



## OFFICE OF THE SECRETARY OF STATE

### NEWS RELEASE

**BILL BRADBURY**

**For Immediate Release:**  
May 25, 2006

**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 May 24, 2006, for initiative petition #22, proposing a constitutional amendment, for the General Election of November 7, 2006.

The draft ballot title is as follows:

**AMENDS CONSTITUTION: MAKES OREGON CONSTITUTIONAL  
GUARANTEE OF FREE EXPRESSION OF OPINION INAPPLICABLE TO  
CONDUCT OR PERSONAL BEHAVIOR**

**RESULT OF "YES" VOTE:** "Yes" vote restricts constitutional guarantee of free expression of opinion to apply to beliefs, thoughts, and personal judgment but not to conduct or personal behavior.

**RESULT OF "NO" VOTE:** "No" vote retains constitutional guarantee of free expression of opinion as covering conduct and personal behavior as well as covering beliefs, thoughts, and personal judgment.

**SUMMARY:** Amends constitution. Currently, the Oregon Constitution provides: "No law shall be passed restraining the free expression of opinion or restricting the right to speak, write, or print freely on any subject whatever." Oregon courts have interpreted this constitutional provision to guarantee rights more broadly than free speech rights guaranteed under the First Amendment to the United States Constitution and to prohibit certain time, place, and manner restrictions not only regarding spoken or written material, but also regarding conduct or personal behavior because they are currently considered constitutionally protected free expression of opinion. Measure limits constitutionally protected expression by defining "free expression of opinion" as applicable to "beliefs, thoughts, and personal judgment regarding a matter" and directing that it "shall not include conduct or personal behavior."

Chief Petitioner(s): Lon Mabon, PO Box 13109, Salem, OR 97309 and Robert Ekstrom, 51163 Bankston RD, Scappoose, OR 97056.

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 a comment 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 June 8, 2006. 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 10<sup>th</sup> 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 June 8, 2006. 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 2008 general election ballot is determined by the total votes cast for all candidates for governor at the 2006 general election. These signatures shall be filed in this office not later than July 3, 2008.

HARDY MYERS  
Attorney General



PETER D. SHEPHERD  
Deputy Attorney General

**DEPARTMENT OF JUSTICE**  
APPELLATE DIVISION

May 24, 2006

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

Re: Proposed Initiative Petition — Amends Constitution: Makes Oregon Constitutional Guarantee Of Free Expression Of Opinion Inapplicable To Conduct Or Personal Behavior  
DOJ File #BT-22-06; Elections Division #22

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 a constitutional amendment making the Oregon constitutional guarantee of free expression of opinion inapplicable to conduct or personal behavior.

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/APP93915

Enclosure

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

Lon T. Mabon  
P.O. Box 13109  
Salem, Oregon 97309

Robert F. Ekstrom  
51163 Bankston Road  
Scappoose, Oregon 97056

## **DRAFT BALLOT TITLE**

### **AMENDS CONSTITUTION: MAKES OREGON CONSTITUTIONAL GUARANTEE OF FREE EXPRESSION OF OPINION INAPPLICABLE TO CONDUCT OR PERSONAL BEHAVIOR**

**RESULT OF “YES” VOTE:** “Yes” vote restricts constitutional guarantee of free expression of opinion to apply to beliefs, thoughts, and personal judgment but not to conduct or personal behavior.

**RESULT OF “NO” VOTE:** “No” vote retains constitutional guarantee of free expression of opinion as covering conduct and personal behavior as well as covering beliefs, thoughts, and personal judgment.

**SUMMARY:** Amends constitution. Currently, the Oregon Constitution provides: “No law shall be passed restraining the free expression of opinion or restricting the right to speak, write, or print freely on any subject whatever.” Oregon courts have interpreted this constitutional provision to guarantee rights more broadly than free speech rights guaranteed under the First Amendment to the United States Constitution and to prohibit certain time, place, and manner restrictions not only regarding spoken or written material, but also regarding conduct or personal behavior because they are currently considered constitutionally protected free expression of opinion. Measure limits constitutionally protected expression by defining “free expression of opinion” as applicable to “beliefs, thoughts, and personal judgment regarding a matter” and directing that it “shall not include conduct or personal behavior.”