

Filed: April 11, 2002

## IN THE SUPREME COURT OF THE STATE OF OREGON

MICHAEL SWETT;  
DAVID FIDANQUE;  
and the AMERICAN CIVIL LIBERTIES  
UNION OF OREGON, INC.,

Respondents on Review,

v.

BILL BRADBURY,  
Secretary of State,  
and the STATE OF OREGON,

Petitioners on Review,

and

VIRGINIA MARKELL,  
LAURENCE PERRY, and SUSAN REMMERS,

Intervenors-Respondents.

(CC 98-C-20484; CA A107552 (Control),

A107799; SC S48116)

En Banc

On review from the Court of Appeals.\*

Argued and submitted November 6, 2001.

Philip Schradle, Assistant Attorney General, Salem, argued the cause and filed the brief for petitioners on review. With him on the brief were Hardy Myers, Attorney General, and Michael D. Reynolds, Solicitor General.

Thomas M. Christ, of Cosgrave, Verger & Kester LLP, Portland, argued the cause and filed the brief for respondents on review.

No appearance for intervenors-respondents.

GILLETTE, J.

The decision of the Court of Appeals is affirmed. The judgment of the circuit court is reversed.

\*Appeal from Marion County Circuit Court, Richard D. Barber, Sr., Judge. 171 Or App 119, 15 P3d 50 (2000).

GILLETTE, J.

Plaintiffs brought this action against the State of Oregon and the Secretary of State (defendants) under the Uniform Declaratory Judgments Act, ORS 28.010 *et seq.*, challenging the constitutionality of Ballot Measure 62 (1998) (Measure 62), the "Open and Fair Elections Act." Plaintiffs asserted, *inter alia*, that Measure 62 contained two or more constitutional amendments that should have been voted on separately under Article XVII, section 1, of the Oregon Constitution, set out *post*. The circuit court disagreed, and plaintiffs appealed. The Court of Appeals reversed, concluding that Measure 62 violated the separate-vote provision of Article XVII, section 1, because it made multiple, substantive changes to the Oregon Constitution that were not closely related. *Swett v. Keisling*, 171 Or App 119, 127, 15 P3d 50 (2000). We allowed defendants' petition for review and now affirm the decision of the Court of Appeals.

The people approved Measure 62 at the November 1998 general election. It purports to add ten new sections to the Oregon Constitution. It provides, in part:

### "OPEN AND FAIR ELECTIONS ACT

"The following sections are added to and made a part of the Constitution of the State of Oregon:

#### "Section 1. Disclosure of Large Contributions

"In addition to any other disclosures required by law, the recipient of aggregate political contributions of \$500 or more from one contributor during any one calendar year shall disclose such contribution and any subsequent contributions from that contributor to the Secretary of State or other appropriate reporting authority within seven days of receipt. \* \* \*

#### "Section 2. Disclosure of Contributions During Petition Signature Gathering

"(1) The chief petitioner(s) on all petitions for a statewide initiative or referendum shall be responsible for disclosing to the Secretary of State all contributions received and expenditures made in support of the petition, including expenditures made for the purpose of collecting signatures or paying signature gatherers. \* \* \*

"(2) Before any entity receives a contribution or makes an expenditure for the purpose of influencing the collection of signatures on a proposed statewide initiative or referendum petition, that entity shall file a statement of organization with the Secretary of State, form a petition political committee, and thereafter disclose contributions and expenditures as required in subsection (1) herein.

#### "Section 3. Making Signature Gatherers Be Registered Oregon Voters, Permitting Regulation of Payment for Signatures, and Specifying Effective Date of This Constitutional Amendment

"Section 1, Article IV of the Constitution of the State of Oregon, is amended by adding a new subsection, and the Constitution of the State of Oregon is amended by creating new Sections 1b and 1c to be added to and made a part of Article IV to read:

"A person gathering signatures on an initiative or referendum petition shall be registered to vote in this state in the manner provided by law.

#### "Section 1b. Permitting Regulation of Payment for Signatures











