

OREGON PROGRESSIVE PARTY



411 S.W. 2nd Avenue
Suite 200
Portland, OR 97204
503-548-2797
info@progpatty.org

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Oregon Progressive Party Position on Bill at 2015 Session of Oregon Legislature:

Oppose: HB 3433, as written

Dear Committee:

The Oregon Progressive Party officially opposes HB 3433, as written, which repeals statutes requiring review by local elections officials of proposed initiative measures for compliance with constitutional single subject rule. And we suggest an amendment.

Article IV, Section 1(2)(d) of the Oregon Constitution states:

(d) An initiative petition shall include the full text of the proposed law or amendment to the Constitution. A proposed law or amendment to the Constitution shall embrace one subject only and matters properly connected therewith.

We may well agree that counties, cities, and districts should not have authority to require that initiative measures "embrace one subject only and matters properly connected therewith," as that is a very vague standard. But that requirement is contained in the Oregon Constitution.

HB 3433 would not remove that requirement but would repeal statutes requiring local officials to determine, within a few days after a prospective petition for an initiative is filed, whether the "initiative measure meets the requirements of section 1 (2)(d), Article IV . . . of the Oregon Constitution. Existing law then provides for judicial review of that determination by the local Circuit Court. The requirement that local officials promptly make this determination actually assists the initiative process by reducing the prospect of having an enacted initiative measure later declared invalid for embracing more than one subject.

Current law is defective, however, in restricting judicial review of the local officials' determination to only the local Circuit Court, with no appeal to the Oregon Court of Appeals or Oregon Supreme Court. We suggest amending HB 3433 to allow appeal of the Circuit Court decision to the higher courts, so that enacted initiative measures are better protected against later challenges on the basis of the "single subject rule."

Please include this statement in the legislative record for this bill. Thank you.

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