

WRITTEN TESTIMONY SUBMITTED TO THE OREGON LEGISLATURE

Regarding Proposal to Move the HB 1599 Referendum to the May Primary

Chair, Vice-Chair, and Members of the Committee:

We are **Gus and Andi Wolf**, residents of Jackson County, and we are submitting this testimony to express our strong opposition to the proposal to move the HB 1599 referendum from the November 2026 general election to the May 2026 primary.

We want to emphasize at the outset that this is a **non-partisan concern**. One of us is a Democrat and one is a Republican. We do not always vote the same way, but we are united in our belief that Oregon's constitutional processes must be respected regardless of party or policy preference.

1. The Constitution requires placement on the next general election ballot

Article IV, section 1(3)(a) states that a referred law "**shall be submitted to the voters at the next regular general election.**"

The Constitution does not authorize the Legislature to substitute a primary election or redefine "general election" by statute. The next general election is November 2026. The language is mandatory.

2. The Legislature cannot alter a referred law once the referendum is invoked

A 1935 Oregon Attorney General opinion—still recognized by Legislative Counsel—makes clear that once a referendum is filed, the Legislature **cannot repeal, amend, or interfere** with the referred law until voters decide.

Changing the election date alters the timing, electorate, and conditions of the referendum. That is interference, and it exceeds legislative authority.

3. Moving the vote to a low-turnout primary burdens a constitutional right

In 2022, Oregon's primary turnout was **37%**, compared to **67%** in the general election. A 30-point difference is not a neutral scheduling choice. It materially changes who participates in the referendum and weakens the people's check on legislative power. Courts have consistently held that government may not burden a constitutional right by manipulating the conditions under which it is exercised.

4. Mandamus remains the constitutional safeguard

If the Secretary of State accepts the date change, Oregon citizens retain access to **mandamus**, the established judicial remedy used when a public official must carry out a **mandatory constitutional duty**.

In this context, mandamus simply ensures that a referred law is placed on the **next general election ballot**, as the Constitution requires. This reflects how Oregon's constitutional system is designed to function when questions arise about the proper execution of the people's reserved powers.

5. The precedent at stake extends far beyond HB 1599

Regardless of one's view of the underlying policy, allowing the Legislature to move a referendum to a low-turnout primary sets a dangerous precedent. If permitted, future Legislatures could move referred laws to special elections, municipal elections, or any other venue that alters the electorate.

The referendum power belongs to the people, not to the Legislature.

Conclusion

We respectfully urge the Legislature to withdraw this proposal. Upholding the Constitution, honoring the signatures gathered in good faith, and preserving the integrity of Oregon's referendum process must take precedence over short-term political considerations.

Thank you for your attention and for your commitment to protecting Oregon's democratic safeguards.