETARY OF THE STATE

Re: Proposed Initiative Petition — Requires 2007 Legislature to Establish Organizational and Financial Framework to Achieve Basic Universal Health Coverage  
DOJ File #BT-111-05; Elections Division #111

Dear Mr. Lindback:

We have reviewed the comment letters from Steven C. Doty and Bill Sizemore about the draft ballot title for the above-referenced proposed measure. This letter summarizes those comments, our responses to the comments, and the reasons why we altered, or declined to alter, the ballot title in response to the comments and upon our further review of the proposed measure. This letter should be included in the record if the Oregon Supreme Court is asked to review the ballot title.

**The Caption**

Commenter Doty contends that the draft caption is insufficient for a number of reasons. First, he contends that the name of the plan that the proposed measure would create – the “Healthy Oregon Plan” – should not be included in the caption. We accept that comment and we delete that phrase, and related words, from the caption. The removal of those words has made additional words available for use in the caption. We have used those words to further describe the subject matter of the measure by: including “2007” to further describe “legislature”; including the words “organizational and financial” to describe “framework”; and including the word “basic” to describe “universal health coverage.”

Doty also contends that the caption falsely suggests that the “plan” that the measure creates is what directs the legislature to act whereas, in reality, the proposed measure itself is what directs the legislature to act. Our removal of the reference to the “Healthy Oregon Plan,” however, renders that comment moot.

Doty further contends that the caption is inaccurate because it falsely suggests that the legislative “framework” will “achieve universal health coverage.” According to Doty, the

proposed measure does not actually mention “health coverage,” and he believes that it is speculative to state that the effects of the measure would be “universal coverage.” We reject that comment. Section 3 of the proposed measure states that “the Healthy Oregon Plan shall achieve universal coverage no later [than] November 7, 2008.” The reference to “universal coverage,” when read in context with the remainder of the proposed measure, shows that the measure contemplates “health coverage.” Moreover, the use of the mandatory phrase “shall” shows that the intent of the measure is to require a plan that achieves universal coverage.

Finally, Doty contends that the caption is insufficient because it fails to state that the measure requires the legislature to determine the “most effective use” of “all government spending on health.” We reject that comment because the proposed measure’s impact on health funding, which is addressed in the summary, exceeds the “subject matter” of the measure, which is all that the caption must contain. ORS 250.035(2)(a). And in any event, Doty’s proposed caption does not refer to that aspect of the measure either.

We have adopted a variant of Doty’s proposed caption, and we certify the following caption:

**REQUIRES 2007 LEGISLATURE TO ESTABLISH ORGANIZATIONAL  
AND FINANCIAL FRAMEWORK TO ACHIEVE BASIC UNIVERSAL  
HEALTH COVERAGE**

**The Result Statements**

Commenter Doty contends that the “Yes” and “No” result statements are insufficient as well. He argues that the draft “Yes” statement is insufficient for the same reasons that he believes the draft caption to be insufficient. Because his arguments are apparently the same, so are our responses. Consequently, we reject Doty’s comments, except the one about the phrase “Healthy Oregon Plan.” We remove that phrase, and related words, from the “Yes” statement. We have also changed “legislative assembly” to “legislature,” and we have removed the word “care” between “health” and “coverage.” Our removal of those words has made additional words available for use in the “Yes” statement. We have used those words to further describe the result of a “Yes” vote by: including the word “basic” to describe “universal health coverage”; and inserting the phrase “for all Oregonians not later than November 2008.”

We have adopted a variant of Doty’s proposed “Yes” statement and we certify the following “Yes” statement:

**RESULT OF “YES” VOTE:** “Yes” vote requires 2007 legislature to establish organizational and financial framework to achieve basic universal health coverage for all Oregonians not later than November 2008.

Commenter Doty contends that the draft “No” statement is deficient because, by explaining the result of a “No” vote, the statement falsely suggests that the proposed measure

would require the legislature to “establish a plan for universal health care coverage.” According to Doty, that is not the true effect of the measure. We reject that comment. As explained in our response to Doty’s challenge to the caption, the proposed measure contemplates that the framework that the legislature must enact is required to “achieve universal coverage.”

