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BALLOT INITIATIVE - OREGON

Ady v. Rosenblum

Supreme Court of Oregon - December 7, 2023 - P.3d - 371 Or. 702 - 2023 WL 8467527

Petitioners challenged ballot title including captions and summary for initiative petition to establish a program to provide state funding to certain families who incur qualified expenses for educating their children outside of the public school system.

The Supreme Court held that:

- Reference to religious schools was not impermissibly misleading;
- Funding of religious schools would have been a significant change to existing law, thus warranting reference to funding of religious schools as a major effect;
- Reference to income eligibility did not fail to adequately describe how funds from initiative petition's Education Savings Account Program would be limited to income-eligible students;
- Decision to focus on major effects did not render ballot title noncompliant with statute requiring that a caption identify all major effects to the limit of the available words;
- Statute requiring that "yes" result statement in ballot measure be a simple and understandable statement of 25 words or less that describes the result if proposed measure is approved did not require "yes" result statement to expressly make overly specific statement that funds from Education Savings Account Program were parent-directed for the student's benefit;
- Statute requiring that the "yes" result statement in a ballot measure be a simple and understandable statement of 25 words or less that describes the result if the proposed measure is approved did not require that "yes" result statement include "qualified expenses" in quotation marks; and
- Express statement that public funding of religious schools was prohibited by Oregon Constitution would have risked confusing voters.

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