

Submitter: STACI SMITH

On Behalf Of:

Committee: Joint Special Committee On Referendum Petition  
2026-302

Measure, Appointment or Topic: SB1599

Written Testimony in Opposition to SB 1599,

Chair, Vice Chair, and Members of the Committee,

I respectfully submit this testimony in strong opposition to SB 1599.

In 2025, more than 250,000 Oregonians exercised their constitutional referendum rights under Article IV, section 1 of the Oregon Constitution. The petitions circulated and signed by voters explicitly stated that the referred measure—Governor Kotek’s multi-billion-dollar gas and fee increase—would appear on the November 3, 2026 General Election ballot. Voters signed those petitions in reliance on that representation.

SB 1599 would materially alter the conditions under which those signatures were obtained by moving the vote to the May primary election. While the Legislature has authority over election administration, that authority is not unlimited. Oregon courts have long recognized that the referendum power is to be liberally construed in favor of the people, and that statutory or procedural changes should not impair or burden that right once it has been lawfully invoked. Changing the election date after petitions have been certified raises serious legal concerns, including:

Whether altering a core term disclosed to petition signers is consistent with principles of voter reliance and fair notice;

Whether retroactive changes to the referendum process impermissibly burden the people’s reserved legislative power;

Whether such a change undermines the constitutional purpose of the referendum by reducing participation in a vote intended for the full electorate.

The difference between a May primary and a November general election is not incidental. General elections produce significantly higher turnout and broader representation. Moving the vote after certification risks creating the appearance that election timing is being adjusted to influence the outcome, rather than to serve neutral administrative purposes.

Importantly, this testimony is not about the merits of the underlying gas and fee

increase. Reasonable people may disagree on that policy. This is about maintaining the integrity, predictability, and credibility of Oregon's constitutional referendum process. If voters cannot rely on the terms presented to them at the time of signature, public confidence in direct democracy is weakened.

Oregonians complied with the requirements of the Constitution and state law. The state should honor that process as it was presented to the voters.

For these reasons, I respectfully urge the Committee to reject SB 1599 and allow the referred measure to proceed to the November 3, 2026 General Election ballot, consistent with the certified petitions and voter expectations.

Respectfully submitted,