I voted no on the decision to sustain the ruling of the President because of the following legal advice:

Senate Rule 13.02

"13.02 Measure Summary.

"(1) No measure shall be accepted by the Secretary of the Senate for introduction without an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Secretary of the Senate that does not comply with this requirement shall be returned to the member or committee that presented it.

"(2) The summary may be edited by Legislative Counsel and must be printed on the first page of the measure. The summaries of measures may be compiled and published by the appropriate legislative agency.

"(3) If a material error in a printed summary is brought to the attention of Legislative Counsel, Counsel shall cause a corrected summary to be prepared that shows the changes made in the summary. Changes shall be shown in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Secretary of the Senate. The President may order the corrected summary distributed as directed by the Secretary of the Senate.

"(4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the amendment. The summary shall be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.

"(5) All summaries must comply with ORS 171.134." (Emphasis added.)

The requirement of Senate Rule 13.02 is clear – a measure summary must comply with ORS 171.134, which states: "Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test."[1] If a measure summary does not comply with ORS 171.134, then it cannot be accepted by the Secretary of the Senate for introduction under Rule 13.02. This conclusion is based on a plain meaning interpretation of Rule 13.02.

If the Secretary of the Senate accepts a measure that has a material error in the measure summary, then Rule 13.02(3) provides a mechanism for correction of the measure summary. (The plain language states material error in "printed" measure summary, but I don't believe that distinction is definitive.) The Senate Rules do not provide for ignoring the material error in the measure summary. Simply put, the Secretary of the Senate has an obligation to correct the material error in a measure summary. Presumably, the Secretary of the Senate would contact the measure sponsor or committee that presented the measure (Rule 13.02(1)), who would then contact Legislative Counsel and request an amended measure summary (Rule 13.02(3)).

I don't believe there is a serious argument that the failure of compliance with ORS 171.134 as to the readability of a measure summary is not a material error. First, subsection (5) requires compliance with ORS 171.134. Second, Senate Rule 13.01(3) provides: "Immediately after presentation to the Secretary of the Senate, the measure shall be sent to Legislative Counsel for examination and compliance with the 'Form and

Style Manual for Legislative Measures' and preparation of a copy for the State Printer." The "Form and Style Manual for Legislative Measures" states on page 91, the start of Chapter 8 ("Measure Summaries"):

> "The Desks will not accept a measure for introduction unless it is accompanied by an impartial summary of the measure's content. *See* Rules of the Senate and Rules of the House of Representatives. ORS 171.134 requires that measure summaries score at least 60 on the Flesch readability test or meet an equivalent standard of a comparable test."

Thus, it is the clear responsibility of the "Desks" of both chambers, as well as Legislative Counsel, to ensure that a measure summary complies with ORS 171.134.

ORS 171.134

Senate Bill 543 was introduced in the legislative session of 1979, was passed and signed into law by the Governor, and is codified at ORS 171.134. It requires both the House and Senate to prepare measure summaries that meet a certain standard of readability:

> "Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test."

In brief, the history of ORS 171.134 shows that the sponsors of SB 543 (1979) intended that "information supplied for public information should be understandable to the public and the bill would require a reading level of eighth grade." Testimony of Senator George Wingard, Senate Committee on Education, May 3, 1979. Further, the proponents wanted the Oregon Legislature to "make sure that the American people are able to understand these bills" it passed, and that SB 543 "is what they call a leveler bill." Testimony of Senator George Wingard, House Committee on Rules & Operations, May 23, 1979. The Flesch test was specifically mentioned, because a score of 60 would mean that the readability of a measure summary was at the eighth-grade level.

Interestingly, when testifying on behalf of SB 543 before the Senate Committee on Education, May 3, 1979, Senator Wingard pointed to a requirement in law that tax forms be readable at a score of 60 on the Flesch test. That law, passed in 1977, is now codified at ORS 316.364.[2] Senator Wingard "questioned whether the government was doing people a service when public information was written above the level of comprehension." Other Oregon statutes that require scores on the Flesch test for readability are ORS 455.085 (ninth grade level for building codes) and ORS 743.106 (40 or higher on "Flesch reading ease test" for life and health insurance policies). Former ORS 250.039 required the Secretary of State to "designate a test of readability and adopt a standard of minimum readability for a ballot title." In compliance, the Secretary of State "designated the 'Flesch Formula for Readability' as the test of readability and [ ] adopted as the minimum standard of readability a Reading Ease Score of not less than 60 on a scale between 0 (practically unreadable) and 100 (easy for any literate person)." Deras v. Roberts, 309 Or. 250, 259 n.11, 785 P.2d 1045 (1990) (citing OAR 165–14–045 *et seq*.). A handful of Oregon Supreme Court cases applied the Flesch Formula for Readability to ballot titles to determine whether the ballot title at issue met the test or not. See, e.g., Greene v. Kulongoski, 322 Or. 169, 179, 903 P.2d 366 (1995); Deras v. Roberts, 309 Or. at 260.

