

Bond Case Briefs

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BALLOT INITIATIVES - OREGON

Unger v. Rosenblum

Supreme Court of Oregon, En Banc - September 14, 2017 - P.3d - 361 Or. 814 - 2017 WL 4053893

Challenger filed petition seeking judicial review of Attorney General's certified ballot title for initiative petition, which proposed statutory amendment in order to allow digital signatures for initiatives and referenda.

The Supreme Court of Oregon held that:

- Caption failed to reasonably communicate major effect of initiative petition;
- Caption of ballot title was not required to inform voters that Secretary of State was responsible for gathering digital signatures; and
- The "yes" result statement of initiative petition failed to sufficiently inform voters that initiative petition required Secretary of State to create a website to be used for gathering digital signatures.

Ballot title caption for initiative petition that, if enacted, would have changed way signatures were gathered to put an initiative measure or a referendum on the ballot, failed to reasonably communicate major effect of requiring Secretary of State to create and administer a website in order for petitions to be signed digitally, where caption merely provided "Secretary of State must enable and accept digital signatures for state initiative and referendum petitions."

Initiative petition that, if enacted, would have changed way signatures were gathered to put an initiative measure or a referendum on the ballot did not make Secretary of State responsible for gathering digital signatures, and therefore caption of ballot title was not required to inform voters that Secretary of State was responsible for gathering digital signatures. Initiative petition would only have made the Secretary of State responsible for creating and administering a website where voters could sign initiative and referendum petitions digitally.

The "yes" result statement of initiative petition that, if enacted, would have changed way signatures were gathered to put an initiative measure or a referendum on the ballot failed to sufficiently inform voters that initiative petition required Secretary of State to create a website to be used for gathering digital signatures. Result statement merely noted that initiative petition required Secretary of State to "manage" a website for gathering of digital signatures.