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BALLOT INITIATIVE - OREGON

Salsgiver v. Rosenblum

Supreme Court of Oregon, En Banc - May 27, 2022 - P.3d - 369 Or. 724 - 2022 WL 1701721

Electors filed petitions challenging ballot title that attorney general certified for initiative petition to amend state constitution to prohibit highway fees and tolls without voter approval.

The Supreme Court held that:

- Ballot title failed to adequately inform voters about measure's temporal limitation, and
- Ballot title summary inaccurately suggested that measure would require all existing tollways to stop collecting tolls until they obtained voter approval.

Ballot title for initiative petition to amend state constitution to prohibit highway fees and tolls without voter approval "after certain date" failed to adequately inform voters about measure's temporal limitation; measure would operate to invalidate any toll that was not in operation by end of 2017, even if toll already had been approved by public body—unless and until such toll was placed before voters in relevant counties and they gave their approval, but title would likely be understood by voters as referring to date sometime in future.

Ballot title summary for initiative petition to amend state constitution to prohibit highway fees and tolls without voter approval, which stated that measure applied to "tolls collected after December 31, 2017, including forthcoming I-205 and I-5 tolls," inaccurately suggested that measure would require all existing tollways to stop collecting tolls until they obtained approval of voters in nearby counties; measure expressly excepted tolls that were "in operation before January 1, 2018," from its prohibition on "assess[ing]" tolls without voter approval, regardless of whether toll was "collected after December 31, 2017."

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