## 2007 Regular Legislative Session FISCAL ANALYSIS OF PROPOSED LEGISLATION Prepared by the Oregon Legislative Fiscal Office

**MEASURE NUMBER:** SB 125 **STATUS:** A-Engrossed **SUBJECT:** Ballot title challenge when title does not represent current statute

**GOVERNMENT UNIT AFFECTED:** Judicial Department, Department of Justice, Secretary of State

**PREPARED BY:** Adrienne Sexton

**REVIEWED BY:** Robin LaMonte, Doug Wilson, Daron Hill

**DATE:** June 22, 2007

<u>2007-2009</u> <u>2009-2011</u>

**EXPENDITURES:** See Comments.

**EFFECTIVE DATE:** On passage.

**GOVERNOR'S BUDGET:** This bill is not anticipated by the Governor's recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**COMMENTS:** The measure would allow a complaint to be filed with the Secretary of State when a certified ballot title is alleged to not be in substantial compliance with the statutory requirements for the form of ballot titles, because of a change in statutory law. Complaints would be filed by April 1 of an even-numbered year, and the Secretary would forward the complaints on April 2 to the Attorney General. The Attorney General would make a determination whether the ballot title was in compliance, and if appropriate, issue a revised ballot title that would be subject to the comment, certification and Supreme Court review processes currently in statute for draft ballot titles. A complainant dissatisfied with the Attorney General's determination could petition the Supreme Court for review. That review process and relevant time-line is prescribed in the measure. The measure would first apply to initiative petitions that will be submitted to an election on or after November 4, 2008.

As of this date, 26 initiatives have been qualified to circulate out of 86 active filed petitions. Since the complaint would be based on a change in law that occurred after a ballot title was certified, the potential number of complaints that would be filed with the Secretary of State cannot be predicted. For purposes of this fiscal impact statement, the Attorney General estimates that up to eight petitions could be filed with the Supreme Court. Relatively short process timelines in relation to the Secretary's time-frame for preparing the voters' pamphlet could create a staff workload impact at the Supreme Court if there were several petitions, but the impact is anticipated to be minimal. There is no fiscal impact to the Department of Justice or the Secretary of State.