#### IN THE SUPREME COURT OF THE STATE OF OREGON

ANDREA R. MEYER and DAVID FIDANQUE,

Plaintiffs-Appellants,

v.

**BILL BRADBURY, Secretary of State for the State of Oregon,** 

Defendant-Respondent,

and

DAVID DELK,

**Defendant-Intervenor-Respondent.** 

ERRATA TO OPENING AND ANSWERING BRIEFS ON REVIEW BY DAVID DELK

Marion County Circuit Court No. 04C-20669

CA A127935

SC S53693

Defendant-Intervenor-Respondent David Delk offers these minor corrections to his briefs filed over the past week.

### I. TABLE OF AUTHORITIES FOR OPENING BRIEF ON REVIEW BY DAVID DELK.

A correct table of authorities for the Opening Brief of Delk is attached.

## II. MINOR CORRECTIONS TO OPENING BRIEF ON REVIEW BY DAVID DELK.

Page	Line	Correction (correct word is underlined)
13	15	Even if the "balance of power" were somehow immune
26	10	Thus, Measure <u>19 (2002)</u> would

## Page 1 ERRATA TO OPENING AND ANSWERING BRIEFS ON REVIEW BY DAVID DELK

# III. MINOR CORRECTIONS TO ANSWERING BRIEF ON REVIEW BY DAVID DELK.

Page	Line	Correction
1	4	which combine both new substantive provisions and two new supermajority voting requirements
26	10	Thus, Measure <u>19 (2002)</u> would
18	13	(1978)) (add a second end parenthesis)

Dated: August 25, 2006 Respectfully Submitted,

DANIEL W. MEEK OSB No. 79124 10949 S.W. 4th Avenue Portland, OR 97219 (503) 293-9021 fax 293-9099 Attorney for Intervenor-Defendant-Respondent David Delk

1	CERTIFICATE OF SERVICE
2 3 4 5 6	I hereby certify that I filed the original and 12 copies with the State Court Administrator and served a true copy of the foregoing ERRATA TO OPENING AND ANSWERING BRIEFS ON REVIEW BY DAVID DELK by first class mail to all parties listed below, deposited in the U.S. Postal Service at Portland, Oregon, with first class postage prepaid.
7 8 9 10 11 12	Charles Hinkle Scott Kaplan Stoel, Rives Oregon Department of Justice 1162 Court Street N.E. Portland, OR 97204-1268 Salem, OR 97301-4096 503-224-3380 School Charles Fletcher Trial Attorney Oregon Department of Justice 1162 Court Street N.E. Salem, OR 97301-4096 502-378-6313
13 14 15 16 17 18	John Dilorenzo Davis Wright Tremaine 1300 S.W. 5th Avenue #2300 Portland, OR 97201 503-241-2300
19 20 21 22 23 24 25	Dated: August 25, 2006  Daniel W. Meek

#### TABLE OF AUTHORITIES

#### **CASES**

Amalgamated Transit Union v. Yerkovich, 24 Or App 221, 545 P2d         1401 (1976)
Armatta v. Kitzhaber, 327 Or 250, 959 P2d 49 (1998)
Ayres v. Board of Parole and Post-prison Supervision, 194 Or App         429, 97 P3d 1 (2004)       2-3, 40, 43
Buckley v. American Constitutional Law Foundation, Inc., et al., 525 US 182, 119 SCt 636, 142 LEd2d 599 (1999)
Citizens for Responsible Government State Political Action Committee v. Davidson, 236 F3d 1174 (10th Cir 2000)
City of Eugene v. Roberts, 305 Or 641, 756 P2d 630 (1988)
Colorado Right to Life Committee, Inc. v. Davidson, 395 F Supp 1001 (D Colo 2005)
Dale v. Keisling, 167 Or App 394, 999 P2d 1229 pet rev dismissed 330 Or 567, 10 P3d 944 (2000)
Ebert v. Dept. of Rev., 307 Or 649, 771 P2d 1018 (1989)
Ecumenical Ministries v. Oregon State Lottery Commission, 318 Or 551, 871 P2d 106 (1994)
Foster v. Clark, 309 Or 464, 790 P2d 1 (1990)
Hartung v. Bradbury, 332 Or 570, 33 P3d 972 (2001)
Outdoor Media Dimensions Inc. v. State of Oregon, 331 Or         634, 20 P3d 180 (2001)       43
Johnson v. City of Astoria, 227 Or 585, 363 P2d 571 (1961) 3, 31, 32, 34, 35
League of Oregon Cities v. Oregon, 334 Or 645, 56 P3d 892 (2002)
Lehman v. Bradbury, 333 Or 231, 37 P3d 989 (2002)
<i>Lincoln Interagency Narcotics Team v. Kitzhaber</i> , 188 Or App 526, 72 P3d 967 (2003), pet rev allowed, 336 Or 376, 84 P3d 1080 (2004)

