

ty officials failed to determine compliance with the separate-vote rule. However, the denial was given with a gaping caveat: In his order and opinion, Rasmussen determined that the main problem with Long's suit was that it wasn't "ripe" for review because signatures have not been collected yet.

Rasmussen endorsed Long's argument that the separate-vote test is indeed a hurdle that initiative-proposed amendments to the county charter must pass before citizens can vote on them.

The right to the initiative process is a long-held constitutional right in Oregon. The Oregon Supreme Court has said the "separate vote" requirement is intended to ensure that when individual citizens propose changes to documents like the Constitution or County Charter, the changes are presented in a way that voters understand the changes and are allowed to vote on each and every change.

Rasmussen's adoption of Long's argument is not a direct blow to voters' rights to the initiative process, as the separate-vote rule largely serves to clarify to voters what they are voting on. However, it could be an indication of more blows to come.

Long told *The Register-Guard* that he would have launched this challenge even if he "liked the underlying measures."

Community Rights Lane County, however, has a different view of Long's legal challenge. On its blog, the group says his suit demands that the group "stay strong in defense of our constitutional right of initiative" in Lane County.

Long has also been behind other recent attempts to alter the initiative process, including a proposal that would allow Lane County commissioners the authority to exclude from the ballot any petition they determine to be not "of county concern."

Long appears to be single-handedly — by use of the lawyers in the law firm that bears his name — trying to reform the county initiative process. The Lane County commissioners tabled Long's "of county concern" idea for reforming the process after public outcry last summer. Commissioner Pete Sorenson says although that idea was tabled, citizens should be mindful that it could be brought back.

"Most governments don't like the initiative," Sorenson says. "They don't like people running around trying to pass new laws."

The county commissioners disagree about whether there are current problems with the initiative process. The community rights and aerial spraying initiatives concerned some commissioners, because they felt the initiatives would be outside of the county's lawmaking power and would ultimately be declared illegal.

Sorenson says whether something is within the county initiative power comes up time and time again, but that it shouldn't matter until an initiative is actually voted into law.

"What I support is that you let people put up their ideas, and if they want to put up ideas that aren't perfect, that's okay," Sorenson says. In fact, he argues, it can be a good idea for imperfect ideas to be discussed and publicly debated — especially around issues government officials haven't addressed.

Few individuals can afford to bring strategic legal challenges to reform the initiative process to their liking. Legal moves can thwart, or at least delay, initiatives from being submitted to the voters. If county commissioners can't agree that the process needs reform, it is left to the judicial branch and Lane County citizens to keep watch that the initiative power is protected.

Long's attorney was not able to respond to *EW's* request for comment before press time. ■

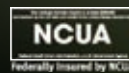


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