

SUPREME COURT OF OREGON

Novick v. Myers

332 Or. 361 (2001) · No. SC S48562 · Decided August 9, 2001

SUMMARY

The Oregon Supreme Court reviewed a petition challenging the Attorney General’s certified ballot title for Initiative Petition 44 (2002). The court rejected the challenge to the “yes” result statement and certified the ballot title concerning distribution of a portion of state personal and corporate income tax revenue to certain local governments.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Oregon
DECIDED	August 9, 2001
DOCKET	SC S48562
DISPOSITION	other
PROCEDURAL POSTURE	Petition to review the Attorney General's certified ballot title for Initiative Petition 44 (2002).
STANDARD OF REVIEW	The court reviews the Attorney General's certified ballot title to determine whether it substantially complies with ORS 250.035(2).
PRECEDENTIAL VALUE	Published Oregon Supreme Court opinion
PARTIES	Steven Novick v. Hardy Myers, Attorney General, 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 certified result-of-a-yes-vote statement for Initiative Petition 44 substantially complied with the ballot-title requirements of ORS 250.035(2).

HOLDINGS

1. The certified ballot title substantially complied with ORS 250.035(2), and the petitioner's challenge to the result-of-a-yes-vote statement was not well taken.

KEY QUOTATIONS

“Ballot title certified. This decision shall become effective in accordance with ORAP 11.30(10).”

FACTUAL BACKGROUND

The Oregon Attorney General certified a ballot title for Initiative Petition 44 (2002), a proposed constitutional amendment concerning the distribution of ten percent of state personal and corporate income tax revenue to certain local governments. Steven Novick, an elector who had timely commented on the draft ballot title, challenged only the result statement describing a yes vote. The Supreme Court found his argument unpersuasive and certified the ballot title as stated.

PROCEDURAL HISTORY

Steven Novick, an elector who had timely submitted written comments on the Secretary of State's draft ballot title, petitioned the Oregon Supreme Court for review under ORS 250.085(2). He challenged only the certified ballot title's result-of-a-yes-vote statement. The court rejected the challenge and certified the ballot title to the Secretary of State.

DISPOSITION

other