

SUPREME COURT OF THE STATE OF OREGON

Hunnicutt v. Myers

333 Or. 508 (2002) · No. SC S48998 · Decided March 14, 2002

SUMMARY

The Oregon Supreme Court reviewed a challenge to the Attorney General's certified ballot title for Initiative Petition 116 (2002). The court rejected the petitioners' arguments and certified a ballot title concerning constitutional compensation rights for government takings and deletion of text added by a 2000 measure.

CASE DETAILS

COURT	Supreme Court of the State of Oregon
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Oregon
DECIDED	March 14, 2002
DOCKET	SC S48998
DISPOSITION	approved
PROCEDURAL POSTURE	Petitioners sought review of the Attorney General's certified ballot title for Initiative Petition 116 (2002).
STANDARD OF REVIEW	The court reviews a certified ballot title to determine whether it substantially complies with ORS 250.035(2), under the standard set out in ORS 250.085(5).
PRECEDENTIAL VALUE	Published Oregon Supreme Court opinion; precedential.
PARTIES	David J. Hunnicutt, Lawrence B. George v. Hardy Myers, Attorney General, State of Oregon

TOPICS

- election law
- election administration
- appellate procedure
- takings clause
- constitutional law

PRACTICE AREAS

- election law
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Attorney General's certified ballot title substantially complied with ORS 250.035(2).
2. Whether the certified ballot title required correction of a typographical error using the word "as" instead of "at."

HOLDINGS

1. The Attorney General's certified ballot title substantially complied with ORS 250.035(2), and petitioners' challenges were not well taken.
2. The court corrected the certified ballot title's apparent typographical use of "as" to "at."

KEY QUOTATIONS

"We review the Attorney General's certified ballot title to determine whether it substantially complies with the requirements of ORS 250.035(2)."

"Accordingly, we certify to the Secretary of State the following ballot title for the proposed measure:"

FACTUAL BACKGROUND

The Secretary of State denominated the proposed measure Initiative Petition 116 (2002). The measure would delete text adopted in a 2000 measure concerning compensation when government regulation reduces property value and would ensure that Oregon's state constitutional compensation right is at least as extensive as the federal right. Petitioners challenged various aspects of the Attorney General's certified ballot title.

PROCEDURAL HISTORY

The Attorney General certified a ballot title for a proposed Oregon initiative concerning compensation for governmental takings and property-value reductions. Petitioners challenged aspects of that certified title directly in the Oregon Supreme Court, which reviewed the title and certified a modified version.

DISPOSITION

approved