

Bond Case Briefs

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BALLOT INITIATIVE - OREGON

Harisay v. Clarno

Supreme Court of Oregon - October 8, 2020 - P.3d - 367 Or. 11620 - 20 WL 5951545

Citizens brought action seeking declaratory judgment requiring Secretary of State to certify a ballot initiative which purported to be an “application” to Congress to call a constitutional convention.

The Circuit Court, granted Secretary’s motion for judgment on the pleadings. Citizens appealed, and the Court of Appeals affirmed. Citizens sought review, which the Supreme Court allowed.

The Supreme Court held that as a matter of first impression, initiative was not within the scope of the people’s power “to propose laws” under Oregon Constitution.

Initiative which sought to change federal constitutional law through the mechanism of asking Congress to call a federal constitutional convention was not within the scope of the people’s power “to propose laws” under Oregon Constitution’s initiative provision, as it did not intend any change to Oregon law, and thus could not be adopted through initiative process or be placed on the ballot.