

Bond Case Briefs

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REFERENDA - OREGON

Kendoll v. Rosenblum

Supreme Court of Oregon, En Banc - March 3, 2016 - P.3d - 2016 WL 852731

Petitioner sought review of certified ballot title for initiative petition that, if enacted, would require as matter of state law, that employers use a federal website to verify authenticity of documents establishing that new employee was not an unauthorized alien.

The Supreme Court of Oregon held that:

- Caption did not reasonably identify subject matter of the measure;
- “yes” and “no” result statements were inadequate; and
- Summary inaccurately implied that existing state law required employers to confirm new employee’s employment authorization.

Caption for ballot initiative, “Imputes employment license to employers; conditions license on using specified federal program for employment authorization”, did not reasonably identify subject matter of certified ballot title. Caption did not highlight effect of initiative, which if enacted, would require, as matter of state law, that employers use a federal website to verify authenticity of documents establishing that new employee was not an unauthorized alien, when federal law required only review of documents.

Result statement in certified ballot title, that a “yes” vote would impute employment license to employers, and conditioning license on verifying new employee’s employment authorization using federal program, did not identify a significant and immediate effect of the measure, which was to require employers to use a federal website to verify that new employees were authorized to work in the United States.

Result statement in certified ballot title, that a “no” vote would maintain current law requiring employer to confirm employee’s employment authorization, implied inaccurately that the “current law” found its source in state rather than federal law.

Summary for certified ballot title relating to employment authorization, stating in part that existing law required employers to confirm employee’s employment authorization, inaccurately implied that existing state law required the authorization, when federal law was the source of that requirement.