Based on Doty’s other comments, we have removed the word “plan” from the “No” statement, and we have replaced it with the word “framework.” Accordingly, we certify the following “No” statement:

**RESULT OF “NO” VOTE:** “No” vote retains current law, which establishes goals for universal health care, but does not require legislature to establish framework for universal health care coverage.

### Summary Statement

Commenter Doty contends that the draft summary is deficient for a number of reasons. First, he appears to suggest that the summary suffers from the same defects that he believes the caption and the “Yes” statement suffer from. To the extent that he raises the same arguments, our responses are the same. We delete the phrase “Healthy Oregon Plan” from the summary, and amend that sentence to read, “Measure requires 2007 legislature to establish the organizational and financial framework for a plan to improve health of all Oregonians.” To accommodate for the additional words, we delete certain words from the summary, as explained below.

Doty also contends that the draft summary fails to adequately discuss the requirement that the legislature “determine the most effective use of all current Federal, State, County, and local health funding.” To the extent that Doty suggests that the draft caption ignores that portion of the measure, we reject his comment. To the extent that he suggests that the draft summary could more thoroughly summarize that portion of the measure, we accept his comment. We modify the sentence currently providing “must determine most effective use of funding” to “must determine most effective use of all federal, state, county, and local health funding.”

To account for the additional words incorporated into the summary as a result of Doty’s comments, we delete the second use of the phrase “health care” from the first sentence; we replace the words “legislative assembly” with “legislature” in the second sentence; we delete the words “with advice of interested individuals, organizations” from the third sentence; and we delete the phrase “health care” between “basic” and “coverage” from the third sentence.

Accordingly, we certify the following summary:

**SUMMARY:** Currently, Oregon law establishes goals for universal health care, but does not require legislature to establish framework for universal coverage. Measure requires 2007 legislature to establish the organizational and financial framework for a plan to improve health of all Oregonians. Plan must be developed through public comment, expert testimony; must determine most

effective use of all federal, state, county, and local health funding; must incorporate seven principles, including: ensuring all Oregonians access to comprehensive, affordable basic coverage for necessary health services; cost management strategies, regulatory authority to keep costs sustainable; mandate for employers, employees to share costs; simplified administration; focus on preventative care, incentives; assess, improve medical care outcomes and organizational barriers. Plan shall achieve universal coverage no later than November 7, 2008. Other provisions.

### **Sizemore's Comments**

We address Commenter Sizemore's comments separately because his comments are generally stated and not directed toward any specific part of the ballot title. Sizemore first contends that the measure should not use the phrase "Healthy Oregon Plan." We have addressed that comment in our response to Doty's comments, above.

Sizemore also contends that the ballot title should include a statement indicating that the measure "provides no replacement funds," and that "[u]nless taxes are increased, measure reduces revenue available for schools, public safety and other state financed services." We reject those comments because they are based on assumptions regarding the measure's potential financial impact to the state, about which we are unable to speculate.

### **Constitutional Comments**

In a separate letter, Commenter Doty contends that the proposed measure violates a number of provisions of the Oregon Constitution. Those issues are beyond the scope of the ballot-title drafting process. *See* OAR 165-14-0028 (providing for separate review process by Secretary of State to determine whether measure complies with constitutional procedural requirements for proposed initiative measures).

For the reasons stated above, we certify the attached ballot title pursuant to ORS 250.067(2).

Sincerely,

 Ryan Kahn  
Assistant Attorney General

RPK:sld/APP88248

### **Enclosure**

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

John Lindback  
December 29, 2005  
Page 5

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**BALLOT TITLE**

**REQUIRES 2007 LEGISLATURE TO ESTABLISH ORGANIZATIONAL  
AND FINANCIAL FRAMEWORK TO ACHIEVE BASIC UNIVERSAL  
HEALTH COVERAGE**

**RESULT OF "YES" VOTE:** "Yes" vote requires 2007 legislature to establish organizational and financial framework to achieve basic universal health coverage for all Oregonians not later than November 2008.

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