

BILL BRADBURY  
SECRETARY OF STATE



JOHN LINDBACK  
DIRECTOR

141 STATE CAPITOL  
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

November 17, 2006

Francis G. Nelson  
543 Willamette Ct.  
McMinnville, OR 97128

Peter Buckley  
71 Dewey Street  
Ashland, OR 97520

Bryn Hazell  
15050 Bridle  
Sisters, OR 97759

Re: Ballot Measures 46 and 47 (2006)

Dear Chief Petitioners:

In the general election held November 7, 2006, unofficial returns indicate that the people rejected Measure 46, a proposed constitutional amendment, and approved Measure 47, an initiative proposing new statutory law. Measure 46 would have amended the Oregon Constitution to permit the enactment of statutes “to prohibit or limit contributions and expenditures, of any type or description, to influence the outcome of any election.” Its companion measure, Measure 47, is a statutory initiative that includes such contribution and expenditure limits. The process of canvassing the votes for and against these measures continues. Article IV, §1(4)(d) of the Oregon Constitution provides that an initiative measure such as Measure 47 “becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon.” Assuming that the canvass of votes for and against Measures 46 and 47 confirm the unofficial results, the people have approved Measure 47, but not Measure 46.

Section (10)(a) of Measure 47 requires the Secretary of State and Attorney General to administer and enforce its provisions. Elements of the measure limit political campaign contributions and expenditures and impose new requirements for public reporting of the sources of those contributions and expenditures. Since the election, proponents of the measure, opponents of the measure, and persons who would be affected by its text have contacted this office to ask about how the measure will be administered and enforced, particularly in light of the people’s apparent rejection of Measure 46.

Francis G. Nelson  
Peter Buckley  
Bryn Hazell  
November 17, 2006  
Page 2

To answer that question, it is necessary to interpret the measure itself. In interpreting a statutory initiative measure, the Secretary of State and Attorney General must give effect to the plain, natural, and ordinary meaning of the words used in the enacted law. Section (9)(f) of Measure 47 provides:

If, on the effective date of this Act, the Oregon Constitution does not allow limitations on political campaign contributions or expenditures, this Act shall nevertheless be codified and shall become effective at the time that the Oregon Constitution is found to allow, or is amended to allow, such limitations.

In consultation with the Attorney General, and consistent with legal advice provided by the Attorney General, I have made the following determinations: The plain text of Section (9)(f) requires that the entire measure is to be codified as part of the statutory law of Oregon. That text also specifies that "this Act" – referring singularly to the entire measure - will be ineffective until such time as "the Oregon Constitution is found to allow, or is amended to allow," limitations on campaign contributions and expenditures. Because Measure 46 was not approved by the people, the conditions required by Section (9)(f) for the rest of Measure 47 to become operative will not have been fulfilled on December 7, 2006. Accordingly, the effect of Section (9)(f) is that no part of the measure presently is enforceable. According to the plain, natural, and ordinary meaning of the words of Section (9)(f), all of Measure 47 will remain dormant until such time as "the Oregon Constitution is found to allow, or is amended to allow," limitations on campaign contributions and expenditures.

Sincerely,



John Lindback  
Director of Elections

cc: Dan Meek