Only one Oregon appellate court opinion has mentioned ORS 171.134, but that was dicta in a footnote. See City of Damascus v. State by & through Brown, 367 Or. 41,

54 n.6, 472 P.3d 741 (2020). No Oregon appellate court has applied ORS 171.134 to a bill before a vote in a legislative chamber. What is clear, however, is that past legislatures wanted Oregonians to be able to understand what is being voted on in the House and Senate. That understanding begins with the measure summaries, and ORS 171.134 requires a certain level of readability for those summaries. The text of ORS 171.134 is simple to interpret and simple to apply. The Senate must comply with the law.

Oregon Constitution

While there is no provision in the Oregon Constitution for a readability test for information published by the Legislature, Article IV, section 21 provides:

> "Every act, and joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms."

What the founders of Oregon meant by "plainly worded" has not yet been discussed by the Oregon Supreme Court. The Supreme Court has held that an act which contains language that "is not as plainly worded as one might desire," is nevertheless permissible under Article IV, section 21, because the act "clearly stated its purpose" of charging the relatives for the maintenance of nonviolent inmates. See In re Idleman's Commitment, 146 Or. 13, 30, 27 P.2d 311 (1933). The Oregon Supreme Court has long distinguished between a bill or measure and an "act" under Article IV, section 21. An "act" under Article IV, section 21, is a bill that has been passed by both chambers and signed into law. See Herbring v. Brown, 92 Or. 176, 181–82, 180 P. 330 (1919).

The constitutional mandate that the Legislature not evade its duties to the people and their right to understand the laws voted on by the members they elect, however, is imbedded in Article IV, section 21. That provision, like so much of the original Oregon Constitution, was taken from the Indiana Constitution. The Oregon Supreme Court has recognized numerous times the importance of the Indiana Constitution to understanding the meaning of the Oregon Constitution. See generally Armatta v. Kitzhaber, 327 Or. 250, 265, 959 P.2d 49 (1998) ("Although not as helpful as history or case law revealing the intent of framers of Oregon Constitution, information demonstrating intent of framers of Indiana Constitution of 1851 can be instructive when interpreting Oregon constitutional provision patterned after Indiana Constitution."); Hon. Jack L. Landau, *An Introduction to Oregon Constitutional Interpretation*, 55 Willamette L. Rev. 261 (2019); Claudia Burton and Andrew Grade, *A Legislative History of the Oregon Constitution of 1857—Part I (Articles I & II),* 37 Willamette L. Rev. 469 (2001) ("There is both direct and circumstantial evidence that the Convention delegates viewed the constitution's provisions as familiar and easily susceptible to understanding by the common man."); W.C. Palmer, *The Sources of the Oregon Constitution,* 5 Or. L. Rev. 200 (1926).

The Indiana Supreme Court stated in 2021 that the provision in the Indiana Constitution that is analogous to Oregon's Article IV, section 21, which is Article IV, section 20, of the Indiana Constitution, was intended to "further democratize the law." Wright v. State, 168 N.E.3d 244, 257 (Ind. 2021), cert. denied, 212 L. Ed. 2d 215, 142 S. Ct. 1204 (2022).[3] The court discussed how the founders of Indiana wanted non-lawyers to participate in state government in representing themselves in courts and legislative matters. A year later, the Indiana Court of Appeals recognized that the delegate to the Indiana Constitutional convention that proposed Article IV, section 20, "stated that the purpose of this section was to ensure that the laws 'may be readily

understood by every citizen who is bound to obey the laws,' and '[t]he laws ought to be so plain that every man can interpret them for himself, without the aid of a law dictionary. This is a reform that has been called for by the people. They are loudly complaining of the complexity of the laws.'" Armes v. State, 191 N.E.3d 942, 952 (Ind. Ct. App.), aff'd on reh'g, 194 N.E.3d 1220 (Ind. Ct. App. 2022) (quoting from 2 *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana* 1128 (1850)). Not only is Article IV, section 21, of the Oregon Constitution derived from the same intent, but it would appear that the same sentiment was shared by the proponents of SB 543 (1979), which is now ORS 171.134.

