

SUPREME COURT OF OREGON

Flanagan v. Myers

Flanagan · No. SC S47890, S47891, S47892 · Decided August 17, 2001

SUMMARY

The Oregon Supreme Court certified modified ballot titles for Initiative Petitions 7, 8, and 9 (2002), concerning rights to engage in speech or collect initiative signatures on privately owned property open to the public. The court acted after referring the original ballot titles for modification, and no party objected to the modified titles.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Chief Justice Carson; Justice Gillette; Justice Durham; Justice Leeson; Justice Riggs; Justice De Muniz
JURISDICTION	Oregon
DECIDED	August 17, 2001
DOCKET	SC S47890, S47891, S47892
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated ballot-title review proceedings following the Attorney General's submission of modified ballot titles for three initiative petitions after the court had referred the original titles for modification.
PRECEDENTIAL VALUE	Published Oregon Supreme Court opinion
PARTIES	Bridget Flanagan v. Hardy Myers, Attorney General for the State of Oregon

TOPICS

- ballot access
- election administration
- election law
- appellate procedure

PRACTICE AREAS

- election law
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Attorney General's modified ballot titles for Initiative Petitions 7, 8, and 9 should be certified under ORS 250.085(9) when no party filed an objection.

HOLDINGS

1. The modified ballot titles for Initiative Petitions 7, 8, and 9 are certified, and the appellate judgment shall issue in accordance with ORS 250.085(9).

KEY QUOTATIONS

“The modified ballot titles are certified. The appellate judgment shall issue in accordance with ORS 250.085(9).”

FACTUAL BACKGROUND

The Attorney General had certified ballot titles for three proposed 2002 Oregon initiative measures concerning expressive activity and petitioning on privately owned businesses open to the public. In an earlier decision, the Oregon Supreme Court concluded that the original ballot titles did not substantially comply with the statutory requirements and referred them for modification. The Attorney General filed modified ballot titles, and no party objected.

PROCEDURAL HISTORY

The court previously determined that the Attorney General's certified ballot titles for Initiative Petitions 7, 8, and 9 failed to comply substantially with statutory standards and referred the titles for modification under ORS 250.085(8). The Attorney General filed modified ballot titles, and no party objected within the statutory period. The court then certified the modified ballot titles under ORS 250.085(9).

DISPOSITION

other

CASES CITED

- Flanagan v. Myers, 332 Or. 318, ___ P.3d ___ (2001)