

Bond Case Briefs

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REFERENDA - OREGON

Hurst v. Rosenblum

Supreme Court of Oregon, En Banc - April 9, 2020 - P.3d - 366 Or. 260 - 2020 WL 1808370

Electors petitioned to challenge Attorney General's certified ballot title for initiative petition addressing greenhouse gas emissions.

The Supreme Court held that:

- Caption was likely to mislead voters;
- Caption should have referred to two-step phase-out of greenhouse gas emissions;
- It was appropriate to include "requires rules" in caption;
- "No" result statement accurately identified and described then-existing law;
- Summary adequately emphasized that initiative required agency to ensure compliance; and
- Summary should have referred to two-step phase-out.

Ballot title caption for initiative petition that stated, in part, "Greenhouse gas emissions from industry, fossil fuels must be eliminated" was likely to mislead some voters, and thus caption required modification for failure to substantially comply with statutory requirements; even though ballot title summary explained requirement in full, placement of comma between "industry" and "fossil fuels" could have led some voters to interpret caption as requiring elimination of fossil fuels, rather than requiring elimination of greenhouse gas emissions from fossil fuels.