The Flesch readability test

Unlike in 1979 when SB 543 was passed, the Senate today – and Legislative Counsel – can easily apply the Flesch readability test to determine if a measure summary is written at an eighth grade level or a 60 on the Flesch scale. A website that is easy to use is found at: https://goodcalculators.com/flesch-kincaid-calculator/.

One need only copy and paste the text of a measure summary into the Flesch-Kincaid calculator to determine if the measure summary meets the standard for ORS 171.134 and, thus, Senate Rule 13.02. I have done that for quite a few bills and must report that I have yet to find a measure summary that complies with law.

Other comparable tests for the Flesch readability test are readily available online. A good one is https://datayze.com/readability-analyzer, which lists results for several standards after application.

In sum, ORS 171.134 requires a standard that is easy to measure for the Flesch test – a score of 60. For a comparable test, the measure is an eighth-grade reading level.

I voted no on HB 2285 because of the following legal advice:

Senate Rule 13.02

"13.02 Measure Summary.

"(1) No measure shall be accepted by the Secretary of the Senate for introduction without an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Secretary of the Senate that does not comply with this requirement shall be returned to the member or committee that presented it.

"(2) The summary may be edited by Legislative Counsel and must be printed on the first page of the measure. The summaries of measures may be compiled and published by the appropriate legislative agency.

"(3) If a material error in a printed summary is brought to the attention of Legislative Counsel, Counsel shall cause a corrected summary to be prepared that shows the changes made in the summary. Changes shall be shown in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Secretary of the Senate. The President may order the corrected summary distributed as directed by the Secretary of the Senate.

"(4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the amendment. The summary shall

be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.

"(5) All summaries must comply with ORS 171.134." (Emphasis added.)

The requirement of Senate Rule 13.02 is clear – a measure summary must comply with ORS 171.134, which states: "Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test."[1] If a measure summary does not comply with ORS 171.134, then it cannot be accepted by the Secretary of the Senate for introduction under Rule 13.02. This conclusion is based on a plain meaning interpretation of Rule 13.02.

If the Secretary of the Senate accepts a measure that has a material error in the measure summary, then Rule 13.02(3) provides a mechanism for correction of the measure summary. (The plain language states material error in "printed" measure summary, but I don't believe that distinction is definitive.) The Senate Rules do not provide for ignoring the material error in the measure summary. Simply put, the Secretary of the Senate has an obligation to correct the material error in a measure summary. Presumably, the Secretary of the Senate would contact the measure sponsor or committee that presented the measure (Rule 13.02(1)), who would then contact Legislative Counsel and request an amended measure summary (Rule 13.02(3)).

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able to understand these bills" it passed, and that SB 543 "is what they call a leveler bill." Testimony of Senator George Wingard, House Committee on Rules & Operations, May 23, 1979. The Flesch test was specifically mentioned, because a score of 60 would mean that the readability of a measure summary was at the eighth-grade level.

Interestingly, when testifying on behalf of SB 543 before the Senate Committee on Education, May 3, 1979, Senator Wingard pointed to a requirement in law that tax forms be readable at a score of 60 on the Flesch test. That law, passed in 1977, is now codified at ORS 316.364.[2] Senator Wingard "questioned whether the government was doing people a service when public information was written above the level of comprehension." Other Oregon statutes that require scores on the Flesch test for readability are ORS 455.085 (ninth grade level for building codes) and ORS 743.106 (40 or higher on "Flesch reading ease test" for life and health insurance policies). Former ORS 250.039 required the Secretary of State to "designate a test of readability and adopt a standard of minimum readability for a ballot title." In compliance, the Secretary of State "designated the 'Flesch Formula for Readability' as the test of readability and [ ] adopted as the minimum standard of readability a Reading Ease Score of not less than 60 on a scale between 0 (practically unreadable) and 100 (easy for any literate person)." Deras v. Roberts, 309 Or. 250, 259 n.11, 785 P.2d 1045 (1990) (citing OAR 165–14–045 *et seq.*). A handful of Oregon Supreme Court cases applied the Flesch Formula for Readability to ballot titles to determine whether the ballot title at issue met the test or not. See, e.g., Greene v. Kulongoski, 322 Or. 169, 179, 903 P.2d 366 (1995); Deras v. Roberts, 309 Or. at 260.