Marbet v. Portland General Electric Co., 277 Or 447, 561 P2d 154 (1977) 44
Meyer v. Bradbury, 205 Or App 297, 134 P3d 1005 (2006)
Miller-El v. Cockrell, 537 US 322, 123 SCt 1029 (2003)
Morgan v. MacLaren School, Children's Services Division, 23 Or App 546, 543 P2d 304 (1975)
Mullenaux v. Dept. of Revenue, 293 Or 536, 651 P2d 724 (1982)
Nebraska Press Association v. Stuart, 427 US 539, 96 SCt 2791
Oregon Education Association v. Roberts, 301 Or 228, 721 P2d 833 3, 31, 33-36, 38
PGE v. Bureau of Labor and Industries, 317 Or 606, 859 P2d 1143         (1993)
Payne & Butler v. Providence Gas Co., 31 RI 295, 77 A 145 (1910) 17
Sager v. Keisling, 167 Or App 405, 999 P2d 1235 pet rev dismissed 330 Or 567, 10 P3d 944 (2000)
State ex rel Keisling v. Norblad, 317 Or 615, 860 P2d 241 (1995)
State ex rel. Stadter v. Newbry, 189 Or 691, 222 P2d 737 (1950) 3, 31, 32, 34, 35, 38
State v. Gerrish, 311 Or 506, 815 P2d 1244 (1991)
State v. Murray, 340 Or 599, 136 P3d 10 (2006)
Vannatta v. Keisling, 324 Or 514, 931 P2d 770 (1997)
336 Or 376, 84 P3d 1080 (2004)
CONSTITUTIONS AND STATUTES
U.S. Constitution, Article IV, section 4
Oregon Constitution, Article I, section 8
Oregon Constitution than Article IV, section 1(5)
Oregon Constitution, Article IV, section 25

Oregon Constitution, Article IX, section 1a
Oregon Constitution, Article XVII, section 1 1, 3-5, 11, 15, 18, 23, 31-38, 41
Rule 201(b), Oregon Rules of Evidence, ORS 40.065
ENACTED BALLOT MEASURES
Measure 19 (2002)
Measure 21 (1995)
Measure 30 (1996)
Measure 48 (2006)
Measure 66 (1998)
Measure 86 (2000)
MISCELLANEOUS
Thomas M. Caalay, A. Theatrice on the Constitutional Linguistions 242
Thomas M. Cooley, A TREATISE ON THE CONSTITUTIONAL LIMITATIONS 242 (Little, Brown 7th ed 1903)
Thomas Jefferson, "Notes on the State of Virginia," in WRITINGS, p. 246 (Library of America, 1984)
Norman Swartz, Professor of Philosophy, Simon Fraser University, THE CONCEPTS OF NECESSARY AND SUFFICIENT CONDITIONS (1997)
Webster's Third New International Dictionary, Unabridged (Merriam-Webster, 2002)
Gordon S. Wood, The Creation of the American Republic 1776-1787, p. 158 (1969)