

## WRITTEN TESTIMONY IN OPPOSITION TO SB 1599

**To:** Joint Special Committee on Referendum Petition 2026-302

**Re:** SB 1599 – Moving Referendum Election Date from November 2026 to May 2026

**Date:** February 8, 2026

Dear Co-Chairs Jama and Gomberg and Members of the Committee:

I write in strong opposition to SB 1599, which seeks to move the election date for Referendum Petition 2026-302 from the November 2026 general election to the May 2026 primary election. This bill raises serious constitutional concerns and undermines the fundamental democratic principles that Oregon's referendum process was designed to protect.

### **I. Constitutional Concerns: The "Independently" Clause**

Article IV, Section 1(3)(a) of the Oregon Constitution explicitly states that "The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly." Similarly, Section 1(2)(a) provides that the people have initiative power "to propose laws and amendments to the Constitution and enact or reject them at an election **independently of the Legislative Assembly**" (emphasis added).

The word "independently" is not mere rhetoric—it establishes a constitutional firewall between citizen-initiated measures and legislative interference. While Section 1(4)(c) does state that initiative and referendum elections "shall be held at the regular general elections, unless otherwise ordered by the Legislative Assembly," this provision must be read in harmony with the independence clause, not as a grant of unlimited legislative power to manipulate citizen-initiated measures.

When over 250,000 Oregonians exercised their constitutional right to refer HB 3991 to the ballot, they acted independently of the Legislature. For the Legislature to now use Section 1(4)(c) to move this citizen referendum to a lower-turnout election appears to violate both the spirit and letter of the constitutional guarantee of independence. If the Legislature may change election timing to favor particular outcomes after citizens successfully qualify a referendum, the "independence" guaranteed by the Constitution becomes meaningless.

### **II. Timing Raises Questions of Good Faith**

The referendum petition circulated to voters clearly stated, in bold text on the front page, that the election would be held in November 2026. Over 250,000 Oregonians signed that petition with this understanding. Changing the election date after signature gathering is complete—and after citizens have invested significant time and resources based on the November timeline—raises serious questions about legislative good faith.

Moreover, the Legislature is attempting this change under extreme time pressure, requiring passage with an emergency clause and the Governor's signature by February 25, 2026. This rushed timeline prevents adequate public input and deliberation on a significant constitutional question.

The compressed timeline also makes it extremely difficult, if not impossible, for referendum supporters to gather the necessary signatures to place arguments in the voters' pamphlet, effectively silencing one side of the debate.

### **III. Distinction from Legislative Referrals**

Proponents cite a 1999 transportation measure that appeared on the May 2000 ballot. However, that precedent is not controlling here for at least two reasons:

First, it appears that measure was a legislative referral, not a citizen-initiated referendum. The constitutional analysis differs significantly between measures the Legislature creates versus measures citizens create independently of the Legislature.

Second, the 1999 measure did not pass during a special session, whereas HB 3991 passed at the end of a 2025 special session. The circumstances are materially different.

### **IV. The Proper Constitutional Balance**

I do not dispute that Section 1(4)(c) gives the Legislature some authority over election timing. However, this authority should be construed narrowly when applied to citizen-initiated referendums to preserve the constitutional guarantee of independence. At minimum, the "unless otherwise ordered" provision should not permit the Legislature to:

1. Change election dates after citizens have successfully qualified a measure
2. Move measures to lower-turnout elections to influence outcomes
3. Create timelines that effectively prevent full public participation
4. Use election timing as a tool to undermine citizen-initiated measures

### **V. Conclusion**

The Oregon System of initiative and referendum, adopted in 1902, was designed to give citizens a direct check on legislative power. It has served as a model for direct democracy nationwide precisely because it protects citizen participation from legislative manipulation.

SB 1599 turns this principle on its head. Rather than respecting the will of the 250,000+ Oregonians who signed the referendum petition, the Legislature seeks to change the rules mid-stream to influence the outcome. This is exactly the type of legislative overreach the referendum power was designed to prevent.

I urge this committee to reject SB 1599 and allow the referendum on HB 3991 to proceed as originally scheduled in November 2026, when the broadest cross-section of Oregon voters can participate in this consequential decision.

Respectfully submitted,

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Tualatin, Oregon