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The Indiana Supreme Court stated in 2021 that the provision in the Indiana Constitution that is analogous to Oregon's Article IV, section 21, which is Article IV, section 20, of the Indiana Constitution, was intended to "further democratize the law." Wright v. State, 168 N.E.3d 244, 257 (Ind. 2021), cert. denied, 212 L. Ed. 2d 215, 142 S. Ct. 1204 (2022).[3] The court discussed how the founders of Indiana wanted non-lawyers to participate in state government in representing themselves in courts and legislative matters. A year later, the Indiana Court of Appeals recognized that the delegate to the Indiana Constitutional convention that proposed Article IV, section 20, "stated that the purpose of this section was to ensure that the laws 'may be readily understood by every citizen who is bound to obey the laws,' and '[t]he laws ought to be so plain that every man can interpret them for himself, without the aid of a law dictionary. This is a reform that has been called for by the people. They are loudly complaining of the complexity of the laws.'" Armes v. State, 191 N.E.3d 942, 952 (Ind. Ct. App.), aff'd on reh'g, 194 N.E.3d 1220 (Ind. Ct. App. 2022) (quoting from 2 *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana* 1128 (1850)). Not only is Article IV, section 21, of the Oregon Constitution derived from the same intent, but it would appear that the same sentiment was shared by the proponents of SB 543 (1979), which is now ORS 171.134.

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In sum, ORS 171.134 requires a standard that is easy to measure for the Flesch test – a score of 60. For a comparable test, the measure is an eighth-grade reading level.

I voted no on HB 2447 because of the following legal advice:

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The Flesch readability test

Unlike in 1979 when SB 543 was passed, the Senate today – and Legislative Counsel – can easily apply the Flesch readability test to determine if a measure summary is written at an eighth grade level or a 60 on the Flesch scale. A website that is easy to use is found at: https://goodcalculators.com/flesch-kincaid-calculator/.

One need only copy and paste the text of a measure summary into the Flesch-Kincaid calculator to determine if the measure summary meets the standard for ORS 171.134 and, thus, Senate Rule 13.02. I have done that for quite a few bills and must report that I have yet to find a measure summary that complies with law.

Other comparable tests for the Flesch readability test are readily available online. A good one is https://datayze.com/readability-analyzer, which lists results for several standards after application.

In sum, ORS 171.134 requires a standard that is easy to measure for the Flesch test – a score of 60. For a comparable test, the measure is an eighth-grade reading level.

I voted no on HB 3058 because of the following legal advice:

Senate Rule 13.02

"13.02 Measure Summary.

"(1) No measure shall be accepted by the Secretary of the Senate for introduction without an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Secretary of the Senate that does not comply with this requirement shall be returned to the member or committee that presented it.

"(2) The summary may be edited by Legislative Counsel and must be printed on the first page of the measure. The summaries of measures may be compiled and published by the appropriate legislative agency.

"(3) If a material error in a printed summary is brought to the attention of Legislative Counsel, Counsel shall cause a corrected summary to be prepared that shows the changes made in the summary. Changes shall be shown in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Secretary of the Senate. The President may order the corrected summary distributed as directed by the Secretary of the Senate.

"(4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the amendment. The summary shall

be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.

"(5) All summaries must comply with ORS 171.134." (Emphasis added.)

The requirement of Senate Rule 13.02 is clear – a measure summary must comply with ORS 171.134, which states: "Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test."[1] If a measure summary does not comply with ORS 171.134, then it cannot be accepted by the Secretary of the Senate for introduction under Rule 13.02. This conclusion is based on a plain meaning interpretation of Rule 13.02.

If the Secretary of the Senate accepts a measure that has a material error in the measure summary, then Rule 13.02(3) provides a mechanism for correction of the measure summary. (The plain language states material error in "printed" measure summary, but I don't believe that distinction is definitive.) The Senate Rules do not provide for ignoring the material error in the measure summary. Simply put, the Secretary of the Senate has an obligation to correct the material error in a measure summary. Presumably, the Secretary of the Senate would contact the measure sponsor or committee that presented the measure (Rule 13.02(1)), who would then contact Legislative Counsel and request an amended measure summary (Rule 13.02(3)).

