

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass the A-Engrossed Measure
Vote: 3 - 1 - 1
Yeas: Burdick, Metsger, Devlin
Nays: Ferrioli
Exc.: Atkinson
Prepared By: Erin Seiler, Administrator
Meeting Dates: 6/1

WHAT THE MEASURE DOES: Requires Attorney General to provide identical draft ballot titles for state measures if Attorney General determines that subject, purpose and major effect of two or more state measures are substantially similar.

ISSUES DISCUSSED:

- Fiscal impact of ballot-title procedures to the Secretary of State and Attorney General offices
- Integrity of initiative process
- Criteria for determining that ballot titles are “substantially similar”
- “Ballot-title shopping”
- Unintended consequences of binding Attorney General
- Free speech rights of initiative petition proponents

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: For every proposed initiative, Oregon law requires the Oregon Attorney General to craft the ballot title, including a brief caption, a simple statement that describes what the measure does, and a summary that does not exceed 125 words. The summary must be concise and impartial. The public then has an opportunity to comment on the draft, and, if requested by petition, the Oregon Supreme Court reviews the Attorney General's draft to ensure that it is both fair and accurate, and not a statement in support or opposition to the measure.

ORS 250.035(6) currently provides that “[t]o avoid confusion, a ballot title shall not resemble any title previously filed for a measure to be submitted at the election.” On occasion, initiative petition sponsors submit more than one substantially similar measure for title drafting. Proponents assert that sponsors are then able to select from among different titles drafted by the Attorney General, a process they call “ballot title shopping”. Opponents assert that House Bill 2941-A is unnecessary due to previous changes in Oregon’s initiative laws that reduced the number of prospective petitions that were submitted for ballot title preparation in 2008.