



TO: Joint Committee on Ballot Measure Titles and Explanatory Statements
FROM: Blair Bobier on behalf of Oregon Ranked Choice Voting Advocates
RE: **SUPPLEMENTAL TESTIMONY** about the draft ballot title for HB 2004
DATE: January 16, 2024

I am submitting this brief, supplemental written testimony to clarify an issue that was raised during the Committee's January 11 public hearing.

There was a question about whether it is necessary to include a concise summary of the current state of the law in the “result of no” statement and summary. The answer to that question is yes.

As I pointed out in my previous written testimony, **the result of no statement should “summarize the current law accurately.”** *McCann v. Rosenblum*, 354 Or 701, 707 (2014) (citation omitted; internal quotation marks omitted; emphasis added).

Voters should understand that by voting no and retaining the current methodology, candidates will still be able to win election to office *without* attaining a majority of votes: a mere plurality will be sufficient. Further, it should be clear to voters that by retaining the current system for choosing candidates, they will be limited to one choice per office. The results statements should be written so that when “read together” they serve as context for one another. *Potter v. Kulongoski*, 322 Or 575, 582 (1996).

In order for the summary to accurately convey the major effects of the adoption of HB 2004, as is required by ORS 250.035(2)(d), it is necessary to first accurately summarize the current state of the law. A compare and contrast analysis, by necessity, must first state the baseline for comparison. This time-tested form of logical comparative analysis is why it is standard practice for ballot measure summaries to begin with a description of the current state of the law.

In conclusion, including a concise summary of the current state of the law in the result of no statement, and beginning the summary with the same, will aid voters in understanding the effect of their votes and will ensure that the ballot title information complies with the dictates of Oregon law.

Thank you for your consideration of this information.

Respectfully submitted,

Blair Bobier, J.D.
Co-Founder, Oregon Ranked Choice Voting Advocates