I don't believe there is a serious argument that the failure of compliance with ORS 171.134 as to the readability of a measure summary is not a material error. First, subsection (5) requires compliance with ORS 171.134. Second, Senate Rule 13.01(3) provides: "Immediately after presentation to the Secretary of the Senate, the measure shall be sent to Legislative Counsel for examination and compliance with the 'Form and Style Manual for Legislative Measures' and preparation of a copy for the State Printer." The "Form and Style Manual for Legislative Measures" states on page 91, the start of Chapter 8 ("Measure Summaries"):

> "The Desks will not accept a measure for introduction unless it is accompanied by an impartial summary of the measure's content. *See* Rules of the Senate and Rules of the House of Representatives. ORS 171.134 requires that measure summaries score at least 60 on the Flesch readability test or meet an equivalent standard of a comparable test."

Thus, it is the clear responsibility of the "Desks" of both chambers, as well as Legislative Counsel, to ensure that a measure summary complies with ORS 171.134.

ORS 171.134

Senate Bill 543 was introduced in the legislative session of 1979, was passed and signed into law by the Governor, and is codified at ORS 171.134. It requires both the House and Senate to prepare measure summaries that meet a certain standard of readability:

> "Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test."

In brief, the history of ORS 171.134 shows that the sponsors of SB 543 (1979) intended that "information supplied for public information should be understandable to the public and the bill would require a reading level of eighth grade." Testimony of Senator George Wingard, Senate Committee on Education, May 3, 1979. Further, the proponents wanted the Oregon Legislature to "make sure that the American people are

able to understand these bills" it passed, and that SB 543 "is what they call a leveler bill." Testimony of Senator George Wingard, House Committee on Rules & Operations, May 23, 1979. The Flesch test was specifically mentioned, because a score of 60 would mean that the readability of a measure summary was at the eighth-grade level.

Interestingly, when testifying on behalf of SB 543 before the Senate Committee on Education, May 3, 1979, Senator Wingard pointed to a requirement in law that tax forms be readable at a score of 60 on the Flesch test. That law, passed in 1977, is now codified at ORS 316.364.[2] Senator Wingard "questioned whether the government was doing people a service when public information was written above the level of comprehension." Other Oregon statutes that require scores on the Flesch test for readability are ORS 455.085 (ninth grade level for building codes) and ORS 743.106 (40 or higher on "Flesch reading ease test" for life and health insurance policies). Former ORS 250.039 required the Secretary of State to "designate a test of readability and adopt a standard of minimum readability for a ballot title." In compliance, the Secretary of State "designated the 'Flesch Formula for Readability' as the test of readability and [ ] adopted as the minimum standard of readability a Reading Ease Score of not less than 60 on a scale between 0 (practically unreadable) and 100 (easy for any literate person)." Deras v. Roberts, 309 Or. 250, 259 n.11, 785 P.2d 1045 (1990) (citing OAR 165–14–045 *et seq.*). A handful of Oregon Supreme Court cases applied the Flesch Formula for Readability to ballot titles to determine whether the ballot title at issue met the test or not. See, e.g., Greene v. Kulongoski, 322 Or. 169, 179, 903 P.2d 366 (1995); Deras v. Roberts, 309 Or. at 260.

Only one Oregon appellate court opinion has mentioned ORS 171.134, but that was dicta in a footnote. See City of Damascus v. State by & through Brown, 367 Or. 41, 54 n.6, 472 P.3d 741 (2020). No Oregon appellate court has applied ORS 171.134 to a bill before a vote in a legislative chamber. What is clear, however, is that past legislatures wanted Oregonians to be able to understand what is being voted on in the House and Senate. That understanding begins with the measure summaries, and ORS 171.134 requires a certain level of readability for those summaries. The text of ORS 171.134 is simple to interpret and simple to apply. The Senate must comply with the law.

Oregon Constitution

While there is no provision in the Oregon Constitution for a readability test for information published by the Legislature, Article IV, section 21 provides:

> "Every act, and joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms."

What the founders of Oregon meant by "plainly worded" has not yet been discussed by the Oregon Supreme Court. The Supreme Court has held that an act which contains language that "is not as plainly worded as one might desire," is nevertheless permissible under Article IV, section 21, because the act "clearly stated its purpose" of charging the relatives for the maintenance of nonviolent inmates. See In re Idleman's Commitment, 146 Or. 13, 30, 27 P.2d 311 (1933). The Oregon Supreme Court has long distinguished between a bill or measure and an "act" under Article IV, section 21. An "act" under Article IV, section 21, is a bill that has been passed by both chambers and signed into law. See Herbring v. Brown, 92 Or. 176, 181–82, 180 P. 330 (1919).

The constitutional mandate that the Legislature not evade its duties to the people and their right to understand the laws voted on by the members they elect, however, is

imbedded in Article IV, section 21. That provision, like so much of the original Oregon Constitution, was taken from the Indiana Constitution. The Oregon Supreme Court has recognized numerous times the importance of the Indiana Constitution to understanding the meaning of the Oregon Constitution. See generally Armatta v. Kitzhaber, 327 Or. 250, 265, 959 P.2d 49 (1998) ("Although not as helpful as history or case law revealing the intent of framers of Oregon Constitution, information demonstrating intent of framers of Indiana Constitution of 1851 can be instructive when interpreting Oregon constitutional provision patterned after Indiana Constitution."); Hon. Jack L. Landau, *An Introduction to Oregon Constitutional Interpretation*, 55 Willamette L. Rev. 261 (2019); Claudia Burton and Andrew Grade, *A Legislative History of the Oregon Constitution of 1857—Part I (Articles I & II),* 37 Willamette L. Rev. 469 (2001) ("There is both direct and circumstantial evidence that the Convention delegates viewed the constitution's provisions as familiar and easily susceptible to understanding by the common man."); W.C. Palmer, *The Sources of the Oregon Constitution,* 5 Or. L. Rev. 200 (1926).

The Indiana Supreme Court stated in 2021 that the provision in the Indiana Constitution that is analogous to Oregon's Article IV, section 21, which is Article IV, section 20, of the Indiana Constitution, was intended to "further democratize the law." Wright v. State, 168 N.E.3d 244, 257 (Ind. 2021), cert. denied, 212 L. Ed. 2d 215, 142 S. Ct. 1204 (2022).[3] The court discussed how the founders of Indiana wanted non-lawyers to participate in state government in representing themselves in courts and legislative matters. A year later, the Indiana Court of Appeals recognized that the delegate to the Indiana Constitutional convention that proposed Article IV, section 20, "stated that the purpose of this section was to ensure that the laws 'may be readily understood by every citizen who is bound to obey the laws,' and '[t]he laws ought to be so plain that every man can interpret them for himself, without the aid of a law dictionary. This is a reform that has been called for by the people. They are loudly complaining of the complexity of the laws.'" Armes v. State, 191 N.E.3d 942, 952 (Ind. Ct. App.), aff'd on reh'g, 194 N.E.3d 1220 (Ind. Ct. App. 2022) (quoting from 2 *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana* 1128 (1850)). Not only is Article IV, section 21, of the Oregon Constitution derived from the same intent, but it would appear that the same sentiment was shared by the proponents of SB 543 (1979), which is now ORS 171.134.

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In sum, ORS 171.134 requires a standard that is easy to measure for the Flesch test – a score of 60. For a comparable test, the measure is an eighth-grade reading level.

I voted no on HB 2076 because of the following legal advice:

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"(4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the amendment. The summary shall be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.

"(5) All summaries must comply with ORS 171.134." (Emphasis added.)

The requirement of Senate Rule 13.02 is clear – a measure summary must comply with ORS 171.134, which states: "Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test."[1] If a measure summary does not comply with ORS 171.134, then it cannot be accepted by the Secretary of the Senate for introduction under Rule 13.02. This conclusion is based on a plain meaning interpretation of Rule 13.02.

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delegate to the Indiana Constitutional convention that proposed Article IV, section 20, "stated that the purpose of this section was to ensure that the laws 'may be readily understood by every citizen who is bound to obey the laws,' and '[t]he laws ought to be so plain that every man can interpret them for himself, without the aid of a law dictionary. This is a reform that has been called for by the people. They are loudly complaining of the complexity of the laws.'" Armes v. State, 191 N.E.3d 942, 952 (Ind. Ct. App.), aff'd on reh'g, 194 N.E.3d 1220 (Ind. Ct. App. 2022) (quoting from 2 *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana* 1128 (1850)). Not only is Article IV, section 21, of the Oregon Constitution derived from the same intent, but it would appear that the same sentiment was shared by the proponents of SB 543 (1979), which is now ORS 171.134.

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